

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0751EC

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

**COMMISSION DECISION
GRANTING WAIVER IN PART**

Mailed Date: August 22, 2014
Adopted Date: August 20, 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 (Petition) filed on July 8, 2014, by Private Coach, LLC (Private Coach).

2. In its Petition, 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 2003 Lincoln Town Car with a Vehicle Identification Number of 1LNHM85W93Y689542. The waiver is requested for an indefinite period beginning on July 1, 2014.

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 July 28, 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 2003 Lincoln Town Car is 12 model years old. Therefore, unless Private Coach is granted a waiver of Rule 6305(b) it will not be able to operate the 2003 Lincoln Town car as a luxury limousine.

8. In support of the Petition for waiver, Mr. Jason Telleen, the owner of Private Coach states:

I am requesting that you grant my request for a waiver to continue using this vehicle. I have experienced a major hardship because the 2008 Chrysler 300 sedan that I purchased to replace the 2003 Town car was [totaled] in a hail storm on 6-24-14. Right now I have no vehicle to use for an airport car. Also, the [2003] Town car is in excellent condition and it is the Cartier L model with a longer back seat and the doors open almost 90° for easy passenger access.

I do not know how long it will take for the insurance company to settle the claim[,] and I do not know how long after that it will take to find a suitable replacement.

(Underscoring in original)

9. In consideration of the support submitted by Private Coach, the Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 2003 Lincoln Town Car named in this Petition. However, the Commission will not grant a waiver for an unspecified period of time. Therefore, the waiver shall be for a six-month period beginning on the mailed date of this Decision.

10. Private Coach is advised that the grant of the waiver of Rule 6305(b) for the 2003 Lincoln Town Car 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 6305(b) for the 2003 Lincoln Town Car with a Vehicle Identification Number of 1LNHM85W93Y689542 is granted in part for a six-month period² beginning on the mailed date of this Decision.

2. Private Coach, LLC shall keep a copy of this Decision in the 2003 Lincoln Town Car named in this petition. Private Coach, LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. Private Coach, LLC shall have the 2003 Lincoln Town Car 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

² The six month period shall expire on February 18, 2015.

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
August 20, 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