

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0732EC

IN THE MATTER OF THE PETITION OF GABRIEL PIEPER, DOING BUSINESS AS ALTITUDE LIMOUSINE, FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF RULE 6305(B) (AGE OF VEHICLES) OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CCR 723-6.

DECISION DENYING WAIVER

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 filed on July 2, 2014, by Gabriel Pieper, doing business as Altitude Limousine (Altitude Limousine).

2. Altitude Limousine has not submitted an application to register with the Commission as a luxury limousine carrier, and therefore has not been issued a registration number to operate as a luxury limousine carrier.

3. In its petition, Altitude Limousine 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). 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.”

4. The vehicle for which a waiver is requested is a 1999 Lincoln Town Car, Vehicle Identification Number of 1L1FM81W8XY710160. The waiver is requested from May 21, 2014, through January 1, 2017.

5. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 14, 2014.

6. 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.

7. 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.

8. In support of this Petition, Mr. Gabriel Pieper the owner of Altitude Limousine states:

This 10 passenger stretch Lincoln Town Car has been well kept and used exclusively for the private use of its owners for [non-commercial] use. In addition to its original good condition[,] \$8,000 in upgrades have been added including [n]ew wheels, tires, vinyl top and paint job, LED lights, [f]iber optic and [laser] canons, mirrored partition, state of the art stereo and [TV] entertainment system. I have invested a lot of time and money in the hopes of starting a new business.

Mr. Pieper submitted several pictures of the interior and exterior of the 1999 Lincoln Town Car. The pictures do show the Lincoln Town Car is a stretch limousine and appears to be in good condition. However, the 1999 Lincoln Town Car named in this petition is 16 model years old,

and Rule 6305(b), 4 CCR 723-6 requires that vehicles operated as luxury limousines shall not be older than 10 model years.

9. The Commission finds that, although the 1999 Lincoln Town Car appears to have recently received upgrades to the interior and exterior, Altitude Limousine did not provide sufficient support to show that it would incur a hardship if the petition is not granted. Therefore, the Commission finds that good cause has not been shown to grant a waiver of Rule 6305(b) for the 1999 Lincoln Town Car named in this petition.

II. ORDER

A. The Commission Orders That:

1. The petition of Gabriel Pieper, doing business as Altitude Limousine, for a waiver of Rule 6305(b) for the 1999 Lincoln Town Car, Vehicle Identification No. 1L1FM81W8XY710160, 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
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