

Decision No. C14-0840

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0559CP

IN THE MATTER OF THE PETITION OF LISAN HABTEMICHAEL FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

Mailed Date: July 21, 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 Lisan Habtemichael (Petitioner).

2. Petitioner requests a waiver of Rule 6255 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 2006 Chevy Uplander VIN No. 1GNDV23LX6D179774. The waiver is requested from July 1, 2014 through July 31, 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.

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 shall be eight model years.¹”

8. The 2006 Chevy Uplander named in this petition is older than the eight model years allowed by Rule 6255(b). Thus, unless Petitioner is granted a waiver of Rule 6255(b) for the vehicle named in this petition, it may not provide luxury limousine service with this vehicle.

9. Petitioner states that he intends to drive for Mile High Cab. However, Rule 6255 applies to taxicab companies, not individual drivers. There is no signature from a company official supporting the waiver request. Additionally, Commission Staff (Staff) sent Petitioner a letter requesting pictures of the vehicle. Petitioner did not respond to this letter, and did not submit any information on the vehicle beyond the make, model, year, mileage, and VIN number. Staff therefore cannot confirm whether this vehicle is in good enough condition to justify a waiver of Rule 6255(b).

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.

¹ For taxicab carriers operating within and between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

It is in the public interest to ensure that taxicab carriers are using safe, modern vehicles for the sake of public safety and there is insufficient information here to determine whether that is true (or indeed whether the correct Petitioner is petitioning for the waiver of this Rule). Therefore, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6255(b) for the Chevy Uplander named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Lisan Habtemichael 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
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