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March 23, 2015

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

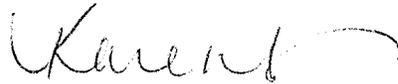
Re: Bureau of Investigation and Enforcement v. Uber Technologies, Inc.
Docket No. C-2014-2422723

Dear Secretary Chiavetta:

On behalf of Uber Technologies, Inc., I have enclosed for electronic filing the Response of Uber Technologies, Inc. to Application for Subpoena, 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/bb
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT	:	
	:	Docket No. C-2014-2422723
v.	:	
	:	
UBER TECHNOLOGIES, INC.	:	

**RESPONSE OF UBER TECHNOLOGIES, INC.
TO APPLICATION FOR SUBPOENA**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Section 5.421(f) of the Commission’s regulations, 52 Pa. Code § 5.421(f), Uber Technologies, Inc. (“UTI”), by and through its counsel, Karen O. Moury and Buchanan Ingersoll & Rooney PC, files this Response to the Application for Subpoena filed by the Commission’s Bureau of Investigation and Enforcement (“I&E”) on March 17, 2015, and in support thereof, avers as follows:

1. Although UTI does not object to the Application for Subpoena (“Application”) and fully intends to produce Mr. Jonathan J. Feldman to appear and testify at the evidentiary hearing scheduled in the above-captioned matter for May 6, 2015 at 9:00 a.m., UTI files this Response for the purposes of: a) refuting specific statements contained in the Application; and b) reserving its right to object to the admission into the evidentiary record of this proceeding certain information sought by and/or produced through discovery.

2. In the Application, I&E contends that UTI has failed to comply with the Commission’s Secretarial Letter issued on July 28, 2014 in this proceeding, which directed the parties to address several questions, including the number of rides provided to passengers in Pennsylvania via connections made with drivers through UTI’s Internet and mobile application

(“App”). Application ¶¶ 6, 23. Notably, however, UTI has not refused to provide the trip data in the complaint proceeding as directed by the July 28, 2014 Secretarial Letter.

3. As UTI explained at the oral argument on the Second Motion for Sanctions on February 18, 2015, the July 28, 2014 Secretarial Letter did not set forth a date certain by when trip data was to be produced. To the contrary, the July 28, 2014 Secretarial Letter sought the trip data to “aid in the formulation of a final Order” and to “create a complete record” in the complaint proceeding. July 28, 2014 Secretarial Letter at Page 1, paragraph 2 and Page 2, paragraph 1. Therefore, by providing the trip data that is the subject of the July 28, 2014 Secretarial Letter at the evidentiary hearing scheduled on May 6, 2015 in this proceeding, UTI will comply with the July 28, 2014 Secretarial Letter.¹

4. I&E’s claims that it has been hampered in its ability to move forward with the complaint proceeding due to UTI’s failure to provide trip data through discovery are without basis. Application, ¶¶ 10, 11. As the number of trips that were arranged via the App during specified periods prior to the Commission’s issuance of emergency temporary authority to Rasier-PA, on August 21, 2014² has no direct bearing on the factual and legal allegations set forth in I&E’s complaint, these arguments are baseless.

5. In the Amended Complaint filed on January 9, 2015, I&E cited specific examples where its enforcement officer manager allegedly arranged rides using the App prior to the grant of emergency temporary authority to Rasier-PA. Presumably, I&E is prepared to offer testimony in support of those factual allegations. To the extent the actual number of trips is relevant to the

¹ UTI further notes that its wholly owned subsidiary, Rasier-PA LLC (“Rasier-PA”), has already furnished the trip data that is the subject of the July 28, 2014 Secretarial Letter on a confidential basis to the Commission in connection with its applications for experimental authority to operate a shared-ride network service for passenger trips between points in Allegheny County and throughout Pennsylvania. *Rasier-PA LLC Applications for Experimental Authority*, Docket No. A-2014-2416127 and A-2014-2424608 (Orders entered on January 29, 2015).

² *Rasier-PA LLC Application for Emergency Temporary Authority*, Docket No. A-2014-2429993 (Order entered on July 24, 2014).

pending complaint proceeding, it is only in the context of determining an appropriate civil penalty if the Commission finds that activities engaged in by UTI or its subsidiaries violated the Public Utility Code, 66 Pa.C.S. §§ 101 et seq. (“Code”). Although UTI will argue that basing a civil penalty in the complaint proceeding on the number of trips would be inconsistent with Code Section 3301, 66 Pa.C.S. § 3301, I&E will be free to argue in its brief for the imposition of a civil penalty that considers the number of trips that were provided regardless of how or when the trip data is produced or introduced into the record of this proceeding.

6. As to the partial discovery responses furnished by UTI on March 6, 2015, I&E claims that “other things” besides the trip data were not provided. Application, ¶13. Notably, however, a significant amount of information was produced to I&E as part of those discovery responses. Specifically, UTI provided the launch date in Allegheny County, along with documentation, and identified Rasier LLC as the entity with whom it had a licensing agreement prior to August 21, 2014 to perform the day-to-day operations in connection with transportation arranged through the App, including signing up drivers, auditing documents, following up with drivers when issues arose and handling consumer complaints. Additionally, UTI provided physical addresses in Pennsylvania of its subsidiaries; identified employees assigned by UTI to conduct Pennsylvania operations; and responded to all of the interrogatories that were intended to determine which entity approves or denies requests of drivers, carries liability insurance, and receives the payment from the passengers. In total, the information furnished by UTI through discovery, which will be supplemented at the evidentiary hearing to include trip data, will produce a complete record upon which the Commission may determine whether any Code violations have occurred and, if so, what the appropriate civil penalty should be.

7. Since some of I&E's discovery seeks information that is not relevant to the complaint proceeding and is not necessary to produce a complete record upon which the Commission may issue a final order, UTI reserves the right to object during the evidentiary hearing to the admission of such information.

WHEREFORE, for the foregoing reasons, Uber Technologies, Inc. respectfully responds to the Application for Subpoena filed by the Bureau of Investigation and Enforcement on March 17, 2015, reserving its right to object to the introduction of information sought by and/or produced through discovery into the evidentiary record of this proceeding.

Respectfully submitted,

Dated: March 23, 2015



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Attorneys for Uber Technologies, Inc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY COMMISSION, BUREAU OF INVESTIGATION AND ENFORCEMENT	:	
	:	
	:	
v.	:	Docket No. C-2014-2422723
	:	
UBER TECHNOLOGIES, INC.	:	

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 Email and First Class Mail

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Dated this 23rd day of March, 2015.



Karen O. Moury, Esq.