**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :

Bureau of Investigation and Enforcement :

:

v. :C-2014-2422723

:

Uber Technologies, Inc. :

**INTERIM ORDER**

**ON APPLICATION FOR A SUBPOENA**

On January 9, 2015, the Bureau of Investigation and Enforcement (BIE) filed an application for a subpoena to secure the attendance of Travis Kalanick to testify at the evidentiary hearing scheduled in the above-captioned complaint. BIE avers that Mr. Kalanick is the founder and CEO of Uber Technologies, Inc. Raiser LLC, Gegen, LLC, and Rasier-PA, LLC are wholly owned subsidiaries of Uber Technologies. BIE further states that the testimony of Mr. Kalanick is essential to BIE’s prosecution of the complaint in view of Uber’s continued failure to respond to discovery related to information requested by the Commission by Secretarial Letter dated July 28, 2014, and other matters related to transportation offered by Uber and/or its various affiliates.

Uber filed an objection to the subpoena.[[1]](#footnote-1) The basis of the objection is that Uber has designated Jonathan J. Feldman, the General Manager-Uber Pennsylvania as the individual with knowledge of the matters raised by BIE. Mr. Feldman has an office location in Philadelphia, Pennsylvania. Specifically, Uber states “Mr. Feldman has access to the information that is sought by the Application for Subpoena, including trip data; identification of entities operating in Pennsylvania; the business relationships between [Uber] and these entities; and the date on which the [Uber] mobile application became available for passengers to access ridesharing services in Pennsylvania.” Objection of Uber Technologies, Inc. to Application for Subpoena at Paragraph 5.

Our authority to issue a subpoena to compel the testimony of a witness is derived from Section 309 of the Public Utility Code:

The commission, or its representative, shall have the power, in any part of this Commonwealth, to subpoena witnesses, to administer oaths, to examine witnesses, or to take such testimony, or compel the production of such books, records, papers, and documents as it may deem necessary or proper in, and pertinent to, any proceeding, investigation, or hearing, held by it, and to do all necessary and proper things and acts in the lawful exercise of its powers or the performance of those duties.[[2]](#footnote-2)

This statute clearly provides us with subpoena power “in any part of this Commonwealth.” It does not appear to grant any power beyond the boundaries of Pennsylvania in the context of formal complaint proceedings.[[3]](#footnote-3) This fact, coupled with Uber’s identification of an alternative witness, requires us to deny BIE’s application for a subpoena of Mr. Kalanick.

THEREFORE,

IT IS ORDERED:

1. That the Application for Subpoena of Travis Kalanick to testify at the hearing scheduled in the above-captioned proceeding is DENIED.

2. That the Bureau of Investigation and Enforcement is granted leave to file an application to subpoena Jonathan J. Feldman to testify, should it wish to do so.

3. That any objection to the application for a subpoena of Jonathan J. Feldman shall be filed within **five days** of the application.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mary D. Long Administrative Law Judge

Date: January 23, 2015 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Jeffrey A. Watson Administrative Law Judge

**C-2014-2422723 – PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF INVESTIGATION AND ENFORCEMENT v. UBER TECHNOLOGIES, INC.***Revised 7/30/14*

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1. Uber does not deny that it has failed to answer BIE’s discovery. This fact has been the subject of numerous orders in this case. The reader is directed to those orders for a more detailed description of these circumstances. [↑](#footnote-ref-1)
2. 66 Pa.C.S. § 309. See also 66 Pa.C.S. § 331(d)(2)(authorizing presiding officers to issue subpoena). [↑](#footnote-ref-2)
3. *See Palmerton Telephone Company v. Global NAPs South Inc.*, PUC Docket No. C-2009-2093336 (Initial Decision served August 11, 2009), at p. 40. [↑](#footnote-ref-3)