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June 2, 2014

**VIA E-FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

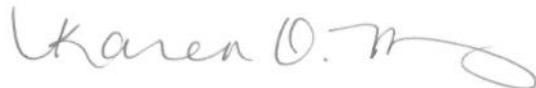
Re: Application of Raiser-PA LLC, a Wholly Owned Subsidiary of Uber Technologies, Inc. for a Certificate of Public Convenience Evidencing Approval to Operate an Experimental Ride-Sharing Network Service Between Points in Allegheny County, Pennsylvania  
Docket No. A-2014-2416127

Dear Secretary Chiavetta:

On behalf of Raiser-PA LLC, I have enclosed for electronic filing the Preliminary Objections of Raiser-PA LLC to the Protest of The Insurance Federation of Pennsylvania, Inc. in the above-captioned matter.

Copies have been served on all parties as indicated in the attached certificate of service.

Sincerely,



Karen O. Moury

KOM/tlg  
Enclosure

cc: Chief Administrative Law Judge Charles E. Rainey, Jr. (via First-Class Mail)  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Raiser-PA LLC, a Wholly Owned :  
Subsidiary of Uber Technologies, Inc. for a :  
Certificate of Public Convenience Evidencing : Docket No. A-2014-2416127  
Approval to Operate an Experimental :  
Ride-Sharing Network Service Between Points in :  
Allegheny County, Pennsylvania :

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**NOTICE TO PLEAD**

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TO: Samuel R. Marshall, President and CEO  
The Insurance Federation of Pennsylvania, Inc.  
1600 Market Street  
Suite 1720  
Philadelphia, PA 19103

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objections of Raiser-PA LLC to the Protest of The Insurance Federation of Pennsylvania, Inc. within **ten (10) days** from service of this Notice, the facts set forth by Raiser-PA LLC in the Preliminary Objections may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Raiser-PA LLC, and where applicable, the Administrative Law Judge presiding over the case.

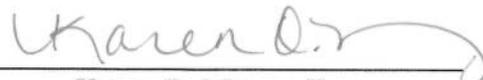
**File with:**

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

**With a copy to:**

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

Dated: June 2, 2014

  
\_\_\_\_\_  
Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Rasier-PA LLC, a Wholly Owned :  
Subsidiary of Uber Technologies, Inc. for a :  
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Allegheny County, Pennsylvania :

**PRELIMINARY OBJECTIONS TO THE PROTEST OF  
THE INSURANCE FEDERATION OF PENNSYLVANIA, INC.**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Rasier-PA LLC, a wholly owned subsidiary of Uber Technologies, Inc. (“Rasier”), by and through its counsel, Karen O. Moury and Buchanan Ingersoll & Rooney PC, files these Preliminary Objections pursuant to Section 5.101(a) of Pennsylvania Public Utility Commission (“Commission”) regulations at 52 Pa. Code § 5.101(a), seeking to dismiss the timely Protest filed by The Insurance Federation of Pennsylvania, Inc. (“Insurance Federation”) and in support thereof, avers as follows:

**I. Introduction and Background**

1. On April 14, 2014, Rasier filed an application requesting the issuance of a certificate of public convenience evidencing approval to operate an experimental ride-sharing network service between points in Allegheny County, Pennsylvania, pursuant to 52 Pa. Code § 29.352. Rasier is a limited liability company organized under the laws of Delaware and registered as a foreign limited liability company with the Pennsylvania Department of State at Corporation Bureau Entity Identification Number 4262217.

2. Notice of Rasier's application was published in the *Pennsylvania Bulletin* on April 26, 2014. Protests were due by May 12, 2014.

3. On May 12, 2014, the Insurance Federation filed a timely protest. The Insurance Federation protests Rasier's application on the basis of allegations about the ability of Rasier to comply with the Commission's insurance requirements.

4. Through these Preliminary Objections, Rasier seeks the dismissal of the Insurance Federation's protest on the grounds that the Insurance Federation lacks standing to participate in the proceeding and that the protest is a legally insufficient pleading in that it contains inappropriate and unfounded legal conclusions about the proposed experimental service, which do not warrant the scheduling of a hearing, particularly in view of the Commission's order in the matter of the *Application of Yellow Cab Company of Pittsburgh, Inc., t/a Yellow X*, Docket No. A-2014-2410269, Order adopted on May 22, 2014 ("Yellow Cab Order").

## **II. Legal Standards Applicable to Preliminary Objections**

5. The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections. 52 Pa. Code § 5.101(a)(1)-(7). *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994).

6. The grounds for preliminary objections are set forth in 52 Pa Code § 5.101(a)(1)-(7). Section 5.101(a)(4) permits preliminary objections on the basis of the legal insufficiency of a pleading; Section 5.101(a)(7) allows preliminary objections based on the lack of a party's standing to participate in the proceeding.

7. The Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice. *Equitable Small Transportation Interveners*, supra.

8. The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985). However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa.Cmwlth. 2007).

**A. Preliminary Objection No. 1: Lack of Standing**

9. The Insurance Federation is a non-profit trade association, which represents insurance companies doing business in Pennsylvania in legislative, regulatory and judicial matters. The association claims to have standing to file the protest on the basis its members may be harmed if Rasier does not comply with the Commission's insurance requirements.

10. In prior cases addressing a party's standing to protest an application for motor carrier authority, the Commission has repeatedly found that a party must have some operating authority in actual or potential conflict with the authority sought by the applicant to have the requisite standing to protest the application. *See Application of Carriage Limousine Services, Inc.*, Docket No. A-00108361, F.1, Am-B, Initial Decision dated October 12, 1994 (became final by operation of law via Order entered on December 23, 1994).

11. As the Insurance Federation does not have operating authority in actual or potential conflict with the authority sought by Rasier, it does not have standing to file this protest.

12. Further, the Commission has held on many occasions that a party must have direct, immediate and substantial interest in order to establish standing to protest an application, and that party's standing may not be based on mere conjecture and speculation. *See Joint Application of Pennsylvania-American Water Co. and Evansburg Water Co.*, Docket Nos. A-212285F0046/47 and A-210870F01, Opinion and Order entered July 9, 1998, 1998 Pa. PUC LEXIS 40, citing *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975).

13. The Insurance Federation's speculative claims about the future potential impact of Rasier's operations on its members does not provide the requisite direct, immediate and substantial interest needed to establish standing to participate in Rasier's application proceeding.

**B. Preliminary Objection No. 2: Legal Insufficiency of Pleading**

14. The protest is legally insufficient because it fails to state a claim upon which the Commission can grant relief. Further, a hearing is not necessary and would not serve the public interest in this matter. *See* 66 Pa.C.S. §703(b).

15. The Commission has already emphasized its intention, in the Yellow Cab Order, to ensure that providers of experimental ride-sharing network service comply with its insurance requirements. Further, Rasier has stated in its application that it will provide documentation to the Commission evidencing insurance coverage that exceeds the Commission's requirements. In the Yellow Cab Order, the Commission thoroughly addressed the subject of insurance and conditionally approved the application upon the filing of acceptable insurance documentation.

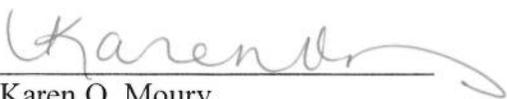
16. Since the Commission has stressed the importance of ride-sharing network service providers to comply with its insurance requirements, the Insurance Federation's protest contains no claim upon which the Commission can grant any additional relief and provides no basis for holding a hearing. Rather, it is up to the Commission to make a legal determination as to whether Rasier's proof of insurance complies with its requirements.

**Conclusion**

WHEREFORE, for the foregoing reasons, Rasier-PA LLC respectfully requests that the Commission grant these Preliminary Objections, dismiss the protest filed by the Insurance Federation and grant Rasier such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: June 2, 2014



Karen O. Moury  
BUCHANAN INGERSOLL & ROONEY PC  
409 North Second Street, Suite 500  
Harrisburg, PA 17101-1357  
(717) 237-4820

Attorney for Rasier-PA LLC

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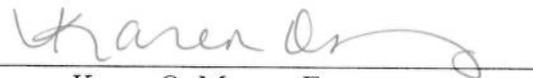
CERTIFICATE OF SERVICE

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

**Via First Class Mail**

Samuel R. Marshall, President and CEO  
The Insurance Federation of Pennsylvania, Inc.  
1600 Market Street  
Suite 1720  
Philadelphia, PA 19103

Dated this 2<sup>nd</sup> day of June, 2014.

  
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Karen O. Moury, Esq.