

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0635EC

IN THE MATTER OF THE PETITION OF CORPORATE TRANSPORTATION SPECIALISTS, INC., DOING BUSINESS AS CTS ASPEN FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305 (AGE OF MOTOR VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION GRANTING WAIVER IN PART

Mailed Date: July 29, 2014
Adopted Date: July 23, 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 June 10, 2014, by Corporate Transportation, Specialists, Inc., doing business as CTS Aspen (CTS Aspen).

2. CTS Aspen requests a waiver of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles). CTS Aspen, under limited regulation Permit No. LL-01462,¹ may provide luxury limousine service between all points in Colorado.

3. The vehicle for which a waiver is requested is a 2004 Ford E-250 van, VIN No. 1FTNS24L84HA42942. The waiver is requested from January 1, 2014, through December 31, 2018.

¹ Permit No. LL-01462 was issued to CTS Aspen on March 6, 2006.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on June 16, 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 6305(b), 4 CCR 723-6, states that “luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year.” The 2004 Ford E-250 van is 11 model years old. Therefore, unless CTS Aspen is granted a waiver of Rule 6305(b) it will not be able to operate the Ford E-250 as a luxury limousine.

8. In support of this petition Mr. Brian Porter, the owner of CTS Aspen, states the Ford van is in excellent condition mechanically and in appearance and is driven less than 4,000 miles a year; has a luxurious interior with oversized leather captain’s chairs; and has been converted from two-wheel drive to four-wheel drive. Mr. Porter also states CTS Aspen chooses to convert its vehicles to four-wheel drive for the safety, comfort, and accessibility of its clients.

9. Mr. Porter submitted five pictures of the interior and exterior of the Ford E-250. The photographs of the Ford E-250 show it is in very good condition and does have a captain’s chair for each passenger. The total mileage on the vehicle is 55,942.

10. In consideration of the support provided by CTS Aspen for this waiver, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2004 Ford E-250 named in this petition. However, we find that a waiver period of over four years may be excessive and will grant a waiver for a period of time from the mailed date of this Decision through July 1, 2016.

11. CTS Aspen is advised that the grant of the waiver of Rule 6305(b) for the Ford E-250 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 Corporate Transportation, Specialists, Inc., doing business as CTS Aspen (CTS Aspen) for a waiver of Rule 6305(b) for the 2004 Ford E-250 van, VIN No. 1FTNS24L84HA42942 is granted in part from the mailed date of this Decision through July 14, 2016.

2. CTS Aspen shall keep a copy of this Decision in the 2004 Ford E-250 and shall provide this Decision immediately on request by any Commission enforcement official.

3. CTS Aspen shall have the 2004 E-250 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. CTS Aspen shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If CTS Aspen 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 6305(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 23, 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