

Decision No. R15-0839

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15R-0454TR

IN THE MATTER OF THE PROPOSED RULES REGULATING CHARGES BY TAXICABS FOR SERVICE BETWEEN DENVER INTERNATIONAL AIRPORT AND DOWNTOWN DENVER, 4 CODE OF COLORADO REGULATIONS 723-6-6257(d)(I).

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
AMENDING RULES**

Mailed Date: August 10, 2015

I. STATEMENT

1. On June 15, 2015, Colorado Public Utilities Commission (Commission) issued Decision No. C15-0556, Notice of Proposed Rulemaking, regarding a change to Rule 6257 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, which establishes taxicab rates for transportation to and from Denver International Airport (DIA) and specific locations in Colorado. The proposed rule change generally expands the area in downtown Denver where taxicabs must charge flat fees for services to and from DIA to include new hotels and businesses.

2. Throughout the proceeding no written comment was filed with the Commission.

3. Colorado Cab Company, LLC, doing business as Denver Yellow Cab; MKBS, LLC, doing business as Metro Taxi; Freedom Cabs, Inc.; Union Taxi Cooperative; and Mile High Cab, Inc., doing business as Mile High Cab (Joint Petitioners), provided the only comment during the scheduled hearing and also submitted exhibit 1.

4. The ALJ believes further hearings are not necessary.

5. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding along with a written recommended decision.

II. FINDING, DISCUSSION, AND CONCLUSION

6. On May 8, 2015, Joint Petitioners filed a joint petition for the Commission to open a rulemaking to change Rule 6257(d)(I).¹ The Joint Petitioners represent all of the taxicab companies in the Denver metro area subject to Rule 6257(d)(I).

7. Rule 6257(c) sets taxicab rates for service between points in three described zones in the Denver and Boulder areas and Denver International Airport. The zone for which the partial variance is requested is Zone A.

8. Zone A is defined in Rule 6257(d)(I) as:

(Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on 13th Avenue to Clarkson Street, then north on Clarkson Street to the point of beginning.

9. The Joint Petitioners' request that Rule 6257(d)(I) changes to expand Zone A as follows with suggested changes in rule language italicized:

(Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on *Speer Boulevard to 11th Avenue*, then east on *11th Avenue to Clarkson Street*, then north on Clarkson Street to the point of beginning.²

10. The change would effectively increase the size of Zone A to include the area from 13th Avenue to 11th Avenue between Speer Boulevard and Clarkson Street.

¹ Proceeding No. 15M-0316TR.

² Joint Petition for Partial Variance, ¶ 4, filed in Proceeding No. 15M-0316TR.

11. In support of their request for the rule change, the Joint Petitioners state that, in June 2015, the ART Hotel will open at 1201 Broadway Street in Denver, which is one block south of the southern boundary of Zone A (13th Avenue). “As a 165-room hotel in the heart of Denver’s Cultural Center within close proximity to numerous Denver tourist attractions, the ART Hotel is anticipated to generate a high volume of transportation requests to and from Denver International Airport.” According to the Joint Petitioners, expanding the southern border of Zone A would ensure the same predictability and consistency in fares for ART Hotel patrons as enjoyed by all other patrons within the Zone A downtown area.

12. On June 1, 2015, the Commission granted the joint petition for rulemaking.³

13. The undersigned ALJ has reviewed the record in this proceeding to date, including written and oral comments.

14. The proposed rules attached to Decision No. C15-0556 in legislative (i.e., strikeout/underline) format are attached to this decision without change as Attachment A.

III. ORDER

A. The Commission Orders That:

1. The Rules Regulating Transportation by Motor Vehicle, 4 Code of Colorado Regulations 723-6, contained in redline and strikeout format attached to this Recommended Decision as Attachment A and in final format as Attachment B are adopted and are available through the Commission’s Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=15R-0454TR..

³ Decision No. C15-0516, issued June 1, 2015, in Proceeding No. 15M-0316TR.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

4. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15R-0454TR

IN THE MATTER OF THE PROPOSED RULES REGULATING CHARGES BY TAXICABS FOR SERVICE BETWEEN DENVER INTERNATIONAL AIRPORT AND DOWNTOWN DENVER, 4 CODE OF COLORADO REGULATIONS 723-6-6257(d)(I).

NOTICE OF PROPOSED RULEMAKING

Mailed Date: June 15, 2015

Adopted Date: June 11, 2015

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking regarding a change to Rule 6257 of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6, which establishes taxicab rates for transportation to and from Denver International Airport (DIA) and specific locations in Colorado. The proposed rule change generally expands the area in downtown Denver where taxicabs must charge flat fees for services to and from DIA to include new hotels and businesses.

2. For the reasons set forth in this Decision, we have the authority to adopt these rules under §§ 40-2-108 and 40-10.1-103, -106, -206, C.R.S.

3. The proposed rules are available as Attachment A and through the Commission's E-Filings system in this proceeding (15R-0454TR) at: https://www.dora.state.co.us/pls/efi/EFI.Show Docket?p_session_id=&p_docket_id=15R-0454TR.

B. Background, Findings, and Conclusion

4. On May 8, 2015, Colorado Cab Company, LLC, doing business as Denver Yellow Cab; MKBS, LLC, doing business as Metro Taxi; Freedom Cabs, Inc.; Union Taxi Cooperative; and Mile High Cab, Inc., doing business as Mile High Cab (Joint Petitioners) filed a

joint petition for the Commission to open a rulemaking to change Rule 6257(d)(I).¹

The Joint Petitioners represent all of the taxicab companies in the Denver metro area subject to Rule 6257(d)(I).

5. Rule 6257(c) sets taxicab rates for service between points in three described zones in the Denver and Boulder areas and Denver International Airport. The zone for which the partial variance is requested is Zone A.

6. Zone A is defined in Rule 6257(d)(I) as:

(Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on 13th Avenue to Clarkson Street, then north on Clarkson Street to the point of beginning.

7. The Joint Petitioners' request that Rule 6257(d)(I) changes to expand Zone A as follows with suggested changes in rule language highlighted:

(Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on *Speer Boulevard to 11th Avenue*, then east on *11th Avenue to Clarkson Street*, then north on Clarkson Street to the point of beginning.²

8. The change would effectively increase the size of Zone A to include the area from 13th Avenue to 11th Avenue between Speer Boulevard and Clarkson Street.

9. In support of their request for the rule change, the Joint Petitioners state that, in June 2015, the ART Hotel will open at 1201 Broadway Street in Denver, which is one block south of the southern boundary of Zone A (13th Avenue). "As a 165-room hotel in the heart of Denver's Cultural Center within close proximity to numerous Denver tourist attractions, the ART Hotel is anticipated to generate a high volume of transportation requests to and from

¹ Proceeding No. 15M-0316TR.

² Joint Petition for Partial Variance, ¶ 4, filed in Proceeding No. 15M-0316TR.

Denver International Airport.” According to the Joint Petitioners, expanding the southern border of Zone A would ensure the same predictability and consistency in fares for ART Hotel patrons as enjoyed by all other patrons within the Zone A downtown area.

10. On June 1, 2015, the Commission granted the joint petition for rulemaking.³

11. We hereby issue this Notice of Proposed Rulemaking to address the requested change to expand the area in downtown Denver where taxi companies must charge a flat rate for services to and from DIA.

12. This matter is referred to an Administrative Law Judge (ALJ) for the issuance of a recommended decision.

13. The ALJ will conduct a hearing on the proposed rule and related issues on **August 4, 2015**. Interested persons may submit written comments on the proposed rule and present these orally at hearing, unless the ALJ deems oral presentations unnecessary.

14. The Commission invites interested persons to submit written comments before the hearing scheduled in this matter. In the event that interested persons wish to file written comments before the hearing, the Commission requests that initial comments be filed no later than **July 24, 2015**. The Commission prefers and encourages interested persons to submit comments through its Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this proceeding (15R-0454TR).

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the June 25, 2015 edition of *The Colorado Register*.

³ Decision No. C15-0516, issued June 1, 2015, in Proceeding No. 15M-0316TR.

2. A Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge (ALJ) as follows:

DATE: August 4, 2015
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
Suite 250
1560 Broadway
Denver, Colorado

At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

3. Interested persons may file written comments in this matter before hearing. The Commission requests that pre-filed comments be submitted no later than July 24, 2015. The Commission will consider all submissions, whether oral or written.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2015.**

(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