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July 8, 2014

**VIA E-FILING**

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement  
v. Uber Technologies, Inc.  
Docket No. P-2014-2426846

Dear Secretary Chiavetta:

On behalf of Uber Technologies, Inc., I have enclosed for electronic filing the Brief of Uber Technologies, Inc. Opposing Petition for Emergency Relief 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: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY</b>	:	
<b>COMMISSION, BUREAU OF</b>	:	
<b>INVESTIGATION AND ENFORCEMENT</b>	:	
<b>Petitioner</b>	:	
	:	<b>Docket No. P-2014-2426846</b>
<b>v.</b>	:	
	:	
<b>UBER TECHNOLOGIES, INC.,</b>	:	
<b>Respondent</b>	:	

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**BRIEF ON BEHALF OF  
UBER TECHNOLOGIES, INC.  
OPPOSING PETITION FOR EMERGENCY RELIEF**

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**Dated: July 8, 2014**

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## **I. INTRODUCTION**

It is beyond dispute that ridesharing network services fill significant gaps in the transportation infrastructure in Allegheny County. The stories shared by riders demonstrate that Allegheny County needs ridesharing network services to connect riders with safe, reliable, and affordable transportation:<sup>1</sup>

*Sally G., Pittsburgh - 15201*

I have used Uber at least twice a week since it started in Pittsburgh. In February and March Uber drove me to and from the hospital safely so I could spend time with a close relative before they passed away. I would not have been able to take a bus or reliable cab in Pittsburgh to see my relative at the hospital. I cannot thank Uber enough for their wonderful service.

*Michael P., Pittsburgh – 15213*

I use the service every day to get to work and on weekends to get to parts of town that are otherwise a nightmare. Pittsburgh's cab infrastructure is a joke and the buses run on some arbitrary non-schedule, and the t lines are very limited and are completely, unsafely packed during peak times. Uber and lyft were godsend to this city. Not only day to day but absolutely I've called upon Uber to help my friends and myself out of otherwise potentially dangerous situations, late at night and very early morning. Uber provides a valuable and much needed service to the people of this city. I really hope this can be resolved and the service can continue, as much for the folks that need it as well as for the jobs and much needed income it has provided for the drivers.

*Alex M., Pittsburgh – 15222*

I have very poor vision (legally blind) and use Uber to help get around Pittsburgh quickly and efficiently. What used to take me hours by bus or cab now no never takes over 15 minutes. Having Uber around is crucial to helping me do my job and live my life more easily. Please reconsider the cease and desist order.

The Bureau of Investigation and Enforcement (“I&E”) simply ignores the demonstrated need for ridesharing network services. Instead, I&E has overstepped its authority by

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<sup>1</sup> These and other testimonials and supporting statements have been provided as part of a verified Application for Emergency Temporary Authority filed by Rasier-PA LLC, a wholly owned subsidiary of Uber Technologies, Inc, with the Commission on July 2, 2014 at Docket No. A-2014-2429993.

manipulating the administrative proceedings and filing a Petition for Interim Emergency Relief (“Emergency Petition”) seeking to shut down ridesharing network services before any legal determinations have been made. If granted, I&E’s Emergency Petition will have the effect of stopping average people in Allegheny County from seeing dying relatives, getting to work, and getting home safely at night. The Emergency Petition should therefore be denied in its entirety.

## **II. SUMMARY OF ARGUMENT**

The issue in this emergency proceeding is whether the Commission should take the unprecedented step of ordering a software company to stop licensing its software product – an internet and mobile application (“App”) - that enables riders to connect with drivers for reliable and affordable transportation, in a compressed and expedited proceeding without a full review of facts and applicable law and without any prior determination of the Commission’s jurisdiction over these activities or any determination as to whether any of UTI’s activities violate Section 2505 the Public Utility Code (“Code”), 66 Pa.C.S. § 2505.

Uber Technologies, Inc. (“UTI”) urges the Commission to reject I&E’s invitation, through the filing of an Emergency Petition to circumvent the normal due process that is afforded a respondent in a complaint proceeding to effectively defend the allegations. Instead, the Commission should allow the factual and legal allegations of the underlying complaint to be fully adjudicated on their merits before entertaining any requests for injunctive relief. A rejection of the Emergency Petition is especially warranted since the record is devoid of any evidence of public safety issues, and in light of UTI’s efforts, through wholly owned subsidiaries, to obtain a statewide brokerage license from the Commission and to apply for Commission authority to operate experimental ridesharing network services in Allegheny County and other parts of the Commonwealth. Importantly, I&E has not demonstrated that the licensing

of the App by UTI poses any threat, let alone a substantial threat, to public safety. Nothing about this situation presents a clear and present danger to life or property.

I&E has failed to meet the other standards required of a petitioner seeking interim emergency relief. Specifically, I&E has not demonstrated that its right to relief is clear. On the contrary, the UTI App is a game-changing technology, the use of which has challenged traditional notions of Pennsylvania's regulation of motor carriers. Whether UTI's licensing of its App to carriers who arrange ridesharing services is an activity that falls within the Code's definition of broker is far from clear. UTI licenses its App to Gegen, LLC, a wholly owned subsidiary of UTI, which holds a statewide brokerage license to arrange for the transportation of persons between points in Pennsylvania. Merely because consumers access the drivers through UTI's App, in much the way they book flights and make hotel reservations through Expedia, does not mean that UTI is acting as a broker of transportation.

Additionally, I&E has failed to establish a need for immediate relief. The mere initiation of enforcement proceedings by I&E to stop activities that it perceives as illegal, and the continuation by UTI of licensing its App for use in ridesharing services, does not render I&E's need for relief immediate. As any other entity whose activities have been called into question regarding whether Commission approval is needed, UTI is entitled to full due process that enables it to effectively defend the factual and legal allegations of the complaint. Particularly in the absence of any urgent public safety issues, I&E's Emergency Petition provides no justification for circumventing the normal procedures that are followed to consider whether any violations of the Code have occurred or any particular activities should be terminated.

I&E has also failed to demonstrate that irreparable harm will occur if interim emergency relief is not granted. Specifically, I&E presented no evidence of any unsafe vehicles or unsafe practices by drivers, instead relying on scare tactics about what could happen if the vehicles and

drivers involved in ridesharing services are not inspected and monitored by the Commission. In fact, I&E's witness testified that he observed no instances of unsafe vehicles or unsafe driving practices during his rides accessed through UTI's App. He further acknowledged that all vehicles in Pennsylvania, including personal vehicles and vehicles used in certificated common carrier service, are subject to the same annual inspection requirements.

Finally, I&E has failed to show that the requested relief is not injurious to the public interest. On the contrary, ordering a software company to stop licensing an App that allows riders to connect with drivers for affordable ridesharing services, which are relied upon and valued by consumers in the Pittsburgh area, particularly in the context of an expedited and compressed proceeding where substantive issues have not been resolved, is injurious to the public interest. This is especially true given the dire need for these services in Pittsburgh.

### **III. BACKGROUND AND PROCEDURAL HISTORY**

On April 22, 2014, I&E filed non-traffic citations before Magisterial District Judge Eugene Ricciardi ("DJ") alleging that eleven drivers associated with UTI operated as a motor carrier without possessing a certificate of public convenience. Those non-traffic citations are still pending before the DJ, and no determination has been made as to whether any violation of Code Section 3310, 66 Pa.C.S. § 3310, has occurred.

On June 5, 2014, I&E filed a Complaint with the Commission alleging that UTI is engaged in the unlawful brokering of transportation services due to the licensing of its internet and mobile software that allows passengers to connect with drivers, or independent ridesharing operators. UTI filed an Answer on June 26, 2014 denying that it is engaged in the unlawful brokering of transportation services and denying that drivers register with UTI or are otherwise affiliated with UTI. The Complaint is still pending before the Commission, and no

determination has been made as to whether any violation of Code Section 2205, 66 Pa.C.S. § 2205, has occurred.

Also on June 5, 2014, I&E filed Complaints with the Commission against the same eleven drivers whose non-traffic citations are pending before the DJ. The drivers filed Answers on July 3, 2014. Those Complaints are still pending before the Commission, and no determination has been made as to whether any violation of Code Section 1101, 66 Pa.C.S. § 1101, has occurred.

With these various enforcement proceedings pending and no adjudications having been issued, I&E filed an Emergency Petition on June 16, 2014, seeking the issuance of an interim emergency order by the Commission directing UTI “to immediately cease and desist from using its digital platform to facilitate transportation for compensation to passengers using non-certificated drivers in their personal vehicles.” Emergency Petition, Prayer for Relief. This emergency request for the issuance of a cease and desist order was made before any determinations have been made about the Commission’s jurisdiction over UTI’s operations and is an attempt to circumvent UTI’s due process rights to fully defend the factual and legal allegations in the complaint and to have novel issues addressed as to whether the activities in which UTI is engaged require Commission authority.

UTI filed an Answer opposing the Emergency Petition on June 23, 2014, arguing that I&E’s allegations failed to establish the existence of an emergency or otherwise fulfill the Commission’s legal standards governing interim emergency relief. On a fundamental level, UTI argued that the Emergency Petition should be denied because it is a software company, not a broker of transportation. Specifically, UTI noted that it licenses its App in Pennsylvania to, *inter alia*, a wholly owned subsidiary, Gegen, LLC, who has a statewide brokerage license issued by the Commission on January 24, 2013.

A hearing on the Emergency Petition was held on June 26, 2014. Presiding over the hearing were Administrative Law Judges (“ALJs”) Mary D. Long and Jeffrey A. Watson. Testifying at the hearing was I&E Enforcement Manager Charles Bowser (“Officer Bowser”). On July 1, 2014, the ALJs issued an Order Granting Interim Emergency Relief and Certifying Material Question (“Emergency Order”). The Emergency Order is now before the Commission for review.

Prior to the commencement of these enforcement proceedings by I&E, Rasier-PA, LLC - another wholly owned subsidiary of UTI - filed an application with the Commission on April 14, 2014 requesting approval to provide experimental ridesharing network services between points in Allegheny County. *See Application of Rasier-PA LLC, a Wholly Owned Subsidiary of Uber Technologies, Inc., for a Certificate of Public Convenience to Operate an Experimental Ride-Sharing Network Service*, Docket No. A-2416127 (“Rasier-PA Allegheny County Application”). The Rasier-PA Allegheny County Application is currently mired in an outdated and antiquated process that permits existing providers of transportation service to claim that competition is harmful to their businesses.<sup>2</sup> On July 1, 2014, the ALJs issued an order denying Rasier-PA’s preliminary objections that challenged the standing of existing limousine carriers to protest that application, ignoring the value of competition, customer choice and job creation, as well as a distinction previously recognized by the Commission between experimental ridesharing network services and limousine providers. *See Application of Yellow Cab Company of Pittsburgh, Inc. t/a Yellow X*, Docket No. A-2014-2410269 (Order adopted May 20, 2014).

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<sup>2</sup> The Commission has recently recognized, in the household goods moving industry, the importance of allowing the market to decide whether new businesses are needed and to avoid a lengthy application process that considers the effect of competition on existing carriers. In deferring to the market, the Commission touted the benefits of competition, customer choice and job creation. *Final Rulemaking Order Amending Regulations Applicable to Household Goods in Use Carriers and Property Carriers*, Docket No. L-2013-2376902 (June 19, 2014).

On June 2, 2014, Rasier-PA filed an application with the Commission seeking approval to provide experimental ridesharing network services throughout the Commonwealth of Pennsylvania, excluding designated counties. That application has likewise been protested by multiple existing taxicab and limousine companies who do not want to compete with innovative technology-enabled ridesharing network services.

#### **IV. APPLICABLE LEGAL STANDARDS**

The Commission's regulations governing emergency relief require the existence of an emergency, which is defined as "a situation which presents a clear and present danger to life or property."<sup>3</sup> 52 Pa.Code § 3.1. The Commission has previously found that emergency relief was not warranted when retail electric rates rose to an unexpectedly high level because there was no clear and present danger to life or property. *Petition of Direct Energy Services, LLC for Emergency Order Approving a Retail Aggregation Bidding Program for Customers of Pike County Light & Power Company*, Docket No. P-00062205 (April 20, 2006). By contrast, the Commission has found that the threat of depletion of natural gas in unusually cold conditions presented a clear and present danger to life or property warranting emergency relief in the form of a waiver of tariff charges for over-deliveries. *Petition of National Fuel Gas for Emergency Order Granting a Temporary Waiver of Certain Tariff Rules Related to Transportation Service*, Docket Nos. P-961022 and P-961021 (March 19, 1996) ("*National Fuel Gas*").

To prevail in a petition for interim emergency relief, it is necessary for the petitioner to demonstrate that the right to relief is clear, the need for relief is immediate, the injury would be

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<sup>3</sup> The Commission's regulations provide for two different tracks for the issuance of emergency relief. Ex parte relief is for times when an emergency arises and no formal proceeding exists to address it. Interim relief is for those emergencies that arise during the course of an existing proceeding. By their very nature, both situations require the petitioner to demonstrate the existence of an emergency to justify the issuance of emergency relief. *See Emergency Joint Appeal of Staff Regarding the Petition of the Borough of Camp Hill for Issuance of an Emergency Order*, Docket No. P-2008-2075142, 2008 Pa. PUC LEXIS 1081 (December 23, 2008).

irreparable if relief is not granted and the relief is not injurious to the public interest. 52 Pa. Code § 3.6(b). Interim emergency relief may be granted only when all of the foregoing elements exist. *Glade Park East Home Homeowners Association v. Pa. Public Utility Commission*, 628 A.2d 468, 473 (Pa. Cmwlth. 1993).

## V. ARGUMENT

### A. **No Emergency Exists To Justify Use of Injunctive Relief**

A request for injunctive relief seeking to shut down a software company's operations, in an expedited and compressed proceeding prior to any determinations of a violation of the Code, requires a strong showing of compelling facts and circumstances that are simply not present here. Alleged threats to public safety if vehicles are not inspected and drivers are not monitored by the Commission are merely speculative and do not support a grant of emergency relief. *See Norfolk and Western Railway v. Pa. Public Utility Commission*, 489 Pa. 109, 413 A.2d 1037 (1980). Any concerns that I&E has about the unlawful nature of UTI operations should be fully vetted through the normal course of the underlying complaint proceeding and do not justify the use of emergency relief, which is reserved for situations that involve true emergencies, such as in *National Fuel Gas* where consumers would have been deprived of natural gas during extremely cold weather.

No evidence has been offered to describe any danger to life or property from allowing the status quo to continue during the pendency of the underlying complaint proceeding. I&E has failed to demonstrate how the mere licensing of an App poses any threat, let alone a substantial threat, to public safety. Rather, I&E's allegations about threats to public safety are merely speculative and rely on scare tactics about what could happen if vehicles and drivers involved in ridesharing services are not inspected and monitored by the Commission. Specifically, I&E offered no examples of any UTI operations or ridesharing services that have jeopardized or are

jeopardizing public safety. For instance, no evidence was presented regarding the use of unsafe vehicles or negligent driving practices. In fact, Officer Bowser testified that he saw no such evidence during his eleven rides that he requested through UTI's App. (N.T. at 38-39).

As noted by the ALJs, the purpose of injunctive relief within the context of a pending proceeding has been described as "to maintain things as they are until the rights of the parties can be considered and determined after a full hearing." *Pa. Pub. Util. Comm'n v. Israel*, 52 A.2d 317, 321 (1947). This tool is intended to allow a party to initiate a complaint proceeding alleging violations of the law and then circumvent the normal due process that is afforded to respondents in such proceedings and seek to have the complained of activity immediately enjoined. Under the *Israel* standard, maintaining "things as they are until the rights of the parties can be considered and determined after a full hearing" warrants rejection of the requested interim emergency relief.

#### **B. I&E's Right to Relief Is Not Clear**

I&E has failed to demonstrate that its right to relief is clear. In claiming its right to relief is clear, I&E argues that UTI is engaged in unlawful brokering of transportation services under Code Section 2505, 66 Pa.C.S. § 2505. I&E's assertions and the ALJs' conclusions ignore the fact that no Commission determination has been made about whether the licensing of an App by UTI constitutes the brokering of transportation services under the Code. Further, they fail to recognize the unique services offered by UTI, a software company that has used modern technology to develop an App enabling the riding public to efficiently and economically connect with available drivers. Through accessing the App much like they use Expedia to book flights and reserve hotels, consumers have alternatives to traditionally regulated transportation options.

When the definition of "broker" was included in the Code, the General Assembly could not have envisioned technology-driven options like the App. Therefore, the definition of broker

does not clearly encompass, and could not have clearly encompassed, innovative technology-driven solutions such as that developed by UTI. On the contrary, the App is a game-changing technology, the use of which has challenged traditional notions of Pennsylvania regulation of motor carriers. Rather than debate the applicability of the Code, the filing of the Rasier-PA experimental service applications were intended to address concerns that had been raised as a result of a grey area in Pennsylvania law.

Moreover, a wholly-owned subsidiary of UTI, Gegen LLC, holds a brokerage license issued by the Commission on January 24, 2013 evidencing approval of the right and privilege to operate as a broker to arrange for the transportation of persons between points in Pennsylvania. *Application of Gegen, LLC for a Brokerage License*, Docket No. A-2012-2317300 (January 24, 2013) (“*Gegen Order*”). In the *Gegen Order*, the Commission explained that requests for service would be received via proprietary dispatch software and carriers would be contracted by Gegen to provide service. The application listed UTI as Gegen’s sole member. This brokerage license clearly authorizes the connection of passengers and carriers using UTI’s App.

Officer Bowser testified that he is not aware of and saw no agreements between the drivers and UTI. (N.T. 35). He merely accessed those drivers and paid for those services through the App (N.T. 48), in much the same way as he might have used Expedia to book a flight and to pay for it. In its Answer to the I&E Complaint, UTI specifically denied that the drivers register with UTI or are otherwise affiliated with UTI. These arguments raise sufficient doubt about I&E’s right to relief to render it far less than clear.

### **C. I&E Has Demonstrated No Need for Immediate Relief**

I&E has not demonstrated that its need for relief is immediate. The ALJs’ finding of need for immediate relief is based upon evidence that UTI has not stopped licensing its App since the Complaint was filed on June 5, 2014. However, UTI had no obligation to alter its

operations on the basis of the Complaint filed by I&E, which *alleged* violations of the Code. I&E is not the arbiter or final decision-maker as to what activity violates the Code or requires Commission authority to continue.

The fact that I&E initiated multiple enforcement proceedings over a six-week period alleging violations of the Code based on the same set of circumstances does not render its relief immediate. Rather than accept I&E's invitation to address complicated and novel regulatory issues raised by use of the App in a compressed time period and in an expedited fashion that is antithetical to the type of evidentiary record that needs to be developed to consider whether UTI has violated the Code, the Commission should permit the factual and legal issues raised by those pleadings to be addressed through the normal course of the complaint proceedings.

More pressing than the adjudication of the Complaint against a software company licensing an App is Commission disposition of Rasier-PA's Allegheny County Application to provide experimental ridesharing network services. Allowing existing limousine carriers to delay the processing of that application, because they fear the effect on their businesses, is prolonging a proceeding aimed at providing badly-needed innovative technology-based solutions to address the long-standing deficiencies in the Pittsburgh transportation industry. *See* UTI Answer to Emergency Petition at ¶ 24.

**D. I&E Has Not Demonstrated That Irreparable Harm Will Result If Emergency Relief is Not Granted**

I&E has claimed that in the absence of the requested emergency relief, irreparable harm will result because the Commission cannot be certain that its regulations pertaining to driver integrity, vehicle safety and liability insurance are being met. The ALJs concluded that I&E established that the harm would be irreparable if the requested relief is not granted because the Commission cannot currently determine if vehicles used for ridesharing services meet the

Commission's standards. The ALJs specifically found that the "occurrence of a fatal or injurious motor vehicle accident, which could be avoided with appropriate Commission oversight, could be catastrophic." Emergency Order at 14.

At the hearing, I&E offered no examples of departures from specific regulations governing driver integrity, vehicle safety or liability insurance. In fact, Officer Bowser testified that he observed no such departures. (N.T. 35, 38-39). He further acknowledged that good business practices can provide incentives to conduct safe operations. (N.T. 38). Additionally, Officer Bowser testified that certificated carriers are required to follow the same annual inspection requirements as all motor vehicles operated in Pennsylvania, including those used to provide ridesharing services. (N.T. 32). *See* 52 Pa. Code § 29.405.

Officer Bowser testified that if vehicles are not inspected by the Commission, "there could be a large number of vehicles operating on the streets and highways in disrepair and that could result in accidents." (N.T. 33). What *could* happen does not justify the use of a tool that the Commission uses sparingly of granting injunctive relief without a full adjudication of the underlying proceeding. *See Petition of Service Electric Company for Issuance of Interim Emergency Order*, Docket No. P-2013-2349801 (April 3, 2013).

In fact, Commission inspection of vehicles occurs randomly (N.T. 38), and certificated carriers depart from vehicle safety requirements for periods of time before I&E is aware of such departures. (N.T. 40). UTI submits that it is just as likely that the vehicles of certificated carriers are in a state of disrepair and could result in accidents as any other motor vehicles operated in Pennsylvania. Simply stated, the Commission inspection of vehicles does not provide any certainty that its requirements are followed or that accidents will not occur.

As to the monitoring of driver records, these requirements are imposed on the carriers to police themselves, with I&E making an attempt to review those records every one to two years.

(N.T. 36). Despite this Commission oversight, certificated carriers use drivers who do not meet the minimum standards set forth in the regulations and this situation occurs for a period of time before I&E is aware of the departures. (N.T. 40). In short, sporadic reviews of driver records maintained by carriers provide no certainty of compliance or that accidents will not occur.

With respect to liability insurance, certificated carriers likewise depart from the Commission's requirements. (N.T. 35). Further, insurance requirements relate to financial responsibility and have nothing to do with public safety. (N.T. 36). Provided that monetary losses can be compensated by an award of monetary damages, they generally do not support a finding of irreparable harm. *Sameric Corporation v. Gross*, 448 Pa. 497, 295 A.2d 277 (1972).

In its Answer to the Emergency Petition, UTI referred to the commitments made in the Rasier-PA Allegheny County Application regarding complying with and exceeding the Commission's requirements for vehicle safety, driver integrity and liability insurance. These commitments reflect the philosophy of UTI to take all possible measures to keep the public safe and mirror the standards that it imposes on all wholly owned subsidiaries involved in ridesharing network services. As UTI noted, Rasier-PA has committed to exceeding regulatory requirements because good business practices dictate even higher standards to avoid compromising the safety of passengers and pedestrians. For instance, Rasier-PA explained its zero tolerance policy on the use of drugs or alcohol while an operator is providing ridesharing services, noting that a complaint from a passenger will result in the immediate suspension by the company of the driver pending a completion of the company's investigation. Rasier-PA Allegheny County Application at ¶ 19. The Commission's regulations merely prohibit the use of alcohol while operating a vehicle in passenger service. 52 Pa. Code § 29.506.

In short, UTI's wholly owned subsidiaries involved in ridesharing services follow more stringent requirements and act more quickly than regulatory entities can to address any potential

problems. (N.T. 36-37). Certificated carriers violate the Commission's regulations governing vehicle safety, driver integrity and liability insurance, and Commission vehicle inspections and the monitoring of driver records are infrequent and sporadic. Speculation about what could happen if vehicles used in ridesharing services are not inspected by the Commission and records of drivers providing transportation are not reviewed by the Commission does not warrant a grant of emergency relief.

The ALJs also found that a violation of law constitutes irreparable harm *per se*. However, that argument presumes that UTI is violating the Code, a determination that has not been made. In the case cited by the ALJs, *Pa. PUC v. Israel*, 52 A.2d 347 (1947), the Supreme Court based its conclusion on a prior declaration that the conduct was unlawful. No such finding has been made here.

**E. I&E Has Failed to Show that Emergency Relief Will Not Be Injurious to the Public Interest**

I&E argued that the emergency relief was not injurious to the public interest because UTI has “no lawful right to broker transportation for compensation between points within the Commonwealth.” Emergency Petition at ¶ 32. Again, as no determination has been made about whether UTI is violating any provision of the Code, I&E's argument fails.

Moreover, if the Commission grants the requested injunctive relief, it will be taking the unprecedented step of ordering a software company to stop licensing an App, prior to conducting the necessary review of whether any activities violate the Code. Such relief, on balance would be injurious to the public interest and would deprive the public of access to an App that enables riders to connect with drivers in Allegheny County where existing transportation options fail to adequately meet the needs of riders. *See* UTI Answer to Emergency Petition at ¶ 24. Likewise,

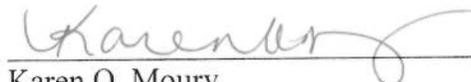
granting the injunctive relief would deprive drivers of the opportunity to start and grow their own small businesses and adversely affect economic growth in Allegheny County.

**VI. CONCLUSION**

WHEREFORE, for the foregoing reasons, Uber Technologies, Inc. respectfully urges the Commission to deny the Petition for an Interim Emergency Order filed by the Bureau of Investigation and Enforcement on the basis that I&E has failed to establish the existence of an emergency and further because I&E has failed to demonstrate that its right to relief is clear, that the need for relief is immediate, that irreparable harm will result if the relief is not granted and that the requested relief is not injurious to the public interest.

Respectfully submitted,

Dated: July 8, 2014

  
\_\_\_\_\_  
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*Attorneys for Uber Technologies, Inc.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF INVESTIGATION AND ENFORCEMENT</b>	:	
	:	
	:	
<b>v.</b>	:	<b>Docket No. P-2014-2426846</b>
	:	
<b>UBER TECHNOLOGIES, INC.</b>	:	

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 E-Mail and First-Class Mail**

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Dated this 8<sup>th</sup> day of July, 2014.

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