

Decision No. C14-0473

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0224EC

IN THE MATTER OF THE PETITION OF LIMO303, FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6308 (LUXURY LIMOUSINE CATEGORIES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: May 6, 2014
Adopted Date: April 30, 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 March 13, 2014 by LIMO303 (Petitioner). A supplement to the petition was filed on March 21, 2014.

2. Petitioner requests a waiver of Rule 6308 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Luxury Limousine Categories).

3. The vehicle for which a waiver is requested is a 2012 Volkswagen CC, VIN No. WVWHP7AN5CE515763. The waiver is requested from March 1, 2014 through March 1, 2022.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 24, 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. A luxury limousine is defined in § 40-10.1-301(7), C.R.S., as “a chauffeur-driven, luxury motor vehicle as defined by the commission by rule.”

8. 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).

9. The 2012 Volkswagen CC named in this petition is not identified as an executive car in Rule 6308. Thus, unless Petitioner is granted a waiver of Rule 6308 for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

10. Petitioner operates as a limited regulation passenger carrier pursuant to PUC Permit No. LL-02602. In support of the petition for waiver, Petitioner simply states that he would like to use the vehicle for trips to and from the airport.

11. We find that Petitioner has not shown good cause to grant a waiver of Rule 6308 for the 2012 Volkswagen CC named in this petition. Pursuant to § 40-10.1-106(1)(a), C.R.S., the Commission has a duty to prescribe rules that ensure consumer protection and service quality. Rule 6308 is necessary to protect the consumer and provide the public with a standard of quality for luxury limousines. Additionally, since Rule 6308(a)(II) allows any sedan, crossover, or sport utility vehicle manufactured by several companies to qualify as a luxury limousine, we do not find that it would be in the public interest to grant the waiver.

II. ORDER

A. The Commission Orders That:

1. The petition of LIMO303 for a waiver of Rule 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
April 30, 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