

Decision No. C14-0262

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0048EC

IN THE MATTER OF THE PETITION OF A-TLC LIMOUSINE LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: March 12, 2014

Adopted Date: March 5, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a Petition for Waiver/Variance of Limited Regulation Carrier Rules filed on January 10, 2014, by A-TLC Limousine LLC (Petitioner).

2. Petitioner requests a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested involves a 2003 Hummer H2, VIN No. 5GRGN23U13H140282. This waiver is requested from January 10, 2014 through January 10, 2017.

4. The Commission noticed this petition for a period of 30 days to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 27, 2014.

5. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is therefore uncontested. Pursuant to § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

6. Pursuant to Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders for good cause. In making a determination, the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

7. Rule 6305(b), 4 CCR 723-6, states that “luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year.”

8. Petitioner holds Commission Luxury Limousine Permit No. LL-00788. Petitioner operates in the Erie area. Petitioner states that the vehicle was purchased new and has not been paid off yet. Petitioner states that the company’s co-owner’s wife has significant medical bills and denial of the petition would cause a hardship. Petitioner submitted pictures of the interior and exterior of the vehicle. It is a large, stretched limousine with a luxurious interior.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2003 Hummer H2 named in this petition. However, the Commission finds that it would not be prudent to grant a waiver for a period longer than two years and therefore this waiver will only be granted in part, through two years from the mailing date of this Decision.

10. Petitioner is advised that the grant of the waiver of Rule 6305(b) for the vehicle named in this petition does not ensure that this vehicle will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of A-TLC Limousine LLC for a waiver of Rule 6305(b) for the 2003 Hummer H2, VIN No. 5GRGN23U13H140282, is granted through two years from the mailing date of this Decision.

2. A-TLC Limousine LLC shall keep a copy of this Decision in the Hummer H2, VIN No. 5GRGN23U13H140282, named in this petition. A-TLC Limousine LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. A-TLC Limousine LLC shall have the 2003 Hummer H2 named in this petition inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and, the vehicle shall pass such an inspection. A-TLC Limousine LLC shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If A-TLC Limousine LLC fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6305(b) shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 5, 2014.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners