

Decision No. C14-0654

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0390CP

IN THE MATTER OF THE PETITION OF TAZCO INC DOING BUSINESS AS SUNSHINE TAXI INC. FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER

Mailed Date: June 17, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on April 30, 2014 by Tazco, Inc., doing business as Sunshine Taxi Inc. (Petitioner). An amendment to the petition was filed on May 7, 2014.

2. Petitioner requests a waiver of Rule 6254(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 is a 2004 Ford Crown Victoria, VIN No. 2FAFP71W64X162536. The waiver is requested from July 1, 2014 through June 30, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on March 5, 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 6254(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between counties with a population density of 40 or more people per square mile shall be ten model years.

8. Petitioner operates as a taxicab carrier in Mesa County pursuant to Certificate of Public Convenience and Necessity PUC No. 19429. Petitioner states the following as the reason for the waiver: “[v]ehicle is in very good condition and [we] are replacing other vehicles that are in need of major repair or high mileage. The additional cost of replacing this vehicle now due to age, will place [an] extra financial burden on us at this time.” Petitioner submitted pictures of the interior and exterior of the vehicle. The petition states that the vehicle has a total mileage of 160,288 miles.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6254(b) for the 2004 Ford Crown Victoria named in this petition.

10. Petitioner is advised that the grant of the waiver of Rule 6254(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 Tazco, Inc., doing business as Sunshine Taxi Inc., for a waiver of Rule 6254(b) for the 2004 Ford Crown Victoria, VIN No. 2FAFP71W64X162536, is granted from July 1, 2014 through June 30, 2015.

2. Tazco, Inc., doing business as Sunshine Taxi Inc., shall keep a copy of this Decision in the 2004 Ford Crown Victoria, VIN No. 2FAFP71W64X162536, named in this petition. Tazco, Inc., doing business as Sunshine Taxi Inc., shall provide this Decision immediately on request by any Commission enforcement official.

3. Tazco, Inc., doing business as Sunshine Taxi Inc., shall have the 2004 Ford Crown Victoria 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. Tazco, Inc., doing business as Sunshine Taxi Inc., shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Tazco, Inc., doing business as Sunshine Taxi Inc., 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 6254(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
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners