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September 28, 2016

VIA E-FILING

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

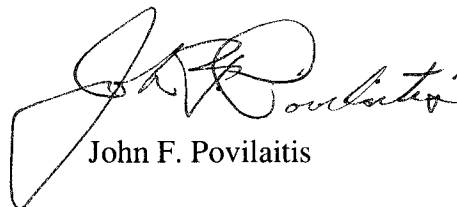
Re: Rasier-PA LLC, Petition for Issuance of an Emergency Order;
Temporary Waiver/Modification of the Vehicle Age Requirements
Established by 52 Pa Code § 314(c); Docket No. P-2016-2556598

Dear Secretary Chiavetta:

On behalf of Rasier-PA, LLC (“Rasier-PA”), enclosed for filing is a Rasier-PA LLC, Petition for Extension of Emergency Order, in the above-captioned matter.

Courtesy copies have been served pursuant to the attached Certificate of Service

Very truly yours,



John F. Povilaitis

JFP/bb
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rasier-PA LLC, Petition for Issuance of an	:	Docket No. P-2016-2556598
Emergency Order; Temporary Waiver/	:	
Modification of the Vehicle Age Requirements	:	
Established by 52 Pa Code § 314(c)	:	

PETITION FOR EXTENSION OF EMERGENCY ORDER

Rasier-PA LLC (“Rasier-PA”), by and through its counsel, Alan M. Seltzer, John F. Povilaitis and Buchanan Ingersoll & Rooney PC, files this Petition For Extension of Emergency Order (“Emergency Petition”), pursuant to the Commission’s regulations at 52 Pa. Code § 3.2. By this Emergency Petition, Rasier-PA respectfully requests that the Commission extend until January 1, 2017 its July 21, 2016 order (“Emergency Order”) in the above matter, temporarily waiving its regulations at 52 Pa. Code § 29.314(c) 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, and to extend the 12-year age limit applicable to electric, hybrid and alternative fuel vehicles operating in the suburban Philadelphia area under Raiser-Pa’s authority to 15 years given (1) the *continuing* 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.¹ As noted by the Commission in the Emergency Order, the Regional Rail crisis announced by Southeastern Pennsylvania Transportation Authority (“SEPTA”) on July 3, 2016 has severely impacted the availability of transportation services in

¹ 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.

the Philadelphia Suburbs,² creating an emergency situation.³ Permitting Rasier-PA to continue 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 and is continuing 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 continuing to face a transportation emergency as originally noted by the Commission in the Emergency Order. SEPTA initially removed one-third of its regional rail fleet from circulation in July 2016 for emergency inspection and repairs.

2. To help mitigate the initial emergency, Rasier-PA launched a \$2.5 million initiative⁴ to reduce congestion and offer alternatives during the SEPTA service disruption, including expanding its UberPOOL coverage area. Rasier-PA urged stranded rail commuters to use its TNC services. Having the flexibility to contract with drivers whose vehicles are older than ten years has enabled Rasier-PA to significantly increase supply to the areas affected by the transportation crisis since July 2016.

3. Despite the best intentions, the Philadelphia area transportation crisis has continued and its final resolution remains in doubt. SEPTA – the regional rail authority -- recently announced that a new problem has occurred with some of the purportedly repaired rail

² <http://www.septa.org/media/releases/2016/7-3-16.html>.

³ http://articles.philly.com/2016-04-18/news/72400580_1_brokered-convention-convention-activities-national-convention-committee. “We agree with Raiser that SEPTA’s constriction of its regional fleet has created significant transportation issues in regard to the ability of carriers to meet customer demand in Bucks, Chester, Delaware and Montgomery Counties.” (Emergency Order at 4.)

⁴ <http://www.phillyvoice.com/uber-launches-plan-assuage-phillys-septa-woes/>

cars characterized as a “clearance issue” that has led to minimal, occasional contact between old and new components.⁵

4. While SEPTA has stated that it expects to have all the problem rail cars back to full service by mid-November 2016, recent past history has demonstrated the challenges with such predictions. Thus, to provide continuing protection the Philadelphia region during the pendency and uncertainty of this regional rail crisis, Raiser-PA requests a continuation of the Emergency Order until January 1, 2017.

5. Since none of the material facts underlying the Emergency Order have changed since that order was issued in July 2016, Raiser-PA respectfully requests that the Commission extend the duration and effectiveness of the Emergency Order and continue to (1) temporarily waive the ten-year age limitation in 52 Pa. Code § 29.314(c), and (2) permit Raiser-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 January 1, 2017.

6. 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 found that such conditions were satisfied in the Emergency Order and for the same reason the Emergency Order should be extended until such threat has been fully abated.

7. Based upon the continuation of the circumstances found in the Emergency Order, Raiser-PA’s right to relief is clear. It is well-settled that the Commission may waive its

⁵ <http://6abc.com/traffic/repai-red-septa-rail-cars-pulled-over-new-defect/1508045/>

regulations for good cause shown.⁶ 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, compelling and *continuing* need for more transportation alternatives in the Philadelphia Suburbs, good cause continues to exist to temporarily waive this requirement to afford Rasier-PA the necessary flexibility to help further mitigate the transportation crisis.

8. In addition, the need for immediate relief and the irreparable harm that will result if emergency relief is not granted continue to exist. The uncertainty about when the Regional Rail crisis will actually end suggests that extending the Emergency Order through New Years Eve 2016 is both prudent and reasonable. While SEPTA has suggested all rail cars will be available by mid-November 2016, any change in that projected schedule would continue all or some portion of the void in the transportation infrastructure in the Philadelphia Suburbs as the area embarks on the Holiday shopping and tourist season, when continuing access to all forms of public transportation are most needed.

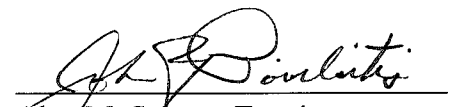
9. Finally, the requested relief will not be injurious to the public interest. To the contrary, the requested relief is necessary, proper and in the public interest so that the traveling public in the Philadelphia Suburbs will have continuing access to reliable, affordable and safe transportation alternatives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

⁶ *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).

WHEREFORE, on the basis of the foregoing, Rasier-PA LLC requests that the Commission extend the 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 January 1, 2017 in order to assure continuity of service from Rasier-PA LLC to the Philadelphia suburbs during the continuation of the transportation crisis.

Respectfully submitted,

Dated: September 28, 2016



Alan M. Seltzer, Esquire
John F. Povilaitis, Esquire
Buchanan Ingersoll & Rooney PC
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Suite 500
Harrisburg, PA 17101
(717) 237-4820
Attorneys for Rasier-PA LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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VERIFICATION

I, Kathryn Ciano, Counsel for Rasier-PA, LLC, hereby state that the facts set forth in the above Petition 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 any hearing held in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904.

September 28, 2016
Date

Kathryn Ciano

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rasier-PA LLC, Petition for Issuance of an	:	Docket No. P-2016-2556598
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CERTIFICATE OF SERVICE

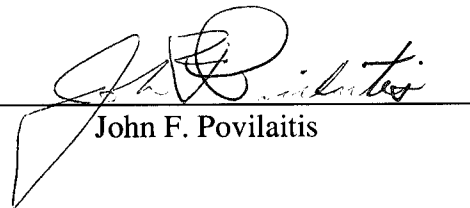
I hereby certify that I have this day served a true and correct copy of the foregoing document via First Class Mail in accordance with the requirements of 52 Pa. Code § 1.54 et seq., upon the following:

Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Small Business Advocate
Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

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

Date: September 28, 2016


John F. Povilaitis