

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19V-0447EC

IN THE MATTER OF THE PETITION OF TLOGAN, LLC DOING BUSINESS AS SAPPHIRE CAR SERVICE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER

Mailed Date: September 6, 2019
Adopted Date: September 4, 2019

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on August 12, 2019 by TLogan, LLC, doing business as Sapphire Car Service (Sapphire Car Service).

2. Sapphire Car Service requests a waiver of Rule 6305(a) 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 2018 Buick Enclave.¹ The waiver is requested from July 19, 2019 through July 31, 2029. Sapphire Car Service purchased the 2018 Buick Enclave on July 19, 2019.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on August 19, 2019, for a period of ten days.

¹ The vehicle identification number of the 2018 Buick Enclave is 5GAEVAKWXJJ217521. On the date of purchase by Sapphire Car Service, the 2018 Buick Enclave had been driven 6,170 miles.

5. The ten-day notice period expired on August 29, 2019. No petition to intervene or otherwise participate in this proceeding has been filed. Therefore, the proceeding is uncontested. Under § 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. Sapphire Car Service operates as a luxury limousine carrier and was issued Permit No. LL-01800 on November 18, 2009. The owner of Sapphire Car Service, Terri Ogan, provided the following statement to support this petition for waiver:

Due to Uber & Lyft to coming in the area in 2014, I have lost a lot of business. ... One of my 2009 Yukons I still owed money on despite buying it used in the end of 2013. The engine started having problems again and I decided it would be better to have new reliable transportation for my passengers.

This car was available new, it has leather seats, seating for 6, and was decently priced as I was going to have to attach the remainder of the loan on to another vehicle.

8. Commission Rule 6305(a) of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6 (Luxury Limousine) identifies the vehicles that may be operated as a luxury limousine. Rule 6305(a) states a “Luxury Limousine” means one of the following vehicles:

- (II) executive car, which is a Motor Vehicle that has four doors and is:
 - (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Land

Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or

- (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer.

9. A Buick Enclave is a four-door sports utility vehicle but is not named as a luxury limousine in Rule 6305(a). However, Commission Staff did review several websites in an attempt to determine if the Buick Enclave is comparable to the other sport utility vehicles named in Rule 6305(a) as luxury limousines. The review of these websites did indicate that the Buick Enclave is comparable in price, size, and seating capacity to these vehicles.

10. Therefore, in consideration of the support provided with this petition and the similarity of the Buick Enclave to the other sport utility vehicles named in Rule 6305(a) as luxury limousines, the Commission will grant the petition for waiver. However, a waiver of ten years is longer than the period of time usually granted for age of vehicle waivers. Therefore, the waiver is granted for a period of four years from the mailed date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The petition of TLogan, LLC, doing business as Sapphire Car Service (Sapphire Car Service) for a waiver from Rule 6305(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, is granted from the mailed date of this Decision through September 5, 2023.

2. Sapphire Car Service shall keep a copy of this Decision in the 2018 Buick Enclave named in the petition and shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

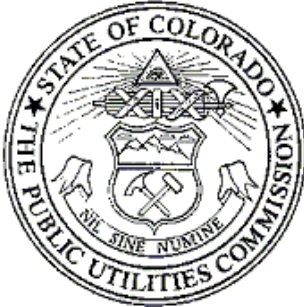
3. Sapphire Car Service shall have the 2018 Buick Enclave inspected pursuant to the requirements in Rule 6117(d) 4 CCR 723-6. Sapphire Car Service shall maintain copies of the completed inspection forms in the 2018 Buick Enclave.

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 or serves this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 4, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners