

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Lyft, Inc., a corporation of the :
State of Delaware, for the right to begin to :
transport, by motor vehicle, persons in the :
experimental service of Transportation Network : A-2014-2415047
Company for passenger trips between points in :
Pennsylvania :

PREHEARING MEMORANDUM OF BILLTOWN CAB CO., INC. (Billtown)
AND MTR TRANSPORTATION, INC. (MTR), t/d/b/a K-CAB CO.

I. Issues

Applicant bears the burden of proving by reliable, probative and substantial evidence the Commission's evidentiary criteria for motor common carrier applications -- need for the proposed service, Applicant's technical and financial fitness to provide the proposed service, its propensity to operate safely and legally and the lack of impairment of existing carriers' operations. 66 Pa. C.S.A. §332(b); 52 Pa. Code §41.14. Applicant's illegal operations are not evidence of need for the proposed service. Bunting Bristol Transfer, Inc. v. Pennsylvania Public Utility Commission, 418 Pa. 286, 210 A.2d 281 (1965). Its illegal operations demonstrate its lack of fitness. Application of Ray K. Bricker, 64 Pa. PUC 439 (1987).

Discovery and testimony at hearing may suggest additional issues.

II. Brief Statement of Facts

The Application is broadly worded, seeks state-wide authority and proposes no restriction on the proposed transportation. If granted, Applicant may use the proposed service to provide nearly any sort of transportation subject to the Commission's jurisdiction -- including the call or demand, paratransit and airport transportation services of Billtown and MTR, Protestants.

Applicant's proposed service and Protestants' existing services conflict in the Counties of Clinton, Columbia, Luzerne, Lycoming, Montour and Northumberland or portions thereof. These counties are thinly populated and lack the passenger base to support multiple carriers. Protestants have acquired fleet and personnel necessary to serve the public in their respective service areas. Admission of an additional carrier in the area of conflict is contrary to the public interest.

III. Witness List

Billtown's President, Edward A. Bartholomew, will testify about its operations. MTR's President, Mark K. Ryman, will testify about its operations. After notice, Protestants may call additional witnesses as Applicant's discovery responses and direct testimony may require. Protestants reserve the right to present surrebuttal witnesses.

IV. Discovery

On July 1, 2014, Protestants served their First Set of Interrogatories directed to Applicant and a Request for Production of Documents. Those discovery requests are outstanding. Responses are expected imminently. Additional discovery may be required depending upon Applicant's responses.

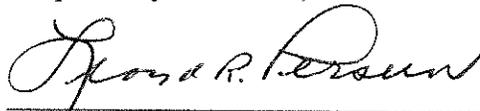
Protestants will attempt wherever possible to handle discovery informally. The Administrative Law Judges should fix a date for the completion of discovery, prior to the commencement of hearing. Protestants suggest August 29, 2014 as a completion date. Protestants request that the response time be reduced from 20 days to 15 days. Protestants request no other modification to discovery rules.

V. Hearing(s)

In light of the more than 50 parties, Protestants believe that the Administrative Law Judges should exercise their discretion in choosing the hearing location. Protestants estimate that their direct cases should take one-half day, depending on the discovery results and the nature of Applicant's direct case. Protestants reserve the right to surrebuttal, assuming Applicant invokes its right to rebuttal. Assuming no discovery disputes, Protestants should be ready for hearing by September 8, 2014.

In the meantime, Applicant and all protestants should be encouraged to attempt to resolve this Application through mediation. 52 Pa. Code §§41.31, 41.32.

Respectfully submitted,



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Attorneys for MTR Transportation, Inc.,
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DATE: July 17, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon each of the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code §§1.54 and 1.59:

VIA EMAIL (prior to 4:30 p.m., prevailing time, Eastern Time Zone (USA))

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VIA FIRST CLASS MAIL

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Honorable Jeffrey A. Watson
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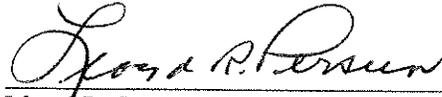
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