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August 4, 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 Rasier-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 Rasier-PA LLC, I have enclosed for electronic filing the Replies of Rasier-PA LLC to the Exceptions of JB Taxi, LLC t/a County Taxi Cab 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**

Application of Rasier-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 :

REPLY EXCEPTIONS OF RASIER-PA LLC TO EXCEPTIONS OF JB TAXI

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Rasier-PA LLC (“Rasier-PA”), by and through its counsel, Karen O. Moury, and Buchanan Ingersoll & Rooney PC, files these Reply Exceptions, pursuant to Section 5.535 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.535, and in connection therewith avers as follows:

I. Introduction

The only issue raised by the Exceptions relates to the standing of JB Taxi LLC t/a County Taxi Cab (“JB Taxi) to protest Rasier-PA’s application for approval to operate an experimental ride-sharing network service between points in Allegheny County. Well-established Commission precedent requires a party to hold motor carrier operating authority that is in actual or potential conflict with the authority sought by the applicant in order to have standing to protest the application. Since JB Taxi does not have any operating authority in Allegheny County and has not identified a direct, substantial and immediate interest in this proceeding, it does not have standing and its protest was properly dismissed.

II. Background

On April 14, 2014, Rasier-PA 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. Notice of Rasier-PA's application was published in the *Pennsylvania Bulletin* on April 26, 2014. Protests were due by May 12, 2014.

On May 12, 2014, JB Taxi filed a timely protest. JB Taxi protested Rasier-PA's application on the basis that its business may be harmed if Rasier-PA serves patrons outside Allegheny County or later expands its services outside of Allegheny County. Rasier-PA filed preliminary objections on June 2, 2014 seeking dismissal of JB Taxi's protest on the ground that it lacks standing to participate pursuant to Section 5.101(a)(7) of the Commission's regulations, 52 Pa. Code § 5.101(a)(7).

By Initial Decision served on July 3, 2014, the Administrative Law Judges ("ALJs") sustained Rasier-PA's objections and dismissed the protest due to the lack of standing. Even applying a broader standard of Pennsylvania jurisprudence to the question of standing than is normally followed in motor carrier application proceedings, the ALJs concluded that JB Taxi had failed to establish any direct, immediate and substantial interest in this proceeding.

JB Taxi filed Exceptions on July 23, 2014 arguing that it has the requisite standing to participate in Rasier-PA's application proceeding. Rasier-PA files these Reply Exceptions urging the Commission to adopt the ALJs' Initial Decision sustaining its preliminary objections and dismissing JB Taxi's protest.

III. Replies to Exceptions

A. Reply to JB Taxi Exception No. 1: The Initial Decision properly determined that JB Taxi failed to demonstrate an interest which is “direct, immediate and substantial.”

Noting that JB Taxi made general allegations that drivers contracted by Rasier-PA may serve patrons outside Allegheny County, the ALJs correctly found that these averments are not sufficient to find that JB Taxi has an interest which is “direct, immediate and substantial.” I.D. at 6. JB Taxi holds operating authority in Beaver, Lawrence, Mercer and Crawford Counties and holds no operating authority in Allegheny County. Therefore, it has no direct, immediate and substantial interest in this proceeding.

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 Germantown Cab Company*, Docket No. A-2012-2295131 (Initial Decision served August 23, 2012) (and the cases cited therein) (“*Germantown*”). Consistent with that long line of cases, as JB Taxi does not have operating authority that is in actual or potential conflict with the authority sought by Rasier-PA, it does not have standing to file this protest.

Even when a broader standard of Pennsylvania jurisprudence is applied to the question of standing than is normally followed in motor carrier application proceedings, JB Taxi has failed to meet the required criteria. Under well-settled law, a party must have a 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).

JB Taxi seeks to base its standing on the possibility that in the future, Rasier-PA may provide service outside Allegheny County, which is merely speculative and not grounded in any facts. It cites to nothing in support of its claim that Rasier-PA may later serve patrons in Beaver, Lawrence, Mercer or Crawford Counties. To the contrary, Rasier-PA has filed another application seeking authority to provide ride-sharing network services in other parts of Pennsylvania but has expressly excluded these counties served by JB Taxi from that application. *See Application of Rasier-PA LLC*, Docket No. A-2014-2424608. JB Taxi has simply failed to explain how approval of Rasier-PA's Allegheny County application has any bearing on its existing business operations.

The standing rules are designed to appropriately limit the issues raised in motor carrier applications and promote judicial economy. To allow the JB Taxi's protest or intervention on the basis of a concern that Rasier-PA may later seek to expand its service into counties in which JB Taxi operates runs directly contrary to those principles. Moreover, the Commission has already addressed the substantive issues raised by JB Taxi regarding the nature and correct classification of Rasier-PA's proposed experimental services within the Commission's regulatory scheme. *See Application of Yellow Cab Company of Pittsburgh, Inc. t/a Yellow X*, Docket No. 2014-2410269 (May 22, 2014).

For the reasons stated above, the Commission should deny the Insurance Federation's Exception No. 1.

B. Reply to JB Taxi Exception No. 2: The Initial Decision correctly concluded that the JB Taxi has not set forth sufficient facts to support its standing to protest the Rasier-PA application.

The ALJs properly found that JB Taxi failed to offer facts sufficient to support standing for its protest. I.D. at 6. As a motor carrier that has no operating authority in Allegheny County, JB Taxi offered no facts in support of standing. Conjecture about Rasier-PA's future plans is irrelevant to this proceeding. In fact, Rasier-PA has filed a separate application for broader authority in which it excluded the counties in which JB Taxi operates. For these reasons, the Commission should deny JB Taxi's Exception No. 2.

C. Reply to JB Taxi Exception No. 3: The Initial Decision's dismissal of the JB Taxi's protest without a hearing was "just, reasonable and in the public interest" and should be adopted by the Commission without modification.

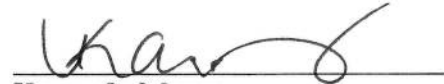
The ALJs properly recognized that the public interest would be best served by dismissing JB Taxi's protest. Subjecting motor carrier applications to protest by an entity that has no operating authority in actual or potential conflict with the proposed service runs contrary to longstanding Commission policies and the public interest. *See Germantown, supra*. Given that JB Taxi has made no factual allegations that may be affected by a decision on the current application, it has failed to establish that the public interest would be served by allowing its protest to be heard. For these reasons, the Commission should deny JB Taxi's Exception No. 3.

IV. Conclusion

WHEREFORE, for the foregoing reasons, Rasier-PA LLC respectfully requests that the Commission deny the Exceptions of the JB Taxi LLC t/a County Taxi Cab and adopt the Initial Decision issued by Administrative Law Judges Mary D. Long and Jeffrey A. Watson.

Respectfully submitted,

Dated: August 4, 2014



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Attorneys for Rasier-PA LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Rasier-PA, LLC, a limited liability company : A-2014-2416127
of the State of Delaware, for the right to begin to transport, :
by motor vehicle persons in the experimental service :
of shared-ride network for passenger trips between points in :
Allegheny County :

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/or First-Class Mail

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Dated this 4th day of August, 2014.



Karen O. Moury, Esq.