

Decision No. C14-0855

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0676CP

IN THE MATTER OF THE PETITION OF HIGH VALLEY BIKE SHUTTLE, FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: July 22, 2014

Adopted Date: July 17, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on June 23, 2014 by Mishata Enterprises, doing business as High Valley Bike Shuttle (Petitioner).

2. Petitioner is requesting a waiver of Rule 6213(a) 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 1996 Ford E350 Van, VIN No. 1FBHE31H3THB12182. The waiver is requested from May 1, 2014 through November 1, 2014.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 30, 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 6213(a), 4 CCR 723-6, states that “[i]ntrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.”

8. Petitioner operates pursuant to Certificate of Public Convenience and Necessity (CPCN) PUC No. 53046S. Petitioner states, in part, the following as the reason for the waiver:

I am experiencing a hardship due to seasonal business. As of today’s date, June 21, 2014, I have not had any revenue generated in the shuttle business. The length of my season is limited. The large snowfall from this past winter is not allowing the trails to be opened for bicyclists to ride. We expect to start shuttles by July 15, 2014. The season will end when the snow starts, approximately October 1, 2014. Many bicyclists depend on my service to ride during our short season. ... I am currently looking for newer vans, but the rule changes made by the PUC has put a demand on these vehicles making them scarce and causing prices to be elevated.

Petitioner submitted pictures of the interior and exterior of the vehicle. The petition states that the vehicle has a total mileage of 119,120 miles.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6213(a) for the 1996 Ford E350 Van named in this petition. The waiver will be granted from the date this Decision is issued through October 31, 2014, which is the last date of the season transportation services are authorized under CPCN PUC No. 53046S.

10. Petitioner is advised that the grant of the waiver of Rule 6213(a) 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 Mishata Enterprises, doing business as High Valley Bike Shuttle, for a waiver of Rule 6213(a) for the 1996 Ford E350 Van, VIN No. 1FBHE31H3THB12182, is granted, in part, from the Mailed Date of this Decision through October 31, 2014.

2. Mishata Enterprises, doing business as High Valley Bike Shuttle, shall keep a copy of this Decision in the 1996 Ford E350 Van, VIN No. 1FBHE31H3THB12182, named in this petition. Mishata Enterprises, doing business as High Valley Bike Shuttle, shall provide this Decision immediately on request by any Commission enforcement official.

3. Mishata Enterprises, doing business as High Valley Bike Shuttle, shall have the 1996 Ford E350 Van 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. Mishata Enterprises, doing business as High Valley Bike Shuttle, shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Mishata Enterprises, doing business as High Valley Bike Shuttle, 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 6213(a) 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 17, 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

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.