

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0021CP

IN THE MATTER OF THE PETITION OF ALPINE TAXI/LIMO, INC., DOING BUSINESS AS ALPINE AND/OR GO ALPINE FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: February 3, 2020

Adopted Date: January 29, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on January 10, 2020 by Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Alpine Taxi). A supplement to this petition was filed by Alpine Taxi on January 28, 2020

2. Alpine Taxi requests a waiver of Rule 6117(c) 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 E-350¹ with a total of 112,528 miles. The petition filed by Alpine Taxi on January 10, 2020 requested a waiver of Rule 6117(c) from January 10, 2020 through July 10, 2020. In the supplement filed on January 28, 2020, Stephen Feller, Alpine Taxi's fleet manager, states "I mistakenly asked for a waiver for our 2000 Ford ADA equipped vehicle to last through July of 2020, and I intended for

¹ The vehicle identification number of the 2003 Ford E-350 is 1FDWE35S03HA31452.

the waiver to last through July of 2021.” Based on Mr. Feller statement, the Commission will accept that the waiver period named in the petition filed on January 10, 2020, by Alpine Taxi was incorrectly shown as for the period from January 10, 2020 through July 10, 2020, and the intended waiver period was from January 10, 2020 through July 10, 2021.

4. The Commission noticed this application to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on January 13, 2020, for a period of ten days.

5. The ten-day notice period expired on January 23, 2020. 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. Rule 6117(c), 4 CCR 723-6 (Age and Condition of Passenger Carrying Motor Vehicles) states:

With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.

8. The Ford E-350 named in this petition is two model years older than allowed by Rule 6117(c). Therefore, unless Alpine Taxi is granted a waiver of Rule 6117(c) for the 2003 Ford E-350, it may not continue to provide common carrier service with this vehicle.

9. Alpine Taxi may, under Certificate of Public Convenience and Necessity No. 26246, provide several types of common carrier passenger transportation service between points in Routt and Moffatt Counties, State of Colorado, and between points in Routt and Moffatt, and many other points in Colorado. Alpine Taxi may also provide luxury limousine service under Permit No. LL-555.

10. In support of this petition, Mr. Feller states the 2003 Ford E-350 is equipped with a wheelchair lift and is occasionally used by Alpine Taxi to provide accessible transportation between points in the Steamboat Springs area. Mr. Feller also states “it does not produce enough income for our company to justify replacing it with a newer vehicle, however it holds great value in providing Go Alpine with the ability to provide wheelchair accessible and ADA service to our local community and visitors.”²

11. In consideration of the support provided by Alpine Taxi for this petition and the fact that the Ford E-350 is wheelchair accessible, the Commission finds that good cause has been shown to grant a waiver of Rule 6117(c).

II. ORDER

A. The Commission Orders That:

1. The petition of Alpine Taxi/Limo, Inc., doing business as Alpine and/or Go Alpine (Alpine Taxi) filed on January 10, 2020, for a waiver from Rule 6117(c) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, for the 2003 Ford E-350 is granted in part from the mailed date of this Decision through July 10, 2021.

² Go Alpine Addendum filed on January 10, 2020.

2. Alpine Taxi shall keep a copy of this Decision in the 2003 Ford E-350 and shall ensure that this Decision is provided immediately upon request by any Commission enforcement official.

3. Alpine Taxi shall have the 2003 Ford E-350 inspected pursuant to the requirements in Rule 6117(d) and the vehicle shall pass such inspection in order for this waiver to be valid. Alpine Taxi shall maintain copies of the completed inspection forms in the 2003 Ford E-350.

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
January 29, 2020.**

(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