

Decision No. C14-1440

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0905EC

IN THE MATTER OF THE PETITION OF ANCEL INC. DOING BUSINESS AS AVI LIMO
FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES
REGULATING TRANSPORTATION BY MOTOR VEHICLE.

**DECISION DENYING APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION**

Mailed Date: December 5, 2014

Adopted Date: December 3, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application for Rehearing, Reargument, or Reconsideration (RRR) of Decision No. C14-1259 filed on November 10, 2014 by Ancel Inc., doing business as Avi Limo (Petitioner).

B. Findings

2. On August 29, 2014, Petitioner filed a petition for waiver/variance of Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Petition).

3. 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. Petitioner requested a waiver of Rule 6305(b), 4 CCR 723-6, for a 1996 Lincoln Town Car Executive. The waiver was requested for a two-year period.

5. The Commission noticed the Petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on September 8, 2014. No petition to intervene or otherwise participate in the proceeding was filed. The proceeding was uncontested; and thus, it was determined without a hearing.

6. On October 20, 2014, the Commission issued Decision No. C14-1259 (Decision) and denied Petitioner's request for a waiver.

7. Paragraph 11 of the Decision states the following:

In consideration that Petitioner was previously granted a waiver and that the vehicle is 18 years old, we find that the 1996 Lincoln Town Car Executive named in this petition does not warrant a waiver of Rule 6305(b), which was enacted to ensure public safety, consumer protection, and service quality pursuant to § 40-10.1-106(1), C.R.S. It is in the public interest to ensure that luxury limousine carriers utilize newer, safer, and more luxurious vehicles. Therefore, the Commission concludes that Petitioner has not shown good cause to grant a waiver of Rule 6305(b) for the 1996 Lincoln Town Car Executive named in this petition.

8. In the Application for RRR, Petitioner opines that Rule 6305(b) is unconstitutional and that the Commission "misapprehended certain points of law." However, Petitioner does not state any legal arguments for these assertions. Irrespective, these assertions are unfounded. Pursuant to Rule 1003, 4 CCR 723-1 of the Rules of Practice and Procedure, the Commission has discretion to grant waivers from Commission rules for good cause only.

9. In the Application for RRR, Petitioner also reiterates that the vehicle is in excellent shape both mechanically and aesthetically. Petitioner states: "[c]ustomers often come to see the Limousine prior to renting it. [Petitioner has] never had a customer that commented or complained about the vehicle's luxury or its safety." Petitioner further states that it "is committed to follow and do business in [accordance] with the Colorado PUC rules." However, the president of Petitioner stated in the Petition that he bought the vehicle in

November 2012 when it was 16 years old and significantly older than the 10 model years allowed by Rule 6305(b). Indeed, the Commission has had a rule requiring luxury limousines to not be older than ten model years in effect since July 30, 2008.¹

C. Conclusions

10. Petitioner has chosen to operate as a luxury limousine carrier and must adhere to the standards required for this service. The existing vehicle age rule for luxury limousines serves to protect consumer expectations of a certain standard of luxury when using a luxury limousine service, and protect public safety, as more modern vehicles have better safety features. For the same reasons that the Petition was denied, we deny the Application for RRR.

II. ORDER

A. The Commission Orders That:

1. The Application for Rehearing, Reargument, or Reconsideration of Decision No. C14-1259 filed on November 10, 2014 by Ancel Inc., doing business as Avi Limo, is denied.
2. This Decision is effective on its Mailed Date.

¹ See, Proceeding No. 07R-327TR.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 3, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAMELA J. PATTON

GLENN A. VAAD

Commissioners

CHAIRMAN JOSHUA B. EPEL
ABSENT.