

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application Rasier-PA LLC

:

A-2014-2424608

PREHEARING MEMORANDUM OF RESPONDENTS KEYSTONE CAB SERVICE,
INC., GOOD CAB LLC, E-Z TAXI, LLC AND UNITED CAB, LLC

Respondents, through their attorney, Justine L. Pate, Esq., hereby submit this Prehearing Memorandum.

I. Issues to be Resolved

On or about June 2, 2014 Applicant filed an Application, requesting the issuance of a certificate of public convenience evidencing approval to operate an experimental ride-sharing network. Respondent filed a timely Protest.

Applicant bears the burden of proving the need for the proposed service, Applicant's technical and financial fitness to provide the service, and its ability to operate safely and legally, and to also prove that it will not impair existing carrier operations.

II. A brief statement of the facts and the reasons supporting the party's position on each matter in dispute.

Issue 1: Whether Transportation Network Services are common carriers.

The service requested by Applicant is the same as that of a common carrier because, among other similarities, both Transportation Network Services and common carriers pick up passengers on call or demand and bring passengers to a specifically requested location, and upon arrival at the location, the passenger then pays a fee. The fee paid to a common carrier is regulated by a meter. Appropriate regulations exist to insure that the rate charged by the common carrier is fair and just. This regulation provides protection to the public. Transportation Network Services use an arbitrarily derived fare with no explanation as to how the fare is derived. The difference in how the fee is determined is harmful and dangerous to

the public interest. In all other respects, the services provided are the same.

Issue 2: Should the Administrative Law Judge find that Transportation Network Services are Experimental Services, what regulatory framework will govern them?

It is Respondent's position that a TNS is in fact a common carrier and this application for experimental service is nothing more than an end run around regulation as such. However if the ALJ finds to the contrary, and determines Applicant to be sufficiently distinct to qualify as experimental, the issue of the public's best interest remains. Should experimental authority be granted to Applicant, then essentially Applicant would have authority to operate a quasi common carrier on a state wide basis without any mechanism in place to regulate their operation. As previously discussed their fares could be wholly arbitrary, and in fact could change from trip to trip. There would be no mechanism to insure the safety of the vehicles used in the operation. Further there would be no mechanism to insure that appropriate insurance policies are maintained by the authority holder for the vehicles utilized in their operation. Of course, this lack of regulation is exactly why a TNS applies for experimental authority and not common carrier authority, but the former should not be granted without considering the public's interest.

Issue 3: Whether Applicant's characterization of it's services as Experimental Services is a correct characterization?

The only distinguishing characteristic between Transportation Network Services and common carriers is in the amount of regulation. There is nothing new or novel about the manner in which Applicant will fill trips, and there is nothing new or novel about the use of App-based technology. There are currently common carriers that utilize App-based technology to fill trips, to wit, Respondent is one of them. The difference is that Transportation Network Services do not meter trips for payment, instead they arbitrarily set rates.

Issue 4: Whether Applicant can prove that there is a need for the service, that Applicant possesses the technical and financial fitness to provide the proposed service, that Applicant can operate safely and legally and that Applicant's service will not impair the service of existing carriers.

Applicant has sought authority to operate almost statewide as a quasi-common carrier. It will be Applicant's burden to show the necessity for this vast service area.

III. A list of proposed witnesses and a brief summary of their expected testimony.

Respondent will produce Maher Saber, owner of Keystone Cab Service, Inc., & E-Z Taxi LLC, and manager of Good Cab, LLC & United Cab, LLC at any hearing to testify that no need for an additional carrier exists in Respondent's coverage area. Mr. Saber has over twelve years of experience in the taxi-cab industry, and testimony may be taken with regard to Applicant's technical and financial fitness and Applicant's ability to operate safely and legally.

After notice, Respondent will reserve the right to call additional witnesses as Applicant's testimony and discovery require.

IV. If you wish to pursue discovery. If so, the length of time required

Respondent wishes to pursue discovery. Respondent will prepare interrogatories and requests for production of documents in a timely manner.

Respondent will also reserve the right to pursue discovery in accordance with the Pennsylvania Rules of Civil Procedure.

V. Proposed modifications to discovery rules, If any.

None

VI. Requested location of hearing(s)

Harrisburg, PA

VII. Estimate length of hearing.

Respondents estimate that their direct cases should take one-half day. Respondent reserves the right to surrebuttal.

VIII. The date by which you will be ready to have a hearing in this case

Approximately December 1, 2014.

IX. Any other special matters.

None

Respectfully submitted,

_____/s/_____

Justine L. Pate, Esq

Attorney for Keystone Cab Service Inc,
Good Cab, LLC, E-Z Taxi, LLC and United
Cab LLC

Attorney ID No 311904

620 S. 13th Street, Harrisburg, PA 17104

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: Application Rasier-PA LLC

:

A-2014-2424608

CERTIFICATE OF SERVICE

I, Justine L. Pate, Esq, hereby certify that I served a copy of the foregoing Prehearing Memorandum via first-class mail, postage prepaid to the following addresses:

Mary D. Long
Administrative Law Judge
Pennsylvania Public Utility Commission
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

David W. Donley, Esq.
3361 Stafford St
Pittsburgh, PA 15204

Jeffrey A. Watson
Administrative Law Judge
Pennsylvania Public Utility Commission
301 5th Ave, Suite 220
Pittsburgh, PA 15222

Joseph T. Sucec, Esq.
325 Peach Glen-Idaville Road
Gardners, PA 17324

Michael S. Henry, Esq.
Michael S. Henry LLC
2336 S. Broad St
Philadelphia, PA 19145

Karen O. Moury
Buchanan Ingersoll & Rooney
409 N. 2nd St, Suite 500
Harrisburg, PA 17101

Lloyd R. Persun, Esq.
Persun and Heim PC
PO Box 659
Mechanicsburg, PA 17055-0659

Dated: July 22, 2014

_____/s/_____
Justine L. Pate, Esq.