



# Malone Middleman

*A Professional Corporation*

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March 13, 2014

## VIA FEDERAL EXPRESS

Secretary  
PA Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**RE: Application for Motor Common Carrier of Persons in  
Experimental Service on behalf of The Yellow Cab Company of  
Pittsburgh  
Our File No.: 26002/12681**

Dear Sir/Madam:

Please find enclosed for filing an Application for Motor Common Carrier of Persons in Experimental Service on behalf of The Yellow Cab Company of Pittsburgh. Also enclosed is our firm's check in the amount of \$350.00 representing the required filing fee.

Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

  
Ray F. Middleman

RFM/jmb  
Enclosure

cc: James D. Campolongo, President (w/encl.)

**RECEIVED**

MAR 13 2014

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120  
(717) 772-7777  
[www.puc.pa.gov](http://www.puc.pa.gov)

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Revised 12/1/13

MAR 13 2014

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## Application for Motor Common Carrier of Persons in Experimental Service

THIS APPLICATION IS TO BE USED WHEN PROVIDING A NEW, INNOVATIVE, OR EXPERIMENTAL TYPE OF TRANSPORTATION WHICH IS NOT CHARACTERIZED IN THE SCHEME OF CLASSIFICATION IN ACCORDANCE WITH 52 PA. CODE §29.13.

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

The Yellow Cab Company of Pittsburgh, Inc.

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents**.
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents**. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State**.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

Yellow X

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?** ☐ NO **Previous Authority?** ☐ NO

**If YES, at PUC No. A-** 00049926

4. **Are you a business entity registered with the PA Dept. of State?** ☐ NO

If NO, you must register (see checklist on how to register)

**If YES, provide your PA Corporation Bureau Entity ID Number** 396993

(see checklist and indicate type of business entity registered)

5. **Physical Address** (do not use PO Box)

1825 Liverpool Street

Street Address

Pittsburgh, PA 15233

City, State and Zip Code

412-323-0417

Telephone Number

Allegheny

County

The address entered here should reflect the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment.

6. **Mailing Address** (if different from Physical Address)

Street Address

City, State and Zip Code

This is the address to which the Commission will send all official documents issued by the Commission. If left blank, it will be assumed that the **MAILING ADDRESS** is the same as the **PHYSICAL ADDRESS**.

7. **Attorney** (if applicable)

Ray F. Middleman

Attorney's Name & Telephone Number for this Filing

11676 Perry Highway, Suite 3100, Wexford, PA 15090

Attorney's Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

8. **Does applicant hold interstate operating authority?**

☒ No ☐ Yes, at No. \_\_\_\_\_

9. **Describe the service area proposed by this application.**

(Use the space below or attach additional sheet if space provided is not sufficient).

See attached

*Example:*

*To transport people in their own vehicles, limited to persons who frequent establishments that serve alcohol, for the prevention of driving while intoxicated, between points within the city of Allentown, Lehigh County Pennsylvania.*

**10. Certification:**

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Persons in Experimental Service; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

**Verification of Application**

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

James D. Conzologo, President  
(Print Name)  
James D Conzologo 3/13/14  
(Signature) (Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

## **RESPONSE TO #9 APPLICATION FOR EXPERIMENTAL TRANSPORTATION NETWORK SERVICE**

### **AREA OF SERVICE**

This Application for experimental service proposes Transportation Network Service for passenger trips originating or terminating within Allegheny County, Pennsylvania.

### **DEFINING THE SERVICE**

“Transportation Network Company” (TNC) as defined herein refers to a company which uses an online enabled platform to connect passengers with qualified drivers (as defined by the PUC 52 Pa. Code §29.501-508) using their personal, insured (as per the PUC 52 Pa. Code §32.11) non-commercial vehicles. The Yellow Cab Company of Pittsburgh proposes to provide an alternative form of call and demand taxi/limousine type service, through the use of the trade name “Yellow X,” which meets the needs of a marketplace which expands and contracts on a daily basis. This service would utilize the latest electronic and social media forms of communication, including “Apps” and internet platform reservation services. The primary vehicles to be used by the Yellow X Transportation Network Company in this experimental service will be owned by the Operators and leased to Yellow X (Yellow Cab) for a specific period of high transportation demand.

### **BASIS FOR PROPOSAL**

Technological advancements with the use of smart phones, tablets and the internet have led to the development of “Apps”, software and internet platforms which allow for wider ranging, faster and more user friendly scheduling of transportation services. This proposal would allow for TNC’s to be certificated into a new class of service so that modern technology can be put to use in servicing today’s transportation customer.

## **EXPERIMENTAL SERVICE**

### **I) The Service**

- A) Present PUC regulations do not allow for the type of service suggested herein;
- B) Yellow Cab/Yellow X requests that it be granted the right to operate in Experimental Service under 52 Pa Code §29.352;
- C) Yellow Cab/Yellow X will solicit Operators for high peak service times when it is anticipated that expanded taxi/limousine demand will take place;
- D) A short term Lease Agreement will be entered into between Yellow Cab/Yellow X and the Operator whereby the Operator will lease their privately owned vehicle to Yellow Cab/Yellow X for the duration of the lease period;
- E) By the terms of the Lease Agreement, Yellow Cab/Yellow X shall be legally and technically responsible for the operation of that vehicle while in this TNC experimental service;
- F) The Operator's vehicle shall be marked with a PUC number and a standard trade dress via magnetic stickers or other unique identifying demarkation or lighting which can be added at the beginning of the lease term and removed at the end. The purpose of this trade dress would be to identify the TNC experimental service vehicle in a unique manner;
- G) Operators would pay a fee (lease or other) to Yellow Cab/Yellow X and operate their service via a "tablet" or iPad type device to be provided by Yellow Cab/Yellow X during the time that the vehicle is in TNC experimental service. Operators would be able to accept trips via internet dispatch and/or via "App";
- H) A two part (dual) tariff will be provided to the PUC for immediate consideration using an adjustable pricing method of charges for all TNC trips and a separate time and distance or flat fee rate charge based upon the tariff being used by The Yellow Cab Company of Pittsburgh. This would insure that Operators would be able to take both TNC experimental internet/"App" trips and "overflow" trips from Yellow Cab during their lease period. Passengers would be advised of the charge prior to hiring the vehicle;
- I) Payment for services will be made through credit card swipe technology given to each Operator as part of the "tablet" or iPad type device. A cash payment option shall also be made available to the riding public;

- J) Electronic trip logs would be derived from use of the “tablet” or iPad device so that an accurate record of all trips are available in compliance with 52 Pa Code §29.313 as to origination of the trip, destination, time of service and charge for the trips;
- K) Upon booking an internet or “App” TNC trip, the passenger will receive confirmation via email or via the “App” along with a photograph of the Operator and a description of the Operators vehicle; and
- L) No single TNC shall operate more than 50 vehicles at any one time.

## II. **Driver Training/Qualifications**

- A) All Operators shall be lease drivers/independent contractors;
- B) As the Certificated Carrier, Yellow Cab/Yellow X shall require that all Operators of TNC vehicles comply with 52 Pa Code §29.501 – 508, inclusive. To wit, all Operators shall:
  - i) Have a current valid driver’s license;
  - ii) Be over the age of 21 years;
  - iii) Be subject to a Motor Vehicle license history check upon initial lease service and thereafter as per 52 Pa Code §29.504;
  - iv) A full criminal history check undertaken by an authorized service provider as per the tenets of 52 Pa Code §29.505;
  - v) Not be permitted to operate vehicles in derogation of either 52 Pa Code §29.506 or §29.507; and
  - vi) Be Act 33 compliant pursuant to the Pennsylvania Child Welfare Act.
- C) All TNC Operators shall attend the standard Yellow Cab lease driver education classes before being permitted to operate in this experimental service;
- D) All TNC Operators shall for purposes of compliance and enforcement of PUC regulation, be under the control of the Certificated Carrier, Yellow Cab/Yellow X; and
- E) Yellow Cab/Yellow X shall have sole responsibility to deal with all PUC related passenger complaints, claims and issues which arise during the Operator’s TNC lease.

## III. **Vehicle Qualifications**

- A) Yellow Cab/Yellow X shall insure each TNC vehicle for the period that Yellow Cab/Yellow X leases the vehicle from Operator. Such insurance coverage shall

be primary for the vehicle during the period of time that the vehicle is in use subject to the lease;

- B) Insurance for TNC vehicles shall be in the required minimums as set forth for call or demand taxi service under 52 Pa Code §32.11 as interpreted under 52 Pa Code §41.21;
- C) Yellow Cab/Yellow X will provide the Operator an insurance identification card for use during the use of the vehicle during this TNC experimental service;
- D) Vehicles used in this TNC experimental service must comply with existing PUC age and mileage requirements as per 52 Pa Code §29.314 (8)(d);
- E) Vehicles used in this TNC experimental service will be inspected prior to being leased by Yellow Cab/Yellow X to insure that the vehicle is clean and mechanically sound;
- F) Vehicles used in this TNC experimental service shall have a seating capacity of eight passengers or less, including the driver;
- G) There is to be no meter in the TNC experimental service vehicle as the tariff shall be fixed or flat rate based; and
- H) The requirements as per 52 Pa Code §29.314 shall otherwise not apply to vehicles in this service.



From: (724) 934-6888  
 Joanne Brewer  
 Malone Middleman, P.C.  
 Wexford Professional Building III  
 11678 Perry Highway, Suite 3100  
 Wexford, PA 15090

Origin ID: BFDA



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Secretary  
 PA Public Utility Commission  
 400 North Street  
 2nd Floor  
 HARRISBURG, PA 17120

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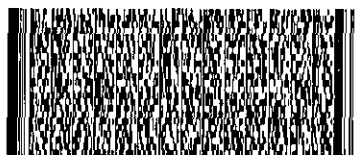
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