

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**Petition of Yellow Cab Company of  
Pittsburgh, Inc., t/a Yellow Z for Waiver  
of Commission Regulation 52 Pa. Code  
§ 29.352**

**Public Meeting held June 30, 2016  
2410269-LAW  
Docket No. A-2014-2410269**

**MOTION OF CHAIRMAN GLADYS M. BROWN**

Before the Commission is a Petition for Waiver of Commission Regulation, 52 Pa. Code § 29.352, filed by Yellow Cab company of Pittsburgh, Inc., t/a Yellow Z (Yellow Cab).<sup>1</sup>

On July 1, 2014, Yellow Cab was issued a certificate of public convenience to operate experimental service. Consistent with 52 Pa. Code § 29.352, the experimental authority would only be “valid until abandoned, until two (2) years from the date of issuance, or until the Commission enacts regulations governing the new class of service, whichever occurs first.”<sup>2</sup> To date, Yellow Cab has not abandoned service nor has the Commission enacted regulations governing the experimental service. The two -year period is set to expire on July 1, 2016.

Upon review of Yellow Cab’s initial application, the Commission agreed that the service proposed by Yellow Cab was the type of new, innovative or experimental transportation service that qualifies as an experimental service under Section 29.352 of our regulations. We found that it is incumbent upon the Commission to ensure that the regulatory structure is not a barrier to desirable changes in the transportation industry advanced by changes in technology. We found that Yellow Cab provided sufficient evidence to establish a public demand or need for the experimental service and that it was fit to provide the service. We attached various conditions to our approval, such as an updated insurance filing, an acceptable tariff filing, periodic data filing, and a detailed description of its driver training program. Yellow Cab has complied with all requirements.

The sole issue before the Commission today is Yellow Cab’s request for waiver of the two -year limitation on the experimental authority. Yellow Cab alleges that: (1) it has provided safe Transportation Network Company (TNC) service and none of its drivers have been involved in any accident involving death or personal injury; (2) it continues to ensure compliance for all facets of the TNC service; and, (3) that both the Legislature and Commission have been working to address issues regarding TNC service and the creation of comprehensive guidelines and requirements for TNC service. Yellow Cab alleges that the “experimental service” it and other TNCs offer have become a primary means of transportation throughout Allegheny County and other parts of Pennsylvania.

I am persuaded that waiving the two-year limitation of experimental authority is appropriate. Yellow Cab has complied with all of the requirements of our Order and its service record indicates safe operations. Pursuant to our regulations at 52 Pa. Code § 5.43(a), we are authorized to waive regulatory requirements when deemed appropriate. Given the momentum

---

<sup>1</sup> The instant Petition is not contested.

<sup>2</sup> *Application of Yellow Cab Company of Pittsburgh, Inc., t/a Yellow X*, A-2014-2410269 (Order Entered May 22, 2014)

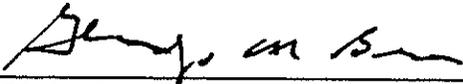
behind TNC legislation in the General Assembly, it would be unnecessarily disruptive to Yellow Cab's business and the convenience of the travelling public to make the company discontinue service right now.

As such, I believe that a waiver of the two-year limitation in 52 Pa. Code § 29.352 is merited so as to permit Yellow Cab to continue operating TNC service for an additional (1) year, until July 1, 2017.

**THEREFORE, I MOVE THAT:**

1. The Petition for Waiver of Yellow Cab Company of Pittsburgh, d/b/a Yellow Z, be granted and Yellow Cab be permitted to continue operating until July 1, 2017.
2. The Law Bureau draft an Opinion and Order consistent with this Motion.

June 30, 2016  
Date

  
\_\_\_\_\_  
Gladys M. Brown, Chairman