

Decision No. C14-0538

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0311EC

IN THE MATTER OF THE PETITION OF NUMBER 1 AIRPORT LIMOUSINE, FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: May 22, 2014

Adopted Date: May 14, 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 April 4, 2014, by Number 1 Airport Limousine (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 2003 Lincoln Town Car Cartier, VIN No. 1LNHM83W83Y616861. The waiver is requested from April 4, 2014 through December 31, 2017.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on April 7, 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 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. The 2003 Lincoln Town Car Cartier named in this petition is older than the ten model years allowed by Rule 6305(b). Thus, unless Petitioner is granted a waiver of Rule 6305(b) for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

9. Petitioner operates as a limited regulation passenger carrier (luxury limousine) pursuant to PUC Permit No. LL-01680 in the Denver area. Petitioner states that petitioner is seeking this waiver for financial reasons. Petitioner lists the mileage on this vehicle as 161,304. From the photographs provided by Petitioner, the vehicle appears to be in at least fair condition but does not have any particular enhanced features of note.

10. 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.

We find that the 2003 Lincoln Town Car Cartier named in this petition is not luxurious enough to justify a waiver of Rule 6305(b), which was 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. Therefore, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) for the 2003 Lincoln Town Car Cartier named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Number 1 Airport Limousine for a waiver of Rule 6305(b) 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
May 14, 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.