

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0567CP

IN THE MATTER OF THE PETITION OF COLORADO CAB COMPANY, LLC, DOING BUSINESS AS DENVER YELLOW CAB &/OR BOULDER YELLOW CAB FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

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 filed on May 30, 2014 by Colorado Cab Company, LLC, doing business as Denver Yellow Cab &/or Boulder Yellow Cab (Boulder Yellow Cab).

2. Boulder Yellow Cab requests a waiver of Rule 6255(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 2006 Toyota Highlander,¹ VIN No. JTEEW21A860008424. 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 June 2, 2014.

¹ As of July 1, 2014, the age of the 2006 Toyota Highlander is nine model years.

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 6255(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be eight model years. Boulder Yellow Cab may provide taxicab service in the City and County of Boulder pursuant to Certificate of Public Convenience and Necessity No. 150.

8. Ms. Jo Ann Vann, the general manager of Boulder Yellow Cab, submitted the following as support for the waiver: “The Highlander is a hybrid fuel, SUV, 4 wheel drive vehicle with leather seats. The vehicle is in excellent condition and because it is currently [Boulder Yellow Cab’s] only 4wd cab, it remains in high demand especially during the winter months on our mountain roads and communities. It is a “green” vehicle and very well liked in the Boulder community for this reason.” Ms. Vann also submitted six pictures of the interior and exterior of the Toyota Highlander, and the vehicle does appear to be in good condition.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 2006 Toyota Highlander named in this petition.

10. Boulder Yellow Cab is advised that the grant of the waiver of Rule 6255(b) for the Toyota Highlander named in this petition does not ensure that it will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of Colorado Cab Company, LLC, doing business as Denver Yellow Cab &/or Boulder Yellow Cab (Boulder Yellow Cab) for a waiver of Rule 6255(b) for the 2006 Toyota Highlander, VIN No. JTEEW21A860008424, is granted in part from the mailed date of this Decision through June 30, 2015.

2. Boulder Yellow Cab shall keep a copy of this Decision in the 2006 Toyota Highlander named in this petition. Boulder Yellow Cab shall provide this Decision immediately on request by any Commission enforcement official.

3. Boulder Yellow Cab shall have the 2006 Toyota Highlander 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. Boulder Yellow Cab shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Boulder Yellow Cab 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 6255(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
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