

PLEASE REPLY TO  
412.331.8998

June 30, 2014

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg PA 17105-3265

Docket No. A-2014-2424608, Application of Rasier-PA, LLC

Dear Secretary Chiavetta:

Transmitted herewith are the Protest, and in the alternative, the Petition for Leave to Intervene of JB Taxi LLC t/a County Taxi Cab.

Very truly yours,

/s/ electronically filed

David W. Donley  
Attorney for Protestant  
412.331.8998

DAVID W. DONLEY ATTORNEY AT LAW  
3361 STAFFORD STREET - PITTSBURGH PA 15204-1441  
412.331.8998 DWDONLEY@CHASDONLEY.COM

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET A-2014-2424608  
APPLICATION OF RASIER-PA, LLC

-----

PROTEST AND PETITION FOR LEAVE TO INTERVENE  
OF JB TAXI LLC T/A COUNTY TAXI CAB  
REQUEST FOR ORAL HEARING

-----

Comes now JB Taxi LLC t/a County Tax Cab and files this Petition for Leave to Intervene, Protest and request for oral hearing in the above-captioned matter. This petition and protest are filed pursuant to 52 Pa.Code §§3.381(c), 5.51, and 5.71 and extends to all authority requested by the applicant. In support, protestant states as follows:

1. Applicant's name and docket number

A-2014-2424608. Rasier-PA, LLC, for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in Pennsylvania, excluding those which originate or terminate in the Counties of Beaver, Clinton, Columbia, Crawford, Lawrence, Lycoming, Mercer, Northumberland and Union. (44 Pa.B. 3662, June 14, 2014)

2. Protestant's name, address and telephone

JB Taxi LLC t/a County Taxi Cab  
834 Duss Avenue  
Ambridge PA 15003  
(724) 266-6666

3. Protestant's attorney, address and telephone

David W. Donley  
3361 Stafford Street  
Pittsburgh PA 15204-1441  
(412) 331-8998

#### 4. Protestant's interest

No material distinction exists between the operating rights requested in the application and those granted to and supporting the services currently by Protestant in Beaver, Crawford, Lawrence, and Mercer counties or the services recently proposed by Protestant in Washington County. Were the application granted, the service styled here as “experimental” would directly conflict with the call and demand services to be provided by protestant and would likely divert patrons and reduce revenues from the existing certificated carriers, including protestant. Protestant believes revenues would be reduced to a level less than those necessary to sustain safe, modern and efficient service by existing providers and would not result in any corresponding public benefit in the affected communities. In addition to the loss of revenues, the service proposed by applicant would likely require greater incidence of deadhead miles, additional and unnecessary fuel consumption and other operating costs without any corresponding public benefit. As proposed by Applicant, the services to be provided would by design introduce into the marketplace unauthorized drivers operating passenger vehicles not covered by insurance protections customarily required of commercial automobile operators in the public’s interest.<sup>1/</sup>

As proposed the application suggests no basis by which its experimental ride-sharing network or the “Operators” under contract to Applicant are or would in the future be limited to observing any geographical boundary in starting or ending service supported by its network. To the extent Applicant proposes to extent or to enhance its current intrastate operations, Applicant’s certification at Paragraph 30 suggests Applicant either fails to

---

1. Patrons may to be subject to the following condition of service....”[Uber / Rasier-PA LLC] will not assess the suitability, legality or ability of any third party transportation providers and you expressly waive and release the company [Uber / Rasier-PA LLC] from any and all any [sic] liability, claims or damages arising from or in any way related to the third party transportation provider....” “ ... You [patron] understand[s], therefore, that by using the ....service, you [patron] may be exposed to transportation that is potentially dangerous, offensive, harmful to minors, unsafe or otherwise objectionable, and that you use the ....service at your own risk.” Terms and Conditions, Limitation of Liability, available at <https://www.uber.com/legal/usa/terms>

understand the requirements of the Public Utility Code or intends to evade those requirements under various pretexts not grounded in the Commission's requirements. The resulting circumstance would likely result in unfair competition among passenger transportation providers in the affected communities, which unfair competition would be destructive and contrary to the public's interest and the Public Utility Code. Additionally, applicant does not meet the Commission's fitness requirements, and accordingly, should not be permitted to operate in open and continuing disregard of the Public Utility Code.

Although Protestant does not hold a certificate authorizing experimental service, Protestant has standing to participate as a party in this proceeding because the application proposes passenger transportation operations that will conflict with Protestant's existing authority as well as those proposed by Protestant in Washington County. See Interim Order on Preliminary Objections: JB Taxi LLC, slip opinion at page 5, Docket 2014-2415047, *Application of Lyft, Inc.*, Order entered June 24, 2014.

5. Protestant's docket number and authority

Protestant is authorized to provide passenger service pursuant to the rights granted at A-6310493, A-2008-2065173, namely, to transport persons upon call or demand in the counties of Beaver, Lawrence, Mercer, and Crawford.

In addition to the services currently authorized, Protestant has pending before the Commission an application to expand call-and-demand services to Washington County as to which the service and operations proposed by Applicant would directly conflict. See Docket 2014-2420239, Application of JB Taxi LLC t/a County Taxi Cab; a copy of the application is attached.

6. Statement of restrictions or amendments

Protestant is not aware of any restriction or amendment that would result in the withdrawal of its protest.

7. Petition for Leave to Intervene

In the alternative, should Protestant not be permitted to participate as a protestant to the application, Protestant files this request for leave to intervene and avers as follows:

- a. JB Taxi LLC t/a County Tax Cab (Protestant and Petitioner) hereby petitions for leave to intervene in this proceeding for the purpose of opposing the application.
- b. Petitioner incorporates by reference the matters more fully set forth above in paragraphs 1 through 6.
- c. Petitioner seeks leave to intervene in this proceeding because Petitioner has an interest that is substantial, direct and immediate with respect to the matters to be considered.
- d. That interest is the loss of patrons and revenues to operators who seek to evade the requirements of the Public Utility Code and Commission regulation. Through such evasion, the applicant would be able to serve the same population as Petitioner while skirting the regulatory standards, protocols, expenses and limitations placed upon Petitioner for the purpose of protecting the public.
- e. In view of this interest, Petitioner requests that protestants who wish to oppose the instant application and other applications for so-called experimental services, including those offered under the pretext of ride-sharing or a Transportation Network Company, not be held to the same standards as previously adopted by the Commission with respect to standing. Petitioner seeks all such relief as is necessary to permit Petitioner to participate in all subsequent proceedings in this important matter.
- f. If permitted to intervene, Petitioner will be able to demonstrate it's existing call and demand service as well as the public's interest will suffer material harm on the kind and scope the Public Utility Code and Commission regulations are intended to prevent. Toward this concern, the Commission has previously determined that if a call-and-demand carrier is excluded from participation in application proceedings for experimental service, virtually no carriers would be in a position to advance their interests before the Commission. See Interim Order on Preliminary Objections: JB Taxi LLC, slip opinion at page 5, Docket 2014-2415047, *Application of Lyft, Inc.*, Order entered June 24, 2014.

- g. If the requested relief is not granted or Petitioner not otherwise permitted to intervene for the purpose of opposing the application, the record would not likely be developed to demonstrate accurately and substantially completely the impact of so-called experimental services upon currently authorized passenger services in the western Pennsylvania region.
- h. For these reasons and in the event its Protest would be challenged and found to be deficient, Petitioner requests leave to intervene.

8. Additional matters

Protestant requests that this matter be set for oral hearing and applicant be required to satisfy through competent evidence all of the requirements under the governing statute and regulations in support of its case. Protestant will appear and present evidence consistent with the matters contained in this protest. In the event applicant intends to provide witnesses at any oral hearing that may be scheduled, protestant requests that applicant provide the undersigned representative at least 30 days prior to hearing a list of witness expected to offer testimony or other evidence in support of the application. WHEREFORE, protestant requests that the application be denied in all respects.

Respectfully submitted,

electronically filed  
David W. Donley  
Attorney for Protestant  
3361 Stafford Street  
Pittsburgh PA 15204-1441  
412.331.8998 voice  
412.331.5720 facsimile  
PA Id. 19727

Attachment A  
Protest of JB Taxi t/a County Taxi Cab

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**


**IN THE MATTER OF : A-6310493**

*J.B. Taxi LLC, A limited liability corporation of the Commonwealth of Pennsylvania, so as to permit the transportation of persons upon call or demand in the counties of Beaver, Lawrence, Mercer, and Crawford, which is to be a transfer of all rights authorized under the certificate issued at A-00118810, F.1 to Felix Szczepanski, t/d/b/a J.B. Taxi, subject to the same limitations and conditions. A-2008-2065173*

**EFFECTIVE DATE: August 16, 2011**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 16<sup>th</sup> day of August, 2011.

  
Secretary

Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120  
(717) 772-7777  
www.puc.pa.gov

J.C.  
S BUREAU

### Application for Motor Common Carrier of Persons upon Call or Demand (Taxi Service)

THIS APPLICATION IS TO BE USED FOR COMMON CARRIER PASSENGER SERVICE PROVIDING LOCAL TRANSPORTATION ON EITHER EXCLUSIVE OR NONEXCLUSIVE BASIS, AND SERVICE IS CHARACTERIZED BY PASSENGERS HIRING THE VEHICLE AND ITS DRIVER EITHER BY TELEPHONE CALL OR BY HAIL, OR BOTH. **THIS APPLICATION CANNOT BE USED TO APPLY FOR TAXI SERVICE WITHIN THE CITY AND COUNTY OF PHILADELPHIA.**

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

J.B. Taxi LLC

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents.**
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents.** This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State.**

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

County Taxi Cab

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?**  **NO** **Previous Authority?**  **NO**

**If YES, at PUC No. A-** 6310493 / A-2008-2065173

4. **Are you a business entity registered with the PA Dept. of State?**  **NO**

If NO, you must register (see checklist on how to register)

**If YES, provide your PA Corporation Bureau Entity ID Number** 3827191

(see checklist and indicate type of business entity registered)

5. **Physical Address** (do not use PO Box)



Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Persons upon Call and Demand (Taxi Service); and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

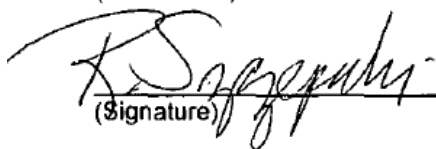
### Verification of Application

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Roxanne Szczepanski

(Print Name)



(Signature)

April 10, 2014

(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

Applicant is a domestic limited liability company.

Applicant's single member is:

Roxanne Szczepanski, President  
834 Duss Avenue  
Ambridge PA 15003

Applicant's PA Corporation Bureau Entity Identification ID Number is 3827191

Applicant's Fictitious Business Name appears as as Entity # 4216109 (copy attached.)

Applicant has been authorized by the Commission to operate as J.B. Taxi LLC, t/a County Taxi Cab consistent with the Secretary's letter dated January 15, 2014 (copy attached.)

PENNSYLVANIA DEPARTMENT OF STATE  
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

Application for Registration of Fictitious Name  
54 Pa.C.S. § 311

Name David W. Donley		
Address 3361 Stafford Street		
City Pittsburgh	State PA	Zip Code 15204-1441

Document will be returned to the name and address you enter to the left.

Commonwealth of Pennsylvania  
FICTITIOUS NAME 2 Page(s)



Fee: \$70

In compliance with the requirements of 54 Pa.C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa.C.S. Ch. 3 (relating to fictitious names), hereby state(s) that:

1. The fictitious name is:  
County Taxi Cab

2. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is:  
taxi service

3. The address, including number and street, if any, of the principal place of business (P.O. Box alone is not acceptable):  
834 Duss Avenue      Ambridge      PA      15003      Beaver  
Number and street      City      State      Zip      County

4. The name and address, including number and street, if any, of each individual interested in the business is:  
Name      Number and Street      City      State      Zip  
none

PA DEPT. OF STATE  
SEP 20 2013

5. Each entity, other than an individual, interested in such business is (are):

J.B. Taxi LLC	domestic limited liability company	Pennsylvania
Name	Form of Organization	Organizing Jurisdiction
834 Duss Avenue Ambridge PA 15003		
Principal Office Address		
PA Registered Office, if any		
Name	Form of Organization	Organizing Jurisdiction
Principal Office Address		
PA Registered Office, if any		

6. The applicant is familiar with the provisions of 54 Pa.C.S. § 332 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other right in the fictitious name.

7. Optional: The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):

IN TESTIMONY WHEREOF, the undersigned have caused this Application for Registration of Fictitious Name to be executed this

16 day of September, 2013

Individual Signature	Individual Signature
Individual Signature	Individual Signature
J.B. Taxi LLC	Entity Name
Entity Name	Entity Name
<i>Roberto Scarpandini</i>	Signature
Signature	Signature
President.	Title
Title	Title

Certificate of Service

I hereby certify that I have this day served a copy of the foregoing Protest upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party)

By first-class mail, postage prepaid

Karen O Moury, Esquire  
Buchanan Ingersoll & Rooney PC  
Suite 500  
409 North Second Street  
Harrisburg, PA 17101-1357

Dated this 30th day of June, 2014

*electronically filed*  
David W. Donley  
Attorney for Protestant  
3361 Stafford Street  
Pittsburgh PA 15204-1441  
(412) 331-8998  
Pa ID 19727

A-2014-2424608