

Buchanan Ingersoll & Rooney PC

Karen O. Moury
717 237 4820
karen.moury@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852
www.buchananingersoll.com

July 15, 2016

VIA HAND DELIVERY

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

Re: Rasier-PA LLC – **Confidential** Petition for Emergency Order
No. P-2016- _____

Dear Secretary Chiavetta:

On behalf of Rasier-PA, LLC (“Rasier-PA”), enclosed for filing is a **Confidential** Petition for Emergency Order. Rasier-PA is requesting the issuance of an Emergency Order **on or before July 21, 2016**, temporarily waiving the Commission’s regulations at 52 Pa. Code § 29.314(c) to permit Rasier-PA to offer transportation network company services in Bucks, Chester, Delaware and Montgomery Counties in vehicles that are older than ten model years but not older than fifteen model years. Rasier-PA is not requesting confidential treatment of this Petition or its contents at such time as the Commission would rule upon it.

A transportation emergency currently exists in Philadelphia and the Philadelphia Suburbs due to the Regional Rail crisis arising from the removal by the Southeastern Pennsylvania Transportation Authority of one-third of its regional rail fleet from circulation for emergency inspection and repairs. The current crisis will be further exacerbated by the estimated 50,000 visitors who are expected to visit Philadelphia for the 2016 Democratic National Convention, with substantial visitor arrivals expected to commence beginning Friday, July 22, 2016. Permitting Rasier-PA to contract with drivers operating vehicles that are older than ten model years but no older than fifteen model years will significantly alleviate the transportation emergency that currently exists in the suburban counties surrounding Philadelphia.

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July 15, 2016

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Copies of this Petition have been served on the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission's Bureau of Investigation and Enforcement, in compliance with 52 Pa. Code § 5.41 and as indicated in the attached Certificate of Service. Additional courtesy copies have been provided to the Commissioners' offices and other key Commission staff as noted below.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karen", followed by a long, sweeping horizontal flourish.

Karen O. Moury

KOM/bb
Enclosure

cc: Gladys M. Brown, Chairman
Andrew G. Place, Vice Chairman
John F. Coleman, Jr., Commissioner
Robert F. Powelson, Commissioner
David W. Sweet, Commissioner
Jan Freeman, Executive Director
Mary Beth Osborne, Director of Regulatory Affairs
Bohdan P. Pankiw, Chief Counsel

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Confidential Petition of Rasier-PA LLC : Docket No. P-2016-
For Issuance of Emergency Order :

CONFIDENTIAL PETITION FOR ISSUANCE OF EMERGENCY ORDER

Rasier-PA LLC ("Rasier-PA"), by and through its counsel, Karen O. Moury and Buchanan Ingersoll & Rooney PC, files this Confidential Petition for Issuance of Emergency Order ("Emergency Petition"),¹ pursuant to the Commission's regulations at 52 Pa. Code § 3.2. By this Emergency Petition, Rasier-PA respectfully requests that the Commission temporarily waive its regulations at 52 Pa. Code § 29.314(c) on or before July 21, 2016, to permit Rasier-PA to offer transportation network company ("TNC") services in Bucks, Chester, Delaware, and Montgomery Counties in vehicles that are older than ten model years but no older than fifteen model years, given (1) the Regional Rail crisis facing Southeastern Pennsylvania at this time; and (2) the fact that the ten-year old vehicle limitation included in the Commission's regulations is not linked to a particular study or statistics related to safety.² The Regional Rail crisis announced by Southeastern Pennsylvania Transportation Authority ("SEPTA") on July 3, 2016 has severely impacted the availability of transportation services in the Philadelphia Suburbs,³ creating an emergency situation that will be further exacerbated by the estimated 50,000 visitors

¹ While Rasier-PA understands that the issuance of an Emergency Order by the Commission would constitute public action, it is filing this Petition on a confidential basis so that only the statutory advocates have been made aware of its filing. Rasier-PA is not requesting that the Commission confidentially treat any information set forth in this Petition when acting upon it.

² See *Vehicle List, Age, and Mileage Requirements for Taxis and Limousines*, Docket No. L-2013-2349042 (Order entered November 19, 2014) ("*Vehicle Age Final Rulemaking Order*"), at pp. 21-26.

³ <http://www.septa.org/media/releases/2016/7-3-16.html>.

who are expected to visit Philadelphia for the 2016 Democratic National Convention, with substantial visitor arrivals expected to commence beginning Friday, July 22, 2016.⁴ Permitting Rasier-PA to contract with drivers operating vehicles that are older than ten model years but no older than fifteen model years will significantly alleviate the transportation emergency that currently exists in the suburban counties surrounding Philadelphia. In support of this Emergency Petition, Rasier-PA further avers as follows:

1. Philadelphia and the Philadelphia Suburbs are facing a transportation emergency. SEPTA has removed one-third of its regional rail fleet from circulation for emergency inspection and repairs. This Regional Rail crisis has decimated the transportation options available to the Philadelphia Suburbs at the height of tourist season, two short weeks before Philadelphia hosts the Democratic National Convention, an event that will bring approximately 50,000 high-profile political and media visitors to the city and surrounding counties. SEPTA is urging rail commuters to seek transportation alternatives during this transportation crisis.⁵

2. To help mitigate the emergency, Rasier-PA has launched a \$2.5 million initiative⁶ to reduce congestion and offer alternatives during the SEPTA service disruption, including expanding its UberPOOL coverage area. Rasier-PA can urge stranded rail commuters to use its TNC services; however, Rasier-PA cannot currently mitigate further because the Commission's regulations at 52 Pa. Code § 29.314(c) restrict Rasier-PA from contracting with drivers whose vehicles are older than ten years.⁷ Having the flexibility to contract with drivers whose vehicles

⁴ http://articles.philly.com/2016-04-18/news/72400580_1_brokered-convention-convention-activities-national-convention-committee

⁵ http://articles.philly.com/2016-07-06/news/74247549_1_silverliner-v-regional-rail-market-frankford

⁶ <http://www.phillyvoice.com/uber-launches-plan-assuage-phillys-septa-woes/>

⁷ Although these regulations apply to vehicles used in call and demand service, the Commission applied them to Rasier-PA's TNC services when granting experimental authority on January 29, 2015 at Docket No. A-2014-2424608.

are older than ten years would enable Rasier-PA to significantly increase supply to the areas affected by the transportation crisis.

3. The Commission should take immediate action to protect the public and issue an Emergency Order (1) temporarily waiving the ten-year age limitation in 52 Pa. Code § 29.314(c), and (2) permitting Rasier-PA to allow vehicles no older than fifteen years to operate on its TNC platform in the suburban counties surrounding Philadelphia (namely, the Counties of Bucks, Chester, Delaware and Montgomery), until such time as SEPTA can provide adequate transportation services to the Philadelphia Suburbs.

4. The Commission's regulations provide for the issuance of an emergency order in a "situation which presents a clear and present danger to life or property" when the petitioner's right to relief is clear, the need for relief is immediate, the injury would be irreparable if relief is not granted and the relief requested is not injurious to the public interest. 52 Pa. Code §§ 3.1-3.2. The Commission has found that the threat of depletion of natural gas in unusually cold conditions presented a clear and present danger to life or property, warranting emergency relief in the form of a waiver of tariff charges for over-deliveries. *Petition of National Fuel Gas for Emergency Order Granting a Temporary Waiver of Certain Tariff Rules Related to Transportation Service*, Docket Nos. P-961022 and P-961021 (March 19, 1996) ("*Natural Fuel Gas Emergency Order*").

5. The clear and present danger standard for an emergency order is satisfied because the availability of transportation services in the Philadelphia Suburbs has been severely reduced, impacting the ability for residents of and visitors to Philadelphia and its Suburbs to travel, a situation which will be further exacerbated by the estimated 50,000 visitors who are expected to visit Philadelphia for the 2016 Democratic National Convention, with an influx of visitors

commencing on July 22, 2016. The lack of access to necessary transportation for massive numbers of individuals creates a frustrating, chaotic and dangerous environment, rendering this situation as compelling as the factors that led to issuance of the *National Fuel Gas Emergency Order*.

6. Further, Rasier-PA's right to relief is clear. It is well-settled that the Commission may waive its regulations for good cause shown.⁸ The ten-year old vehicle limitation included in the Commission's regulations is not linked to a particular study or statistics related to safety. See *Vehicle Age Final Rulemaking Order* at pp. 21-26. Further, no information has been presented to establish any safety concerns with fifteen-year old vehicles, particularly those that have successfully completed Pennsylvania state inspections, which inspections would still be required of all vehicles operating on Rasier-PA's platform. Given the immediate and compelling need for more transportation alternatives in the Philadelphia Suburbs, good cause has been shown to temporarily waive this requirement to afford Rasier-PA the necessary flexibility to help further mitigate the transportation crisis.

7. In addition, Rasier-PA has demonstrated a need for immediate relief. The Regional Rail crisis that was announced earlier this month has created a massive void in the transportation infrastructure in the Philadelphia Suburbs, which is adversely affecting the ability of the public to access needed transportation. This situation will be further exacerbated when an influx of an estimated 50,000 visitors arrive to attend the Democratic National Convention in Philadelphia in just a couple of short weeks.

8. Moreover, Rasier-PA has shown that irreparable harm will result if emergency relief is not granted. In the absence of emergency relief, the public will have inadequate or no

⁸ See 52 Pa. Code § 5.43 (relating to waiver of Commission regulations); *Township of Collier v. Pennsylvania-American Water Company*, Docket No. C-20016207, 2004 Pa. PUC LEXIS 26 (2004).


access to transportation, resulting in their inability to get to their destinations, including work, school and doctors' appointments. The harms that the public will suffer as the result of being unable to obtain necessary transportation are irreparable.

9. Finally, the requested relief will not be injurious to the public interest. To the contrary, the requested relief is necessary, proper and in the public interest so that the traveling public in the Philadelphia Suburbs will have access to reliable, affordable and safe transportation alternatives.

WHEREFORE, on the basis of the foregoing, Rasier-PA LLC requests that the Commission issue an Emergency Order temporarily waiving its regulations at 52 Pa. Code § 29.314(c), to permit Rasier-PA to offer transportation network company services in Bucks, Chester, Delaware, and Montgomery Counties in vehicles that are older than ten model years but no older than fifteen model years, until such time as SEPTA can provide adequate transportation services to the Philadelphia Suburbs. Rasier-PA further respectfully requests that the Commission issue this Emergency Order on or before July 21, 2016, in order to afford Rasier-PA an opportunity to timely act on such order.

Respectfully submitted,

Dated: July 15, 2016



Karen O. Moury
Buchanan Ingersoll & Rooney PC
409 North Second Street
Suite 500
Harrisburg, PA 17101
(717) 237-4820
Attorneys for Rasier-PA LLC

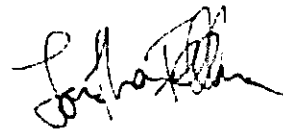
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Confidential Petition of Rasier-PA LLC for : Docket No. P-2016-
Issuance of Emergency Order :

VERIFICATION

I, Jonathan J. Feldman, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect Rasier-PA, LLC to be able to prove the same at a 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.

Rasier-PA, LLC



Date: July 15, 2016

Jonathan J. Feldman,
Manager-Uber Pennsylvania

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Confidential Petition for Issuance :
of Emergency Order : Docket No. P-2016-

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 Hand Delivery

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101

Office of Small Business Advocate
300 N. Second Street, Suite 202
Harrisburg, PA 17101

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
400 North Street
2nd Floor, F-West
Harrisburg, PA 17105-3265

Dated this 15th day of July, 2016



Karen O. Moury, Esq.

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