

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS
89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888**

IN RE: Rules And Regulations Governing The :
Transportation Of Passengers Via : Docket No. 13-MC-121
Public Motor Vehicles :

ORDER

Whereas: On October 15, 2013, the Rhode Island Division of Public Utilities and Carriers (“Division”) adopted new Rules and Regulations Governing the Transportation of Passengers via Public Motor Vehicles (“PMV Rules”), which went into effect on November 11, 2013. This rulemaking was conducted in Division Docket 13-MC-08.¹

Whereas: One of the provisions in the new PMV Rules, Rule D(1), establishes a “Minimum Allowable Charge” for public motor vehicles (“PMV” or “PMVs”) of *“no less than forty dollars (\$40.00), regardless of the length of the trip. That is, any time a passenger or booking agent requests to be picked up by any public motor vehicle, the charge assessed shall not be less than forty dollars (\$40.00).”*² The Division adopted this Minimum Allowable Charge in accordance with the legislative mandate contained in R.I.G.L §39-14.1-6.

Whereas: On November 14, 2013, the Division received a petition filing from L.C. Taxi, Inc. d/b/a L.C. Transportation, Rainbow Sedans, Inc., Corporate Limousine Services, L.L.C. and Dewey’s Transportation, Inc. (the

¹ See Report and Order No. 21192, issued in Docket No. 13-MC-08.

² See Rule D(1) of PMV Rules.

“Petitioners”) wherein the Petitioners request that the Division amend the new Minimum Allowable Charge of \$40.00, prescribed under Rule D(1), to some reduced (but unspecified) amount. The Petitioners also request that the Division stay enforcement of the new Minimum Allowable Charge of \$40.00 pending a hearing and decision on the Petitioner’s request for an amendment to Rule D(1). The Petitioners make the instant filing in accordance with Rule 13(b) of the Division’s Rules of Practice and Procedure.³

Whereas: Under Rule 13(b), *supra*, the Division has the discretion to deny the Petitioner’s filing or initiate rulemaking procedures in accordance with R.I.G.L. §42-35-3.

Whereas: The Division recognized through its Report and Order issued in its PMV rulemaking docket that a number of existing PMV certificate holders were troubled by the regulatory imposition of a \$40 minimum charge. However, the record in that proceeding offered no alternative proposals from these opponents to the Division’s proposed \$40.00 minimum charge, even though the Division was compelled to establish a Minimum Allowable Charge for PMV services under R.I.G.L §39-14.1-6, *supra*. In short, these opponents, including two of the four named Petitioners, simply urged the Division to ignore its legislative mandate to establish a Minimum Allowable Charge so that PMV companies could continue to compete directly with taxicabs.

³ The Division notes that the Petitioners have improperly filed their petition in Docket No. 13-MC-08, the now closed PMV rulemaking docket. As the instant petition seeks a narrow amendment to Rule D(1), now in effect, the Division will assign a new docket number to this new rulemaking matter.

Whereas: The Petitioners now request “an opportunity to present new evidence that would support a reduced minimum allowable charge.” The Division presumes that the Petitioners will now offer a realistic and plausible minimum allowable charge that comports to and respects the legislative mandate contained in R.I.G.L §39-14.1-6; a legislative mandate which requires that the Division design and implement a minimum allowable charge for PMVs in order to eliminate the destructive competition currently being witnessed between a small sector of Rhode Island’s PMV service providers and the State’s taxicab industry. It is the Division’s conclusion that the legislative intent behind R.I.G.L §39-14.1-6 is to preserve the financial success and operational integrity of both of these most valuable local transportation industries in the interest of those passengers who rely on these services. It must be emphasized that the General Assembly has determined that the establishment of a minimum allowable charge for PMVs will accomplish this goal.

Whereas: The Division finds that an additional examination of the reasonableness of the \$40.00 Minimum Allowable Charge, now prescribed under Rule D(1) of the PMV Rules, is in the public interest; therefore, the Division will grant the Petitioner’s request for another opportunity to address this issue. To be clear, however, the Division shall limit the additional examination to the reasonableness of the currently effective **\$40.00** Minimum Allowable Charge prescribed in Rule D(1). No other provision(s) of the Division’s PMV Rules will be examined during this supplemental rulemaking

proceeding. The Division also finds that a temporary stay of enforcement of the \$40.00 Minimum Allowable Charge is warranted.

Now, therefore, it is

(21250) ORDERED:

1. That in response to the November 14, 2013, petition filing from L.C. Taxi, Inc. d/b/a L.C. Transportation, Rainbow Sedans, Inc., Corporate Limousine Services, L.L.C. and Dewey's Transportation, Inc. requesting that the Division amend the new Minimum Allowable Charge of \$40.00, prescribed under Rule D(1), to some reduced (but unspecified) amount, the Division agrees to open a **new** rulemaking docket for the limited purpose of taking comments, views and data relative to the appropriateness of the dollar amount of \$40.00, as currently prescribed in Rule D(1) of the Division's PMV Rules. Through this limited rulemaking proceeding, the Division will determine if the currently prescribed \$40.00 Minimum Allowable Charge should be maintained or if a some other Minimum Allowable Charge, consistent with the legislative mandate in, and intent behind, R.I.G.L §39-14.1-6, ought to be adopted instead.
2. That the Petitioner's request that the Division stay enforcement of the new Minimum Allowable Charge of \$40.00 pending completion of the instant rulemaking proceeding and final decision by the Division in this docket is granted. All other provisions contained in the Division's PMV Rules shall remain in full force and effect.

3. That the instant rulemaking is hereby initiated under the docket number designation identified in this Order, 13-MC-121, not to be confused with the docket number designation attached to the Division's earlier PMV rulemaking proceeding conducted in Docket No. 13-MC-08, which is now closed.
4. That the Division's Clerk and Rules Coordinator shall carry out and execute the findings and directives contained in this Order.

DATED AND EFFECTIVE AT WARWICK, RHODE ISLAND ON NOVEMBER 15, 2013.



Thomas F. Ahern
Administrator