



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

June 25, 2014

**Via E-Filing**

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

Re: Petition of the Bureau of Investigation and Enforcement of the  
Pennsylvania Public Utility Commission for an Interim Emergency  
Order requiring Uber Technologies, Inc. to immediately cease and  
desist from brokering transportation service for compensation  
between points within the Commonwealth of Pennsylvania  
Docket No. P-2014-2426846

Dear Secretary Chiavetta:

Enclosed please find the Bureau of Investigation and Enforcement's **Prehearing Memorandum** in the above-referenced proceeding.

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

Sincerely,

A handwritten signature in black ink, appearing to read "M. Swindler".

Michael L. Swindler  
PA Attorney ID No. 43319

Stephanie M. Wimer  
PA Attorney ID No. 207522

Prosecutors  
Bureau of Investigation and Enforcement

Enclosures

cc: ALJ Mary D. Long (*via e-mail only*)  
ALJ Jeffrey A. Watson (*via e-mail only*)  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission for an Interim Emergency Order requiring Uber Technologies, Inc. to immediately cease and desist from brokering transportation service for compensation between points within the Commonwealth of Pennsylvania. :  
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**PREHEARING MEMORANDUM OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION,  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

Pursuant to the Prehearing Order of Administrative Law Judges Mary D. Long and Jeffrey A. Watson dated June 18, 2014 in the above-referenced matter, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) hereby submits the following information:

I&E anticipates calling one witness for direct testimony:

Charles S. Bowser  
Western Regional Manager  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Motor Carrier Enforcement Division  
245 William Pitt Way  
Pittsburgh, PA 15238  
(412) 423-9310  
[chabowser@pa.gov](mailto:chabowser@pa.gov)

Officer Bowser, an I&E Motor Carrier Enforcement Officer Supervisor, is expected to testify that Uber Technologies, Inc. (“Uber”) operates as a broker of transportation for compensation between points within the Commonwealth without

authority from the Commission. It is expected that Officer Bowser will testify that the drivers who respond to ride requests submitted by passengers using the “Uber app” are not certificated by the Commission to operate as motor carriers. It is also expected that Officer Bowser will testify about the inspection process that motor carrier enforcement officers conduct on certificated motor carriers and transportation network companies, in order to ensure that the Commission’s regulations pertaining to insurance, 52 Pa. Code §§ 32.2 and 32.11, driver safety, 52 Pa. Code §§ 29.501-08, and vehicle safety, 52 Pa. Code §§ 29.401-407, are being met. Further, it is expected that Officer Bowser will testify that all of the enforcement actions taken by the Motor Carrier Enforcement Division are intended to protect the public. As a result of the uncertificated and unlicensed operations of Uber, public safety is compromised and Uber’s operations should immediately cease until they are approved by the Commission.

I&E anticipates that its direct examination of Officer Bowser will take no more than one (1) hour.

I&E reserves the right to call one additional witness:

Cynthia Hawthorne  
Enforcement Officer Supervisor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Motor Carrier Enforcement Division  
245 William Pitt Way  
Pittsburgh, PA 15238  
(412) 423-9310  
[chawthorne@pa.gov](mailto:chawthorne@pa.gov)

If necessary, Officer Hawthorne is expected to testify about enforcement of the

above-referenced regulations pertaining to motor carrier safety and insurance.

I&E anticipates that its direct examination of Officer Hawthorne, should she be called to testify, will take no more than twenty (20) minutes.

Respectfully submitted,



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Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: 717-787-5000

Date: June 25, 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:

Karen O. Moury, Esq.  
Buchanan, Ingersoll and Rooney, P.C.  
409 North Second Street  
Suite 500  
Harrisburg, PA 17101-1357  
karen.moury@bipc.com



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Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Date: June 25, 2014