

Decision No. C14-1220

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0822CP

IN THE MATTER OF PETITION FOR WAIVER/VARIANCE OF COMMON/CONTRACT
CARRIER RULES.

DECISION GRANTING WAIVER IN PART

Mailed Date: October 7, 2014

Adopted Date: October 1, 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 31, 2014 by All Around Taxi LLC (Petitioner). Amendments to the petition were submitted on August 15, 2014 and August 18, 2014.

2. Petitioner is requesting a waiver of Rule 6213 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested is a 2003 Ford Windstar, VIN No. 2FMZA51423BA25953. The waiver is requested from July 31, 2014 to 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 25, 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. In accordance with 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 6213(a), 4 CCR 723-6, states that “[i]ntrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year.”

8. Petitioner operates pursuant to Certificate of Public Convenience and Necessity PUC No. 55727. In support of the waiver, the owner of Petitioner states, in part: “[i]t would be a great hardship for me to replace this vehicle. This is what our company can afford and it is a great van.” Petitioner submitted pictures of the interior and exterior of the vehicle. The petition states that the vehicle has a total mileage of 145,594 miles.

9. The Commission finds that good cause has been shown to grant a waiver of Rule 6213 for the 2003 Ford Windstar named in this petition.

10. Petitioner is advised that the grant of the waiver of Rule 6213 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 All Around Taxi LLC for a waiver of Rule 6213 for the 2003 Ford Windstar, VIN No. 2FMZA51423BA25953, is granted, in part, from the Mailed Date of this Decision through July 31, 2015.

2. All Around Taxi LLC shall keep a copy of this Decision in the 2003 Ford Windstar, VIN No. 2FMZA51423BA25953, named in this petition. All Around Taxi LLC shall provide this Decision immediately on request by any Commission enforcement official.

3. All Around Taxi LLC shall have the 2003 Ford Windstar 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. All Around Taxi LLC 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 All Around Taxi LLC 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 6213 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
October 1, 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