

Decision No. C14-1087

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0781CP

IN THE MATTER OF THE PETITION OF FREEDOM CABS, INC. FOR AN ORDER
OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING
TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: September 9, 2014

Adopted Date: September 3, 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 17, 2014 by Freedom Cabs Inc. (Petitioner).

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 vehicle for which a waiver is requested is a 2004 Ford Freestar, VIN No. 2FMZA50684BA93114. The waiver is requested from July 18, 2014 through July 18, 2015.

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 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. 53638. Petitioner's Operations Manager submitted the petition on behalf of the individual taxicab driver and states the following as the reason for the waiver: "[t]his vehicle has been well maintained, including having the engine replaced one year ago with a lower mileage engine. Currently, I am not financially prepared to replace this vehicle, so the waiver would enable me to keep my job." Petitioner submitted pictures of the vehicle. The petition lists the total mileage on the vehicle as 297,590 miles, and the total mileage on the current engine as 190,000 miles.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the 2004 Ford Freestar named in this petition.

10. Petitioner is advised that the grant of the waiver of Rule 6255(b) 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 Freedom Cabs Inc. for a waiver of Rule 6255(b) for the 2004 Ford Freestar, VIN No. 2FMZA50684BA93114, is granted, in part, from the Mailed Date of this Decision through July 18, 2015.

2. Freedom Cabs Inc. shall keep a copy of this Decision in the 2004 Ford Freestar, VIN No. 2FMZA50684BA93114, named in this petition. Freedom Cabs Inc. shall provide this Decision immediately on request by any Commission enforcement official.

3. Freedom Cabs Inc. shall have the 2004 Ford Freestar 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. Freedom Cabs Inc. shall file with the Commission (in this proceeding) a copy of the completed inspection form within 30 days of the effective date of this Decision. If Freedom Cabs Inc. 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
September 3, 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