

Decision No. C14-1223

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0856EC

IN THE MATTER OF THE PETITION OF AMERICAN LIMOUSINES 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: 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 Limited Regulation Carrier Rules filed on August 13, 2014, by American Limousines Inc. (Petitioner). An amendment to the petition was submitted on August 22, 2014.

2. Petitioner 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).

3. The vehicle for which a waiver is requested involves a 1999 Lincoln Town Car Executive, VIN No. 1L1FM81W0XY713022. The waiver is requested from August 9, 2014 through April 30, 2016.

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. 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.”

8. Petitioner operates as a limited regulation passenger carrier (luxury limousine) pursuant to PUC Permit No. LL-01474. In support of the waiver, the owner of Petitioner states the following:

This is to inform the PUC that not allowing me to use this vehicle in my fleet of two to provide service in the Colorado Springs area would cause me extreme hardship since this is my sole income. I am a disabled veteran and I am the owner/operator of American Limousines. I have worked hard to provide clients with a good and clean service.

9. Petitioner submitted pictures of the interior and exterior of the vehicle named in the petition. It is a large, stretched limousine with a luxurious interior. The petition states that the total mileage on the vehicle is 198,680 miles.

10. The Commission finds that good cause has been shown to grant a waiver of Rule 6305(b) for the 1999 Lincoln Town Car Executive named in this petition.

11. Petitioner is advised that the grant of the waiver of Rule 6305(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 American Limousines Inc. for a waiver of Rule 6305(b) for the 1999 Lincoln Town Car Executive, VIN No. 1L1FM81W0XY713022, is granted, in part, from the Mailed Date of this Decision through April 30, 2016.

2. American Limousines Inc. shall keep a copy of this Decision in the 1999 Lincoln Town Car Executive, VIN No. 1L1FM81W0XY713022, named in this petition. American Limousines Inc. shall provide this Decision immediately on request by any Commission enforcement official.

3. American Limousines Inc. shall have the 1999 Lincoln Town Car Executive 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. American Limousines 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 American Limousines 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 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
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