

PLEASE REPLY TO
412.331.8998

May 7, 2014

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Docket No. A-2014-2416127. Application of Rasier-PA, LLC

Dear Secretary Chiavetta:

Transmitted herewith are the Petition for Leave to Intervene and Protest of JB Taxi LLC
t/a County Taxi Cab.

Very truly yours,

/s/ electronically filed

David W. Donley
Attorney for Protestant
412.331.8998

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET A-2014-2416127
APPLICATION OF RASIER-PA, LLC

PETITION FOR LEAVE TO INTERVENE AND
PROTEST OF JB TAXI LLC T/A COUNTY TAXI CAB
REQUEST FOR ORAL HEARING

Comes now JB Taxi LLC t/a County Tax Cab and files this Petition for Leave to Intervene, Protest and request for oral hearing in the above-captioned matter. This petition and protest are filed pursuant to 52 Pa.Code §§3.381(c), 5.51, and 5.71 and extends to all authority requested by the applicant. In support, protestant states as follows:

1. Applicant's name and docket number

A-2014-2416127. Application of Rasier-PA, LLC, for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in Allegheny County. (44 Pa.B. 2604, April 26, 2014)

2. Protestant's name, address and telephone

JB Taxi LLC t/a County Taxi Cab
834 Duss Avenue
Ambridge PA 15003
(724) 266-6666

3. Protestant's attorney, address and telephone

David W. Donley
3361 Stafford Street
Pittsburgh PA 15204-1441
(412) 331-8998

4. Protestant's interest

- a. No material distinction exists between the operating rights requested in the application and those granted to and supporting the services provided currently by Protestant in the counties Protestant is authorized to serve. Applicant's current and proposed service is to respond upon customer request and for compensation in direct competition with other authorized transportation providers holding call-and-demand certificates of public convenience. Were the application granted, the service styled here as "experimental" would likely divert patrons and reduce revenues from the existing certificated carriers, including protestant. Protestant believes revenues would be reduced to a level less than those necessary to sustain safe, modern and efficient service by existing providers and would not result in any corresponding public benefit in the affected communities. In addition to the loss of revenues, the service proposed by applicant would likely require greater incidence of deadhead miles, additional and unnecessary fuel consumption and other operating costs without any corresponding public benefit.
- b. Should applicant prevail in its business plan to enter new markets without first complying with the requirements of law, Protestant will be harmed directly and significantly because a foothold in Allegheny County likely would embolden Applicant to expand into Protestant's service area under management confident that it may pick and choose which requirements of the Public Utility Code and

regulations are to be obliged and which may be ignored under the guise of "experimental service." The resulting circumstance would likely result in unfair competition among passenger transportation providers in the affected communities, which unfair competition would be destructive and contrary to the public's interest.

- c. Applicant does not meet the Commission's fitness requirements, and accordingly, should not be permitted to operate.

5. Protestant's docket number and authority

Protestant is authorized to provide passenger service pursuant to the rights granted at A-6310493, A-2008-2065173, namely, to transport persons upon call or demand in the counties of Beaver, Lawrence, Mercer, and Crawford.

6. Statement of restrictions or amendments

Protestant is not aware of any restriction or amendment that would result in the withdrawal of its protest.

7. Petition for Leave to Intervene

- a. JB Taxi LLC t/a County Tax Cab (Protestant and Petitioner) hereby petitions for leave to intervene in this proceeding for the purpose of opposing the application.
- b. Petitioner incorporates by reference the matters more fully set forth above in paragraphs 1 through 6.
- c. Petitioner seeks leave to intervene in this proceeding because Petitioner has an interest that is substantial, direct and immediate with respect to the matters to be considered.

- d. That interest is the loss of patrons and revenues to operators who seek to evade the requirements of the Public Utility Code and Commission regulation. Through such evasion, the applicant would be able to serve the same population as Petitioner while skirting the regulatory standards, protocols, expenses and limitations placed upon Petitioner for the purpose of protecting the public.
- e. In view of this interest, Petitioner requests that protestants who wish to oppose the instant application and other applications for so-called experimental services, including those offered under the pretext of ride-sharing, a shared-ride network or a Transportation Network Company, not be held to the same standards as previously adopted by the Commission with respect to standing. Petitioner seeks all such relief as is necessary to permit Petitioner to participate in all subsequent proceedings in this important matter.
- f. If permitted to intervene, Petitioner will be able to demonstrate it's existing call and demand service as well as the public's interest will suffer material harm of the kind and scope the Public Utility Code and Commission regulations are intended to prevent.
- g. If the requested relief is not granted or Petitioner not otherwise permitted to intervene for the purpose of opposing the application, the record would not likely be developed to demonstrate accurately and substantially completely the impact of so-called experimental services upon currently authorized passenger services in the western Pennsylvania region.

h. For these reasons, Petitioner requests leave to intervene.

8. Additional matters

Protestant requests that this matter be set for oral hearing and applicant be required to satisfy through competent evidence all of the requirements under the governing statute and regulations in support of its case. Protestant will appear and present evidence consistent with the matters contained in this protest. In the event applicant intends to provide witnesses at any oral hearing that may be scheduled, protestant requests that applicant provide the undersigned representative at least 30 days prior to hearing a list of witness expected to offer testimony or other evidence in support of the application.

WHEREFORE, protestant requests that the application be denied in all respects.

Respectfully submitted,

electronically filed

David W. Donley
Attorney for Protestant
3361 Stafford Street
Pittsburgh PA 15204-1441
412.331.8998 voice
412.331.5720 facsimile
PA Id. 19727

Attach: Certificate of Public Convenience A-6310493

PENNSYLVANIA PUBLIC UTILITY COMMISSION


IN THE MATTER OF : A-6310493

J.B. Taxi LLC, A limited liability corporation of the Commonwealth of Pennsylvania, so as to permit the transportation of persons upon call or demand in the counties of Beaver, Lawrence, Mercer, and Crawford, which is to be a transfer of all rights authorized under the certificate issued at A-00118810, F.1 to Felix Szczepanski, t/d/b/a J.B. Taxi, subject to the same limitations and conditions. A-2008-2065173

EFFECTIVE DATE: August 16, 2011

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 16th day of August, 2011.


Secretary

Certificate of Service

I hereby certify that I have this day served a copy of the foregoing Protest upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party)

By first-class mail, postage prepaid

Karen O Moury, Esquire
Buchanan Ingersoll & Rooney PC
Suite 500
409 North Second Street
Harrisburg, PA 17101-1357

Dated this 7th day of May, 2014

electronically filed
David W. Donley
Attorney for Protestant
3361 Stafford Street
Pittsburgh PA 15204-1441
(412) 331-8998
Pa ID 19727

A-2014-2416127