

Decision No. C14-0319

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0123EC

IN THE MATTER OF THE PETITION OF EQUITY LIMOUSINE LLC FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) (AGE OF MOTOR VEHICLE) AND 6308 (LUXURY LIMOUSINE CATEGORIES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: March 25, 2014

Adopted Date: March 19, 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 February 7, 2014, by Equity 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.

3. The vehicle for which a waiver is requested is a 2004 GMC Envoy XL, VIN 1GKET16S346239075. The waiver is requested from March 19, 2014 through September 19, 2014.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on February 10, 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. In accordance with 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 6308, 4 CCR 723-6, identifies four categories of luxury limousines. Rule 6308(a)(II) lists the following executive cars that qualify as luxury limousines:

(A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, or Rolls Royce; or

(B) one of the following: Chrysler 300, Hyundai Equus, Saab 9-5, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion, Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version).

8. 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.”

9. The 2004 GMC Envoy XL is not on the list of executive cars that qualify as luxury limousines. Thus, unless Petitioner is granted a waiver of Rule 6308, Petitioner may not use this vehicle to provide luxury limousine service. Even if the waiver of Rule 6308 is granted, unless Petitioner is also granted a waiver of Rule 6305(b) for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle past June 30, 2014.

10. Petitioner operates as a limited regulation passenger carrier (luxury limousine) pursuant to PUC Permit No. LL-01633 in the Denver area. Petitioner states that it is unable to purchase another vehicle at this time. Petitioner lists the mileage on this vehicle as 234,964.

11. The Commission finds that Petitioner has not satisfied the requirements of Rule 1003, 4 CCR 723-1. Specifically, Petitioner has not demonstrated how granting this waiver would remedy hardship, enhance equity, or advance more effective implementation of policy. The Commission finds that the 2004 GMC Envoy XL named in this petition does not at this time justify a waiver of Rule 6308 or Rule 6305(b), which were enacted to ensure public safety, consumer protection, and service quality pursuant to § 40-10.1-106(1), C.R.S. It is in the public interest to ensure that luxury limousine carriers utilize newer, safer, and more luxurious vehicles with less wear and tear on them. The GMC Envoy XL in question certainly appears to be in working condition but there is nothing particularly luxurious about the vehicle, there are no apparent enhanced features from the photographs submitted by Petitioner and the vehicle is not a stretched limousine. Therefore, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) or Rule 6308 for the 2004 GMC Envoy XL named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Equity Limousine LLC for a waiver of Rules 6305(b) and 6308 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, is denied.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 19, 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