

Decision No. C14-0797

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0573EC

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

DECISION GRANTING WAIVER IN PART

Mailed Date: July 15, 2014
Adopted Date: July 9, 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 May 30, 2014, by Private Coach, LLC (Private Coach).

2. Private Coach requests a waiver of Rule 6308(a)(III) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles). Private Coach, under limited regulation Permit No. LL-01859,¹ may provide luxury limousine service between all points in Colorado.

3. The vehicle for which a waiver is requested is a 2013 Chrysler Town & Country, VIN No. 2C4RC1BGXDR721792. The waiver is requested from May 28, 2014, through an unspecified date.

¹ Permit No. LL-01859 was issued to Private Coach on June 18, 2010.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 2, 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. Rule 6308, 4 CCR 723-6, names the types of vehicles that are accepted as luxury limousines. The category relevant to this petition is Rule 6308(a)(III) (Executive Van). An executive van is defined in Rule 6308(a)(III) as:

[A] motor vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original manufacturer) whose interior has been enhanced by the installation of either:

- (A) Captain's chairs, couch seats, or similar seating in place of standard bench seating; or
- (B) Both of the following:
 - (i) An electronic video media system such as television with DVD that is securely attached to the motor vehicle in a professional manner. The screen shall have a diagonal measurement of at least ten inches, be viewable by passengers seated to the rear of the driver, and be in compliance with 49 C.F.R., § 393.88.
 - (ii) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any containment system, console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a

professional manner. The beverages are not required to be alcoholic in nature.

8. In support of the petition, Mr. Jason Telleen, the owner of Private Coach states:

Financial hardship – vehicle was purchased in good faith to upgrade aging fleet with a much newer, luxurious low mileage vehicle with all the latest safety features. I was not aware until after I purchased the vehicle and secured a vehicle loan that this vehicle was not on an approved list. ... This vehicle will be used less than ten times per month to take existing clients to Denver International Airport. ... I am the owner and only operator (there are no employees). My company has been in good standing for the past 5 years in business. This vehicle is much nicer, safer[,] and better than any high mileage Town car available.

(Underscoring in original)

Mr. Telleen also states the Chrysler Town & Country has a leather interior; separate controls for front and rear air-conditioning; 110 volt passenger power outlets; front, side and rear airbags; and a voice activated navigation system.

9. The Chrysler Town & Country is classified by its manufacturer as a minivan. Rule 6308(a)(III) states a minivan is not accepted as a luxury limousine. Therefore, unless Private Coach is granted a waiver of Rule 6308(a)(III) it will not be able to operate the Chrysler Town & Country as a luxury limousine.

10. Mr. Telleen submitted eight pictures of the interior and exterior of the Chrysler Town & Country. The photographs of the Chrysler Town and Country show it has four captain's chairs and an electronic media system with a television that is attached to the ceiling of the vehicle. The total mileage on the vehicle is 27,106.

11. In consideration of the support provided by Private Coach for this waiver, the Commission finds that good cause has been shown to grant a waiver of Rule 6308(a)(III) for the 2013 Chrysler Town & Country named in this petition.

12. Private Coach is advised that the grant of the waiver of Rule 6308(a)(III) 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 Private Coach, LLC for a waiver of Rule 6308(a)(III) for the 2013 Chrysler Town & Country (VIN No. 2C4RC1BGXDR721792) is granted in part from the mailed date of this Decision through July 14, 2016.

2. Private Coach, LLC shall keep a copy of this Decision in the 2013 Chrysler Town & Country named in this petition and shall provide this Decision immediately on request by any Commission enforcement official.

3. Private Coach, LLC shall have the 2013 Chrysler Town & Country 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. Private Coach, LLC shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Private Coach, LLC 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 6308(a)(III) 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
July 9, 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