



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

January 9, 2015

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., *et al.*
Docket No. C-2014-2422723

Dear Secretary Chiavetta:

Enclosed for filing is the original copy of the Amended Complaint of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement (I&E) in the above-captioned matter. I&E's Amended Complaint updates the parties named as Respondents as well as updates and quantifies the violations alleged and recalculates the appropriate civil penalty as the relief requested.

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

Should you have any questions, please contact me at (717) 783-6369.

Sincerely,

Michael L. Swindler
Prosecutor

Stephanie M. Wimer
Prosecutor

Enclosures

cc: Honorable Mary D. Long
Honorable Jeffrey A. Watson
As per Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Pennsylvania Public Utility :
Commission, Bureau of :
Investigation and Enforcement :
:
v. :
:
Uber Technologies, Inc., *et al.* :

Docket No. C-2014-2422723

**AMENDED COMPLAINT
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

NOW COMES the Pennsylvania Public Utility Commission (Commission), Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and Sections 5.21 and 5.91 of the Commission’s regulations, 52 Pa. Code §§ 5.21 and 5.91, and files this Amended Formal Complaint against Uber Technologies, Inc. (Uber), Rasier LLC, Gegen LLC and Rasier-PA LLC, Respondents herein, (collectively referred to as Uber, *et al.*) alleging violations of the Public Utility Code and Commission regulations, as set forth herein. The purpose of I&E’s Amended Complaint is to identify as the proper Respondents to this proceeding several related corporate entities allegedly responsible for or directly or indirectly involved in facilitating and/or providing unauthorized passenger motor carrier service within the Commonwealth of Pennsylvania. In addition, the Amended Complaint

updates and quantifies the violations alleged by I&E by removing the “per day” violation component and replacing it with a “per ride” violation component and recalculating the appropriate civil penalty as the relief requested.¹

As more fully explained herein, I&E’s ability to file a straightforward Amended Complaint that encompasses the full extent of Uber’s unlawful activity has not only been hampered - but has been made utterly impossible - due to Uber’s continued, ongoing and intentional defiance of Commission orders and the orders of the presiding Administrative Law Judges (ALJs) directing Uber to provide information to I&E as properly sought in discovery by I&E for the past six months.² Specifically, I&E has most importantly been obstructed from: (1) securing trip data regarding the unauthorized passenger motor carrier services that occurred in Allegheny County from the time that Uber Technologies, Inc., or an affiliate, initiated service, until the time that Rasier-PA LLC received emergency temporary operating authority from the Commission; and (2) discerning the business relationships of and between the various affiliates under the Uber Technologies, Inc. corporate umbrella and their respective roles in operating passenger transportation service in the Commonwealth.³

In order to offset, to the best of I&E’s ability, the lack of information to which I&E is entitled under the discovery rules of this Commission’s regulations, but to which

¹ This Amended Complaint is intended to replace the original complaint filed at this docket on June 5, 2014.

² Uber’s blatant, ongoing defiance is further described in I&E’s Second Motion for Sanctions against Uber, filed at this docket concurrently with the instant pleading.

³ While Uber has, in a separate proceeding, identified Rasier LLC as the corporate entity responsible for the unauthorized passenger motor carrier services that occurred in Allegheny County, Uber has refused to provide this information in direct response to I&E’s discovery posed to Uber in this matter. *See* Application of Rasier-PA LLC, Docket Nos. A-2014-2416127 and A-2014-2424608.

I&E has been summarily denied by the blatant, unlawful acts of Respondents, and in order to move forward with the preparation of its case against Uber in light of the fast-approaching evidentiary hearing scheduled to be held on February 18, 2015, I&E has been forced to: (1) resort to the use of “proxy data” as set forth in this Amended Complaint; and (2) name all known Uber affiliates in Pennsylvania as Respondents to this proceeding. In lieu of actual trip data, the proxy data will represent the number of trips provided in Allegheny County when Respondents lacked operating authority. The trip data is then utilized to amend the number of violations alleged by I&E by removing the “per day” violation component and replacing it with a “per ride” violation component and recalculating the requested monetary relief (i.e., the civil penalty), accordingly. In support of its Amended Formal Complaint, I&E respectfully represents the following:

I. Commission Jurisdiction and Authority

1. The Pennsylvania Public Utility Commission (Commission), with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities.

Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities,

Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S. § 308.2(a)(11). Complainant’s attorneys are as follows:

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First Deputy Chief Prosecutor
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3. Respondent Uber Technologies, Inc. maintains a principal place of business at 182 Howard Street #8 San Francisco, CA 94105.
4. To the best of I&E's knowledge, Respondent Rasier LLC maintains a principal place of business at 182 Howard Street #8 San Francisco, CA 94105, c/o Uber Technologies, Inc.
5. To the best of I&E's knowledge, Respondent Gegen LLC maintains a principal place of business at 182 Howard Street #8 San Francisco, CA 94105, c/o Uber Technologies, Inc.

6. To the best of I&E's knowledge, Respondent Rasier-PA LLC maintains a principal place of business at 109 South 13th Street Philadelphia, PA 19107.
7. Respondents provide motor carrier service using digital software (the Uber app) to connect passengers with individuals who have registered with Uber as driver operators (Uber drivers) in select cities throughout the United States and globally. The Uber app permits a passenger's mobile phone to locate the nearest available Uber driver, and then alerts the Uber driver of the passenger's ride request.
8. Uber drivers use their personal vehicles to respond to ride requests.
9. Through the Uber app, Respondents offer "on-demand" motor carrier passenger service to the public for compensation.
10. The Commission is obligated to regulate the intrastate transportation of passengers for compensation, including passenger transportation service provided by common carriers by motor vehicle and passenger transportation service sold, furnished or offered by brokers. 66 Pa.C.S. §§ 102, 2501.
11. The Commission has jurisdiction to regulate motor carriers that offer "experimental service" as defined by 52 Pa. Code § 29.352.
12. In recognition that Respondents' services are regulated by the Commission, Rasier-PA LLC, a wholly owned subsidiary of Uber Technologies, Inc., applied for the right to transport by motor vehicle in the experimental service of shared ride network for passenger trips between points in Pennsylvania. *See Applications of Rasier-PA LLC* at Docket Nos. A-2014-2416127 and A-2014-2424608. Rasier-PA LLC also applied for

emergency temporary authority to operate experimental transportation network service between points in Allegheny County at Docket No. A-2014-2429993.

13. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

14. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code or Commission regulations or both. Section 3301 further allows for the imposition of a separate fine for each violation and each day's continuance of such violation(s).

15. Accordingly, pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of Respondents in their provision and/or facilitation of passenger transportation service for compensation in Pennsylvania.

II. Background

16. Prior to August 21, 2014, none of the Respondents possessed any authority from the Commission to operate transportation network service in the Commonwealth of Pennsylvania.

17. Respondents knew or should have known that the transportation network service they offer and provide by connecting passengers with drivers using the Uber app is subject to regulation by the Commission.

18. By letter dated July 6, 2012 from the Commission's Bureau of Technical Utility

Services - Transportation Division, Uber Technologies, Inc. was directed to cease and desist from acting as a broker of transportation without the authority to provide said service. A copy of this letter is attached as Exhibit 1.

19. Despite this warning, on March 13, 2014, the launch of “UberX” was announced on the website of Uber Technologies, Inc. UberX is an “on-demand” motor carrier passenger transportation service that connects passengers with Uber drivers via the Uber app. A link to the announcement follows: <http://blog.uber.com/launchpit>. A copy of this announcement is attached as Exhibit 2.

20. Respondents began offering motor carrier passenger transportation service in Pittsburgh as early as mid-February 2014, even prior to the announced launch on March 13, 2014.

21. Subsequent to the launch of UberX, thousands - and perhaps tens of thousands - of unauthorized trips occurred using the Uber app until August 21, 2014, when Rasier-PA LLC received emergency temporary authority.

22. I&E Motor Carrier Enforcement Manager Charles Bowser (Officer Bowser), who is a duly authorized officer of this Commission, downloaded the Uber app to a mobile phone.

23. Between March 31, 2014 and July 10, 2014, either Officer Bowser or another motor carrier enforcement officer under his supervision used the Uber app to request passenger transportation service in the City of Pittsburgh and in the Greater Pittsburgh Area on sixteen (16) separate occasions. On all sixteen (16) occasions, either Officer Bowser or a motor carrier enforcement officer under his supervision was transported by

Uber drivers using their personal vehicles and a fare for each trip was billed to a credit card:

- (a) On March 31, 2014, at 4:14 PM, from 97 South 19th Street, Pittsburgh, PA to 7-300 West Station Square Drive, Pittsburgh, PA. The fare charged by Uber was \$7.00.
- (b) On April 2, 2014, at 3:31 PM, from 451-467 Liberty Avenue, Pittsburgh, PA to 777 Casino Drive, Pittsburgh, PA. The fare charged by Uber was \$6.00.
- (c) On April 2, 2014, at 4:45 PM, from 433 Market Street, Pittsburgh, PA to 50-98 17th Street, Pittsburgh, PA. The fare charged by Uber was \$6.00.
- (d) On April 3, 2014, at 12:31 PM, from 2600-2698 Railroad Street, Pittsburgh, PA to 451-467 Liberty Avenue, Pittsburgh, PA. The fare charged by Uber was \$8.00.
- (e) On April 14, 2014, at 7:01 PM, from 511 Allegheny Avenue, Pittsburgh, PA to 300 Liberty Avenue, Pittsburgh, PA. The fare charged by Uber was \$5.00.
- (f) On April 14, 2014, at 7:54 PM, from 43475 West Station Square Drive, Pittsburgh, PA to 2140-2198 East Carson Street, Pittsburgh, PA. The fare charged by Uber was \$6.00.
- (g) On April 16, 2014, at 3:08 PM, from 511 Allegheny Avenue, Pittsburgh, PA to 168-198 6th Street, Pittsburgh, PA. The fare charged by Uber was \$7.00.
- (h) On April 16, 2014, at 4:10 PM, from 7-300 Station Square Drive, Pittsburgh, PA to 235-319 Commonwealth Place, Pittsburgh, PA. The fare charged by Uber was \$7.00.
- (i) On April 16, 2014, at 7:41 PM, from 235-319 Commonwealth Place, Pittsburgh, PA to 777 Casino Drive, Pittsburgh, PA. The fare charged by Uber was \$6.00.
- (j) On April 21, 2014, at 7:03 PM, from 300 West Station Square Drive, Pittsburgh, PA to 1505 West Carson Street, Pittsburgh, PA. The fare charged by Uber was \$8.00.

- (k) On April 21, 2014, at 8:22 PM, from 34 Boulevard of the Allies, Pittsburgh, PA to 7-300 West Station Square Drive, Pittsburgh, PA. The fare charged by Uber was \$6.00.
- (l) On June 24, 2014, at 10:45 AM, from 1000 Airport Boulevard, Pittsburgh International Airport, Corapolis, PA to 239 Summit Park Drive, Pittsburgh, PA. The fare charged by Uber was \$15.00.
- (m) On June 24, 2014, at 1:34 PM, from 94 South 18th Street, Pittsburgh, PA to West Station Square Drive, Pittsburgh, PA. The fare charged by Uber was \$7.00.
- (n) On July 10, 2014, at 10:44 PM, from 2705 South Water Street, Pittsburgh, PA to 777 Casino Drive, Pittsburgh, PA. The fare charged by Uber was \$12.00.
- (o) On July 10, 2014, at 11:42 PM, from 120 North Shore Drive, Pittsburgh, PA to 2-36 18th Street, Pittsburgh, PA. The fare charged by Uber was \$8.00.
- (p) On July 10, 2014, at 12:55 PM, from 2-36 18th Street, Pittsburgh, PA to 300 West Station Square Drive, Pittsburgh, PA. The fare charged by Uber was \$10.00.

24. The Uber drivers who responded to the above ride requests and provided transportation did not have proper Commission authority to transport persons for compensation within Pennsylvania.⁴

25. On June 5, 2014, I&E filed a Formal Complaint against Respondent, Uber Technologies, Inc., in the above matter alleging, *inter alia*, that Uber Technologies, Inc. acts as a broker of transportation for compensation between points within the

⁴ I&E initiated enforcement proceedings against the individual Uber drivers who provided Officer Bowser or another Commission motor carrier officer with transportation for compensation. All such matters have since been satisfied and are in the process of being closed.

Commonwealth through the Uber app, which connects passengers to Uber drivers, without appropriate authority from the Commission.

26. In the initial Complaint, I&E sought relief including that a civil penalty in the amount of \$95,000 be assessed against Uber. The complaint also requested that Uber cease offering passenger transportation service until its service conforms to the laws and regulations of the Commonwealth and that such other remedies as may be appropriate be directed, including the addition of a \$1,000 civil penalty for each and every day that Uber continues to operate without authority after the filing of the Complaint.

27. 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.⁵

28. An evidentiary hearing on I&E's Emergency Petition was conducted on June 26, 2014 before the presiding ALJs.

29. By Order entered on July 1, 2014, the 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

⁵ *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.

vehicles until Uber secures appropriate authority from the Commission.⁶

30. 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.

31. By Order entered on July 24, 2014, the Commission determined that I&E met the requirements for obtaining interim emergency relief.⁷ The Commission directed Uber to immediately cease and desist from facilitating transportation through its digital platform until it secures appropriate authority from the Commission or I&E's Complaint is dismissed by a final and unappealable order.

32. 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

⁶ *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 (Order entered July 1, 2014).

⁷ *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 (Order entered July 24, 2014).

- c. From the date of entry of the cease and desist order to the date on which the record in these proceedings are closed.

33. On July 28, 2014, a Secretarial Letter was issued that incorporated Commissioner Cawley's Combined Statement. This Secretarial Letter was also docketed at C-2014-2422723, the docket number of the instant proceeding.

34. In defiance of the July 1, 2014 and July 24, 2014 Orders, Respondents continued to facilitate passenger transportation service through the Uber app. As noted above, either Officer Bowser or a motor carrier enforcement officer under his supervision obtained rides using the Uber app after the initial order directing Respondents to cease and desist became effective on July 1, 2014.

35. Due to the thousands of trips that were facilitated and provided by Respondents while Respondents lacked operating authority, it is impossible for the Motor Carrier Enforcement Division, Western Region, to be cognizant of each unlawful trip that occurred.

36. Respondent Uber Technologies, Inc. was directed to provide to I&E in this proceeding the number of transactions or rides given to passengers in Pennsylvania through connections made with the Uber app from the initiation of such service in Pennsylvania and up until such time that Rasier-PA LLC received emergency temporary operating authority on August 21, 2014. (*See*, the aforementioned Secretarial Letter dated July 28, 2014, the Interim Order on Motion to Compel and Motion for Continuance dated October 3, 2014, and the Interim Order on Motion for Sanctions dated November 26, 2014.)

37. Discovery of Uber trip data is an important element to I&E's prosecution of this complaint.

38. Respondent Uber Technologies, Inc. was also directed to provide to I&E the name of the affiliate that provided the trips if not provided by Respondent Uber Technologies, Inc. (*See*, Interim Order on Motion to Compel and Motion for Continuance dated October 3, 2014, and the Interim Order on Motion for Sanctions dated November 26, 2014.)

39. Respondent Uber has refused to provide any information to I&E and, therefore, has defied the July 28, 2014 Secretarial Letter and the Interim Orders dated October 3, 2014 and November 26, 2014.⁸

40. As a result of Uber's defiant actions, I&E has been deprived of its right to discover information that is not only relevant but essential to the subject matter of this proceeding and, serving in its prosecutor capacity, has therefore been deprived of the ability to adequately prepare its pleadings or to prepare for trial in this case.

41. Given Uber's defiance of court orders and the Commission's Secretarial Letter, I&E is forced to resort to the use of proxy data to represent the number of trips provided by Respondents while Respondents lacked operating authority. This proxy data is intended to encompass the extent of Respondents' unlawful activity and will be used to

⁸ Respondents have refused to serve *any* outstanding discovery responses to I&E *and* have failed to pay the civil penalty of \$500 per day, which is due and payable for each day it fails to answer I&E's discovery until the conclusion of the evidentiary hearing. *See* Interim Order on Motion for Sanctions dated November 26, 2014. Therefore, I&E is separately filing a Second Motion for Sanctions seeking additional, more stringent sanctions for Respondents' continued disobedience.

formulate a suitable revised monetary civil penalty to be assessed against Respondents related to their widespread unlawful activities.

42. I&E's proxy data is derived from information from multiple sources that compares statistical data of Uber to that of Uber's primary competing ride sharing entity. Under the circumstances, as described, *supra*, I&E should be permitted to proceed with the use of proxy data unless and until Respondents provide the actual trip data as requested.

43. I&E avers that, upon comparison of services provided and the financial strengths of Uber and Uber's competitor, Uber has provided *more* rides than the Uber competitor. As such, the use of trip data of Uber's competitor as proxy data for Uber in this proceeding would likely underestimate the actual number of trips provided by Respondents, but a comparison would nevertheless suffice to underscore the egregious conduct of Respondents given Uber's refusal to provided the actual trip data sought by I&E.

44. Due to the confidential nature of the actual trip data provided by Uber's competitor in the separate but similar proceeding, the exact total number of passenger trips provided by Uber's competitor will not be set forth herein. Instead, I&E's proxy data will apply a multiplier to the trip data of the Uber competitor so as not to compromise the confidential nature of the trip data in the separate proceeding by either providing the trip data number or making it mathematically possible to determine the trip

data number.⁹

45. Applying a multiplier to the trip data of Uber's competitor, I&E shall utilize the proxy data of 190,000 trips conducted by Uber for purposes of this proceeding.¹⁰ Although this proxy calculation may not be the most accurate measure, Uber has only itself to blame since it has made a conscious decision to repeatedly ignore this court's rulings and sanctions. If the Respondents question the use of this proxy data, its remedy is simple - provide I&E with the trip data sought by it in discovery and upheld as appropriate by the orders of the presiding ALJs and this Commission.

III. Violations

46. All allegations in paragraphs 1-45 are incorporated as if fully set forth herein.

a.) Respondents brokered and provided for the transportation of persons for compensation in the Commonwealth of Pennsylvania without holding authority to do so in that Respondents launched the Uber app on or before March 13, 2014, and continued to facilitate passenger transportation through its software up to and including August 21, 2014 without Commission approval and blatantly defying the Commission's Order.

This is a violation of 66 Pa. C.S. §§ 1101 and 2505(a) (multiple counts), wherein each unauthorized trip equals one count.

As a result of the allegations of unauthorized service as set forth in the within Amended Complaint, compounded by the egregious misconduct and blatant disregard for Commission authority in overseeing the orderly conduct of this proceeding, I&E requests a civil penalty be assessed against Respondents in the amount of \$100.00 per trip or \$19,000,000.

⁹ As a sanction against Uber for its defiant actions to date and to maintain the confidential integrity of certain information, the trip data number of the Uber competitor will not be entered into the record in this proceeding or communicated to Respondents in any other manner.

¹⁰ As a further sanction against Uber for its defiant actions to date, I&E shall also not be required to disclose the precise multiplier used. In other words, I&E shall not be required to explain how it arrived at its proxy data number of 190,000 trips.

b.) Respondents failed to comply with the direction set forth in the Commission's July 28, 2014 Secretarial Letter, the Commission's regulations pertaining to discovery and the October 3 and November 26, 2014 Interim Orders in this proceeding in that they failed to produce the requested actual trip data to I&E among other data.

This is a violation of 66 Pa.C.S. § 3301(a) and 52 Pa. Code 5.342 (multiple counts) wherein each unanswered discovery response equals one count.

I&E's requested civil penalty for this violation is \$1,000 per day per unanswered discovery request for each and every day since October 3, 2014 and up until such time that Respondents provide such trip data to I&E.¹¹

IV. Requested Relief

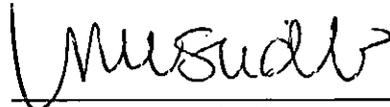
47. I&E proposes that Respondent pay a civil penalty of Nineteen Million Dollars (\$19,000,000) for brokering and providing for the transportation of passengers for compensation without first holding authority from the Commission and blatantly defying the Commission's Orders, and an additional \$1,000 per day per unanswered discovery request for each and every day since October 3, 2014 and up until such time that Respondents provide such trip data to I&E.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find Respondent to be in violation of the Public Utility Code, for the violations set forth herein; (2) impose a civil penalty upon Respondent in the amount of Nineteen Million Dollars (\$19,000,000); (3) impose an additional civil penalty of \$1,000 per day per unanswered discovery request for each and every day since October 3, 2014 and up until such time

¹¹ The requested relief for this violation is consistent with I&E's Second Motion for Sanctions filed at this docket.

that Respondents provide such trip data to I&E; and (4) order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



Michael L. Swindler
Prosecutor
PA Attorney ID No. 43319

Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Wayne T. Scott
First Deputy Chief Prosecutor
PA Attorney ID No. 29133

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Dated: January 9, 2015

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Exhibit #1

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

IN REPLY
PLEASE REFER
TO OUR FILE
2307245

July 6, 2012

UBER INC
800 MARKET ST
7TH FLOOR
SAN FRANCISCO CA 94102

To Whom It May Concern:

Information before this Commission indicates that you have been holding yourself out to broker transportation service for compensation between points in the Commonwealth of Pennsylvania. Since you do not hold a Certificate of Public Convenience issued by this Commission authorizing you to provide such service you have violated the provisions of the Public Utility Code at 66 Pa. C.S. §1101.

You are hereby directed to cease and desist from further violations of the Public Utility Code at 66 Pa. C.S. §1101, et. seq. and the regulations of this Commission, 52 Pa. Code §§1.1, et. seq.

Continued operations, as described above, will subject you to a \$1,000 penalty per violation. Future violations can result in possible criminal prosecution with penalties up to \$10,000 and one year in prison.

If you wish to broker transportation for persons between points in the Commonwealth of Pennsylvania for compensation, you must file an application with the Pennsylvania Public Utility Commission. An application will be sent to you upon request by contacting the Compliance Office at (717) 787-3834.

If you have any questions concerning this matter please do not hesitate to contact the Commission at the above address. Alternative formats of this material are available for persons with disabilities by contacting the Compliance Office at (717) 787-1168.

Sincerely,

Joshua S. Kwiatkowski
Bureau of Technical Utility Services
Transportation Division

pc: Philadelphia District Office/Supervisor Kilrain/2307245

Exhibit #2

UBER.COM (<https://www.uber.com>/log-in)

SIGN UP (<https://www.uber.com/sign-up>)

BLOG HOME (/)

LOCAL BLOGS (/localblogs)



EXPANSION

UBER OFFICIALLY LAUNCHES IN PITTSBURGH

MARCH 13, 2014

POSTED BY ERIC WIMER

(<https://blog.uber.com/launchpit>)

The Steel City reinforces that innovation is still at its very core as uberX – Uber's low-cost option –officially launches today in Pittsburgh

(<http://www.uber.com/cities/pittsburgh>)! uberX delivers the unique combination of reliability and efficiency at prices more than 25% cheaper than a taxi.

In a city where transportation alternatives are few and far between, Uber provides a modern, convenient, cost-effective way to get around town. Now, with the tap of a button, your driver will arrive and whisk you away to your dinner in Lawrenceville, to the Consol Energy Center to cheer on the Pens, or to bring you home from the Southside after a night out on the town. You now have the ability to see and experience The City of Bridges like never before.

HOW MUCH DOES IT COST?

Base - \$2.00 | Per Mile - \$1.25 | Per Minute - \$0.30 | Minimum Fare - \$4.00

SAMPLE FARES

Downtown to Southside - \$6

Southside to Shadyside - \$9

Lawrenceville to Downtown - \$13

New to Uber? Sign up with promo code:

LAUNCHPGH

(<http://uber.com/go/LAUNCHPGH>)

for \$20 off your first ride

WHAT IS RIDESHARING?

In Pittsburgh, uberX includes ridesharing, offering the reliability you've come to expect from Uber at a great low price. Drivers on uberX have mid-range or hybrid vehicles in a variety of colors and styles, with seating for up to four people.

To maintain the Uber standard you expect, all drivers pass Uber's rigorous screening process. In order to be an uberX driver partner in Pittsburgh, drivers must pass:

- A stringent background check

- A driving history check
- An in-person interview and screening
- Ongoing quality controls

As always, your safety and satisfaction remain our highest priority. All Uber rides are backed by the driver's insurance policy as well as our corporate insurance policy, and you will always have the option to rate every driver and contribute to the quality with your feedback.

Pumped that Uber is officially in Pittsburgh? Help us spread the word by hitting us up on Twitter at @Uber_PIT (https://twitter.com/Uber_PIT), or shoot us an email (<mailto:supportpittsburgh@uber.com>).

Uber On,

Uber Pittsburgh Team

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CATEGORIES: [EXPANSION \(HTTPS://BLOG.UBER.COM/FRONTPAGE/EXPANSION/\)](https://blog.uber.com/frontpage/expansion/), [PITTSBURGH](#)

([HTTPS://BLOG.UBER.COM/PITTSBURGH/](https://blog.uber.com/pittsburgh/)), [UBER NEWS \(HTTPS://BLOG.UBER.COM/UBER-NEWS/\)](https://blog.uber.com/uber-news/) / TAGS: [LAUNCH](#)

([HTTPS://BLOG.UBER.COM/TAG/LAUNCH/](https://blog.uber.com/tag/launch/)), [PITTSBURGH \(HTTPS://BLOG.UBER.COM/PITTSBURGH/\)](https://blog.uber.com/pittsburgh/), [RIDESHARING](#)

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility	:	
Commission, Bureau of	:	
Investigation and Enforcement	:	
v.	:	Docket No. C-2014-2422723
	:	
Uber Technologies, Inc., et al.	:	

VERIFICATION

I, Charles S. Bowser, Western Regional Manager of the Motor Carrier Division of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that Complainant will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: January 9, 2015

Charles S. Bowser
Charles S. Bowser,
Western Regional Manager
Public Utility Commission
245 William Pitt Way
Pittsburgh, PA 15238

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GENERAL COUNSEL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility	:	
Commission, Bureau of	:	
Investigation and Enforcement	:	
v.	:	Docket No. C-2014-2422723
	:	
Uber Technologies, Inc., et al.	:	

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original **shall be mailed to:**

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

Or may be sent by overnight delivery to:
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pennsylvania 17105-3265

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SECRETARIAL BUREAU

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order only. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

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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



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) 783-6369

Date: January 9, 2015

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