



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

June 20, 2014

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Uber Technologies, Inc.
Docket No. C-2014- 2422723
Answer to Motion for Stay

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Answer of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission to the Motion for Stay of Uber Technologies, Inc. in the above-captioned matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Wimer", is written over a horizontal line.

Stephanie M. Wimer
Prosecutor
PA Attorney I.D. No. 207522

Enclosure

cc: ALJ Mary D. Long and ALJ Jeffrey Watson (*via* e-mail only)
As per certificate of service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
Complainant	:	
	:	
v.	:	Docket No. C-2014-2422723
	:	
Uber Technologies, Inc.	:	
Respondent	:	

**ANSWER OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT TO
THE MOTION FOR STAY OF UBER TECHNOLOGIES, INC.**

TO THE HONORABLE MARY D. LONG AND HONORABLE JEFFREY WATSON:

Pursuant to Sections 5.61 and 5.103(c) of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 5.61 and 5.103(c), the Commission’s Bureau of Investigation and Enforcement (“I&E”), by and through its prosecuting attorneys, hereby responds to the Motion for Stay of Uber Technologies, Inc. (“Uber”) in the above captioned proceeding.

1. Admitted, in part. Denied, in part. It is admitted that Uber’s subsidiary corporation, Rasier-PA, LLC (“Rasier”), has filed an application seeking authority from the Commission to operate an experimental ridesharing network service in Allegheny County, Pennsylvania. The remaining averments are denied. Specifically, it is denied that Rasier’s application bears any relevance to the instant enforcement proceeding against Uber. This matter addresses past and continued violations of the Public Utility Code by Uber and has nothing to do with Rasier’s application. It is also denied that Uber has demonstrated a willingness to work with the Commission and is complying with the

Commission's regulations. To the contrary, Uber has clearly demonstrated a willingness to ignore the law by openly and notoriously violating the Public Utility Code, 66 Pa. C.S. §§ 1101 and 2505, by brokering transportation without a license using non-certificated motor carriers as drivers. Uber has also never, at any point, applied for a license or Certificate of Public Convenience to operate lawfully as a broker or a common carrier in Pennsylvania.

2. Admitted.

3. Admitted.

4. Admitted, in part. Denied, in part. It is admitted that Gegen, LLC ("Gegen") obtained a brokerage license from the Commission. It is unknown to I&E whether the members listed on Gegen's application are members of Uber so this averment is therefore, denied. Strict proof thereof is demanded. By way of further answer, I&E submits that whether Gegen received a brokerage license from the Commission is irrelevant to the instant proceeding; I&E makes no allegations against, or even mentions, Gegen in its Complaint. This proceeding has nothing to do with Gegen's application. Rather, this matter addresses past and continued violations of the Public Utility Code by Uber.

5. Admitted. By way of further answer, I&E submits that Rasier's application is irrelevant to the instant enforcement proceeding; I&E makes no allegations against, or even mentions, Rasier in its Complaint. This matter has nothing to do with Rasier's application. Rather, this proceeding addresses past and continued violations of the Public Utility Code by Uber.

6. Admitted, in part. Denied, in part. It is admitted that Rasier made these assertions in its application for a Certificate of Public Convenience. It is denied that Rasier's application is relevant to the instant enforcement proceeding against Uber.

7. Admitted, in part. Denied, in part. It is admitted that Rasier made these assertions in its application for a Certificate of Public Convenience. It is denied that Rasier's application is relevant to the instant enforcement proceeding against Uber.

8. Admitted.

9. Denied. I&E lacks sufficient information to either admit or deny the averments set forth in this paragraph and, therefore, they are denied. Strict proof thereof is demanded.

10. Admitted, in part. Denied, in part. It is admitted that the Commission approved the application of the Yellow Cab Company of Pittsburgh, Inc. t/a Yellow X for experimental transportation network service. I&E lacks sufficient information to either admit or deny the hurdles that Rasier may face in the Commission's approval of its application. However, for the reasons set forth above, it is denied that Rasier's application process is relevant to this proceeding.

11. Denied. I&E lacks sufficient information to either admit or deny the averments set forth in this Paragraph and, therefore, they are denied. However, for the reasons set forth above, Rasier's application process is irrelevant to this proceeding.

12. Denied. By way of further answer, Rasier's application is separate and apart from the instant enforcement proceeding against Uber. Uber is openly and notoriously violating the Public Utility Code, 66 Pa. C.S. §§ 1101 and 2505, by brokering

transportation without a license using non-certificated motor carriers as drivers. Uber has never, at any point, applied for a license or Certificate of Public Convenience to operate lawfully as a broker or common carrier in Pennsylvania. Therefore, it is in the public interest for the instant proceeding to move forward expeditiously for the reasons set forth in I&E's *Petition for an Interim Emergency Order*, which has been docketed at P-2014-2426846. Moreover, to grant this stay would be tantamount to ignoring past and present illegal practices in anticipation of a separate, future proceeding. This result would allow any individual or company to provide unlicensed transportation or brokerage services without any consequences so long as they file, or a subsidiary files, an application, regardless of whether the application is approved and is merely pending.

13. Denied. While Uber states that it has demonstrated a willingness to work with the Commission, in fact, Uber has demonstrated a lack of willingness to comply with the law. I&E submits that if Uber wants to demonstrate a willingness to work with the Commission, it will cease and desist violating the Public Utility Code immediately instead of attempting, through this motion, to stall this proceeding, which has nothing to do with an application filed by one of its subsidiary corporations.

WHEREFORE, for the foregoing reasons, the Bureau of Investigation and Enforcement respectfully requests that Your Honors deny Uber Technologies, Inc.'s Motion for Stay and proceed immediately to adjudicate this matter irrespective of any other proceeding currently before the Commission.

Respectfully submitted,



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Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Date: June 20, 2014

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 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Email:

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Dated: June 20, 2014