

Decision No. C14-0414

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0190CP

IN THE MATTER OF JERRY'S VALLEY TAXI FOR AN ORDER OF THE COMMISSION
AUTHORIZING A WAIVER OF RULE 6254(B)(AGE OF MOTOR VEHICLES) OF THE
RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: April 21, 2014
Adopted Date: April 16, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on March 3, 2014 by Jerry's Valley Taxi (Petitioner). An amendment to the petition was filed on March 13, 2014.

2. We construe this petition as a request for a waiver of Rule 6213(a) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).¹

3. The vehicle for which a waiver is requested is a 1996 Oldsmobile Ciera SL, VIN No. 1G3AJ55M0T6408333. The waiver is requested from July 1, 2014 through July 1, 2018.

¹ Petitioner requested a waiver of Rule 6254(b), 4 CCR 723-6, which applies to taxicab carriers operating within or between counties with a population density of 40 or more people per square mile. Under Certificate of Public Convenience and Necessity PUC No. L55723, Petitioner does not operate within or between counties with a population density of 40 or more people per square mile.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 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 6213(a), 4 CCR 723-6, states that “[i]ntrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.” Pursuant to § 40-10.1-106(1), C.R.S., the Commission enacted this rule to ensure public safety, consumer protection, and service quality.

8. The 1996 Oldsmobile Ciera SL named in this petition is older than the 12 model years allowed by Rule 6213(a). Thus, unless Petitioner is granted a waiver of Rule 6213(a) for the vehicle named in this petition, it may not provide taxicab service with this vehicle.

9. Petitioner operates as a common carrier pursuant to Certificate of Public Convenience and Necessity PUC No. L55723. Petitioner states, in relevant part, the following as the reason for the waiver: “[s]o I can use this car for workers comp cases. It is a very easy car to get into and out of.” The petition does not state the total mileage on the vehicle.

10. Since it is in the public interest to ensure that common carriers utilize newer, safer, and more reliable vehicles, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6213(a) for the 1996 Oldsmobile Ciera SL named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Jerry's Valley Taxi for a waiver of Rule 6213(a) 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
April 16, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.