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July 11, 2014

**VIA E-FILING**

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

Re: Application of Rasier-PA LLC, a Wholly Owned Subsidiary of Uber Technologies, Inc., for a Certificate of Public Convenience Evidencing Approval to Operate an Experimental Ride-Sharing Network Service Between Points in Allegheny County, Pennsylvania  
Docket No. A-2014-2416127

Dear Secretary Chiavetta:

On behalf of Rasier-PA LLC, I have enclosed for electronic filing the Petition for Interlocutory Review and Answer to a Material Question of Rasier-PA LLC 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/tlg  
Enclosure

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Rasier-PA LLC, a Wholly Owned :  
Subsidiary of Uber Technologies, Inc. for a :  
Certificate of Public Convenience Evidencing : Docket No. A-2014-2416127  
Approval to Operate an Experimental :  
Ride-Sharing Network Service Between Points in :  
Allegheny County, Pennsylvania :

**PETITION OF RASIER-PA LLC FOR INTERLOCUTORY REVIEW  
AND ANSWER TO A MATERIAL QUESTION**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Section 5.302 of the Pennsylvania Public Utility Commission (“Commission”) regulations at 52 Pa. Code § 5.302, Rasier-PA LLC (“Rasier-PA”), a wholly owned subsidiary of Uber Technologies, Inc., by and through its counsel, Karen O. Moury and Buchanan Ingersoll & Rooney PC, files this Petition for Interlocutory Review and Answer (“Petition”) to a Material Question, and in support thereof, avers as follows:

**I. Introduction**

1. By this Petition, Rasier-PA seeks interlocutory review of Interim Orders that are permitting two statewide limousine providers to protest its application to provide experimental ridesharing network service between points in Allegheny County, Pennsylvania. By allowing these protests to move forward to hearing under an antiquated anti-competitive process on the basis that the proposed service may adversely affect their businesses, the Interim Orders are delaying Commission consideration of the application which proposes a service that is urgently needed to fill significant gaps in the transportation infrastructure in Allegheny County.<sup>1</sup>

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<sup>1</sup> See *Application for Emergency Temporary Authority filed by Rasier-PA LLC, a wholly owned subsidiary of Uber Technologies, Inc.*, Docket No. A-2014-2429993.

2. The material question presented for review by the Commission is as follows:

Given the Commission's findings that a ridesharing network service provider is distinguishable from a limousine or taxicab carrier, warranting issuance of a new class of authority as an experimental services provider, and its long line of cases holding that taxicab companies do not have standing to protest limousine applications (and vice versa), does a limousine provider or taxicab company have standing to protest an application for experimental ridesharing network services authority?

3. The proposed answer: No.

4. Granting interlocutory review and answering the material question in the negative will significantly expedite the conduct of this proceeding by allowing the application to be adjudicated by the Commission without hearing as an unprotested application under Section 3.381(c)(iii)(A) of the Commission's regulations, 52 Pa. Code § 3.381(c)(iii)(A). This approach would greatly conserve valuable resources for all parties and enhance judicial economy.<sup>2</sup>

## **II. Background**

5. On April 14, 2014, Rasier-PA filed an application requesting the issuance of a certificate of public convenience evidencing approval to operate an experimental ride-sharing network service between points in Allegheny County, Pennsylvania, pursuant to 52 Pa. Code § 29.352. Notice of Rasier-PA's application was published in the *Pennsylvania Bulletin* on April 26, 2014, with protests due by May 12, 2014. Concord Limousine, Inc. ("Concord") and Executive Transportation, Inc., t/a Luxury Sedan ("Luxury Sedan") filed timely protests.<sup>3</sup>

6. Rasier-PA filed preliminary objections ("POs") on June 2, 2014 seeking dismissal of the Concord and Luxury Sedan protests on the grounds that the limousine providers lack

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<sup>2</sup> Commission disposition of this issue also has the potential to expedite other similar proceedings, such Rasier-PA's broader application pending at Docket No. A-2014-2424608.

<sup>3</sup> Timely protests were also filed by the Insurance Federation of Pennsylvania, Inc., the Pennsylvania Association of Justice and JB Taxi LLC. Those protests were dismissed for lack of standing by Initial Decisions dated July 1, 2014. Those decisions are still subject to the filing of exceptions and/or review by the Commission. Also, Rasier-PA recognizes that important insurance liability coverage question still need to resolved to the Commission's satisfaction before a certificate of public convenience will be issued.

standing to participate in the proceeding. By Interim Orders issued on July 1, 2014, Administrative Law Judges (“ALJs”) Mary D. Long and Jeffrey A. Watson denied POs.

### **III. Discussion**

7. In support of the POs, Raiser-PA referred to a long line of Commission cases finding that a party must have operating authority in actual or potential conflict with the authority sought by the applicant to have the requisite standing to protest the applications.<sup>4</sup> Raiser-PA further relied on the Commission’s order in the matter of the *Application of Yellow Cab Company of Pittsburgh, Inc., t/a Yellow X*, Docket No. A-2014-2410269, Order adopted on May 22, 2014 (“*Yellow Cab Order*”), which described a similar service as being distinguishable from existing limousine and taxicab services so as to qualify as “experimental service.”<sup>5</sup>

8. Denying the POs, the Interim Orders found that “[t]o adopt the narrow view of standing espoused by the Applicant would be so limiting, that virtually no carriers would be in a position to protest.” Interim Orders at p. 5 (July 1, 2014).

9. Raiser-PA submits that by the very nature of experimental service, which is designed to offer new or innovative options to the riding public, the authority of existing carriers is not in actual or potential conflict with experimental service.

10. The pressing need for technology-enabled affordable, reliable ridesharing alternatives for residents and visitors in Allegheny County far outweighs the need to consider the effect of the proposed service on existing limousine providers with statewide authority.

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<sup>4</sup> See *Application of Carriage Limousine Services, Inc.*, Docket No. A-00108361, F.1, Am-B, Initial Decision dated October 12, 1994 (Final Order entered December 23, 1994); *Application of Kutztown Area Transport*, Docket No. A-2009-2140250 (October 18, 2010); *Application of K&F Medical Transport*, Docket No. A-2008-2020353 (July 8, 2008).

<sup>5</sup> Since the filing of the POs, the Commission has taken the admirable step in the household goods moving industry of eliminating the lengthy application process that considers the effect of competition on existing carriers. Deferring to the market, the Commission touted the benefits of competition, customer choice and job creation. *Final Rulemaking Order Amending Regulations Applicable to Household Goods in Use Carriers and Property Carriers*, Docket No. L-2013-2376902 (June 19, 2014).

WHEREFORE, Rasier-PA LLC respectfully requests that the Commission undertake interlocutory review, answer the material question in the negative, dismiss the protests of Luxury Sedan and Concord Limousine and consider the unprotested application on its merits.

Respectfully submitted,

Dated: July 11, 2014



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*Attorneys for Rasier-PA LLC*

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Allegheny County, Pennsylvania :

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 E-Mail and/or First-Class Mail**

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*Attorney for JB Taxi*

Dated this 11<sup>th</sup> day of July, 2014.

  
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Karen O. Moury, Esq.