

Decision No. C14-1063

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0801CP

IN THE MATTER OF THE PETITION FOR WAIVER/VARIANCE OF COMMON/CONTRACT
CARRIER RULES AND MOTION TO SHORTEN NOTICE PERIOD.

DECISION GRANTING WAIVER IN PART

Mailed Date: September 2, 2014

Adopted Date: August 27, 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 Common/Contract Carrier Rules filed on July 23, 2014, by MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi (Petitioner). An amendment to the petition was filed on July 28, 2014.

2. Petitioner is requesting a waiver of Rule 6255(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6.

3. The vehicles for which a waiver is requested are identified in the Appendix attached to this Decision. The waiver is requested from July 31, 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 August 11, 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 6255(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be eight model years.

8. Petitioner operates as a taxicab carrier in the Denver Metro Area pursuant to Certificate of Public Convenience and Necessity PUC No. 1481. Of the 41 vehicles named in the petition, 11 are 2005 Dodge Grand Caravans; 7 are 2006 Dodge Grand Caravans; 7 are 2005 Chrysler Town & Countries; 1 is a 2006 Chrysler Town & Country; 2 are 2006 Ford Freestars; 2 are 2006 Chevrolet Uplanders; and, 11 are 2006 Ford Crown Victorias. Petitioner submitted pictures of the vehicles. The total mileage for the vehicles ranges from 143,232 to 490,799 miles.

9. In support of the petition, Petitioner's General Manager, through counsel, states that if a waiver is not granted, "financial hardship will result, not only to Metro Taxi, but to its drivers who lease the subject vehicles." Petitioner further states that "[a]lthough Metro Taxi is in the process of purchasing new greener vehicles to replace older vehicles, and has purchased 50 new vehicles over the past few months, given the size of its fleet, Metro Taxi is unable to take all of its older Crown Victorias out of service and immediately replace them with brand new hybrid vehicles without affecting drivers and the riding public."

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 41 vehicles identified in the Appendix attached to this Decision.

11. Petitioner is advised that the grant of the waiver of Rule 6255(b) for the vehicles identified in the Appendix attached to this Decision does not ensure that these vehicles will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, for a waiver of Rule 6255(b) for the vehicles identified in the Appendix attached to this Decision, is granted, in part, from the Mailed Date of this Decision through July 31, 2015.

2. MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, shall keep a copy of this Decision in each of the vehicles identified in the Appendix attached to this Decision. MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, shall provide this Decision immediately on request by any Commission enforcement official.

3. MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, shall have each of the vehicles identified in the Appendix attached to this Decision 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, each vehicle shall pass such an inspection. MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, shall file with the Commission (in this proceeding) a copy of each completed

inspection form within 30 days of the effective date of this Decision. If MKBS, LLC, doing business as Metro Taxi &/or Taxis Fiesta &/or South Suburban Taxi &/or Northwest Suburban Taxi, 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 6255(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 27, 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