



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

IN REPLY PLEASE
REFER TO OUR FILE

October 2, 2014

Via E-Filing

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

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Motion for Continuance of the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission in the above-captioned matter. Please be advised that I&E has contacted counsel for Uber Technologies, Inc. (Uber) and Uber has no objection to I&E's request for continuance.

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

Sincerely,

A handwritten signature in blue ink that reads "Stephanie M. Wimer".

Stephanie M. Wimer
Prosecutor

Enclosure

cc: Honorable Mary D. Long
Honorable Jeffrey A. Watson
As per certificate of service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :	:	
Bureau of Investigation and Enforcement :	:	
	:	
v.	:	C-2014-2422723
	:	
Uber Technologies, Inc.	:	

MOTION FOR CONTINUANCE

AND NOW comes the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement (“I&E”), Complainant in the above-captioned matter, by its counsel, and files this Motion for Continuance of the Initial Hearing in accordance with Section 1.15(b) of the Commission’s regulations, 52 Pa. Code § 1.15(b). In support thereof, I&E states as follows:

1. On June 5, 2014, I&E filed a Formal Complaint (“Complaint”) against Uber Technologies, Inc. (“Uber” or “Respondent”) alleging, *inter alia*, that Uber acts as a broker of transportation for compensation between points within the Commonwealth through its internet and mobile application software (“the Uber app”), which connects passengers to individuals who have registered with Uber as independent ride-sharing operators (“Uber driver”).
2. I&E’s Complaint seeks a civil penalty in the amount of \$95,000, and an additional \$1,000 per day for each day that Uber continued to operate without authority after the date of filing of the I&E Complaint.

3. On June 26, 2014, Respondent answered the Complaint and denied the allegations set forth therein.

4. By hearing notice dated July 29, 2014, an Initial Hearing is scheduled in this matter for Thursday, October 23, 2014 at 10:00 AM.

5. During the pendency of the above-captioned Complaint proceeding, I&E sought and obtained injunctive relief against Respondent. On June 16, 2014, I&E filed a Petition for Interim Emergency Relief seeking an order from the Commission directing Uber to immediately cease and desist from operating its passenger transportation service until it receives the requisite authority to do so.¹ After a hearing on June 26, 2014, the presiding Administrative Law Judges (“ALJs”) granted I&E’s interim emergency relief and directed Uber to immediately cease and desist from utilizing its digital platform to facilitate transportation to passengers using non-certificated drivers in their personal vehicles until Uber secures appropriate authority from the Commission. *Id.*

6. The ALJs’ Order granting interim emergency relief was entered on July 1, 2014. The Order also certified as a material question to the Commission the issue of granting or denying I&E’s requested relief by an interim emergency order.

7. By Order entered on July 24, 2014, the Commission determined that I&E met the requirements for obtaining interim emergency relief. *Id.* The Commission directed Uber to immediately cease and desist from facilitating transportation through its digital

¹ *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.

platform until it secures appropriate authority from the Commission or I&E's Complaint is dismissed by a final and unappealable order.

8. Also on July 24, 2014, Commissioner James H. Cawley issued a Combined Statement in the Petition for Interim Emergency Relief proceeding at Docket No. P-2014-2426846, which also applied to I&E's Complaint proceeding. Commissioner Cawley stated as follows:

In order to aid in the formulation of a final order in these proceedings, I will request by subsequent Secretarial Letter that Uber . . . provide the number of transactions/rides provided to passengers in Pennsylvania via the connections made to drivers through Internet, mobile application, or digital software during the following periods:

- a. From the initiation of such service in Pennsylvania to the date on which complaints were first filed by the Commission's Bureau of Investigation and Enforcement against Uber . . . drivers.
- b. From the date that the same complaints were filed to the date on which a cease and desist order was entered against Uber
- c. From the date of entry of the cease and desist order to the date on which the record in these proceedings are closed.

9. On July 28, 2014, a Secretarial Letter was issued that incorporated Commissioner Cawley's Combined Statement.

10. Consistent with the direction set forth in the Secretarial Letter, on August 8, 2014, I&E propounded Interrogatories and Requests for Production of Documents – Set I upon Uber in this proceeding. I&E's Interrogatories largely mirrored the information that was requested in the Secretarial Letter in that it asked Uber to identify the number of trips provided using its digital software between certain points in time in which Uber lacked authority to facilitate or provide passenger transportation service for compensation.

11. I&E's Interrogatories and Requests for Production of Documents – Set I also requested that Uber identify the name of the affiliate or entity responsible for providing rides to persons between points within the Commonwealth of Pennsylvania via connections made with drivers through Uber's digital software, if such transportation was not provided by Uber Technologies, Inc.

12. On August 18, 2014, Uber filed Objections to I&E's Interrogatories and Requests for Production of Documents – Set I. Uber objected to the entirety of I&E's Interrogatories and document requests.

13. On August 28, 2014, I&E filed a Motion to Compel requesting that the presiding ALJs dismiss the objections to discovery by Uber and direct Uber to provide the information sought in I&E's Interrogatories and Requests for Production of Documents – Set I. I&E amended its Motion to Compel on August 29, 2014 to reflect that I&E unsuccessfully attempted to resolve the discovery dispute with counsel for Uber prior to seeking judicial resolution of the dispute.

14. On September 3, 2014, Uber filed an Answer to I&E's Motion to Compel.

15. As of this date, there has been no ruling on I&E's Motion to Compel.

16. As previously mentioned, an Initial Hearing is scheduled for October 23, 2014 in this proceeding.

17. I&E anticipated a ruling on its Motion to Compel by September 15, 2014. Given that, to date, the discovery dispute remains unresolved with only three weeks remaining before the scheduled hearing, I&E seeks to continue the Initial Hearing.

18. I&E would require sufficient time to review any information provided pursuant to I&E's Interrogatories and Requests for Production of Documents – Set I and to determine the next steps, which may include settlement discussions with Respondent.

19. Counsel for Uber consents to I&E's request for continuance.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the above captioned-matter be continued.

Respectfully Submitted,



Stephanie M. Wimer
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PA Attorney ID No. 207522

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Dated: October 2, 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 Electronic Mail:

Karen O. Moury, Esq.
Buchanan Ingersoll & Rooney, P.C.
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Suite 500
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Stephanie M. Wimer
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PA Attorney ID No. 207522

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Dated: October 2, 2014