**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Lyft, Inc., a corporation of the State of : A-2014-2415045

Delaware, for the right to begin to transport, by motor :

vehicle, persons in the experimental service of :

Transportation Network Company for passenger trips :

between points in Allegheny County :

Application of Lyft, Inc., a corporation of the State of : A-2014-2415047

Delaware, for the right to begin to transport, by motor vehicle, :

persons in the experimental service of Transportation Network :

Company for passenger trips between points in :

Pennsylvania :

**PREHEARING ORDER**

On April 3, 2014, Lyft, Inc. (Applicant) filed an application for motor common carrier of persons in experimental service between points throughout Allegheny County:

This Application of Lyft, Inc. (“Lyft”) for an experimental service proposes to operate a peer-to-peer ride-sharing network using digital software to facilitate transactions between passengers and ridesharing operators using their own vehicles to provide transportation (known as a transportation network service) between points within the Commonwealth of Pennsylvania for the purpose of enhancing access to transportation alternatives, supplementing existing public transportation, reducing single occupancy vehicle trips, vehicle ownership and usage, and assisting the state in achieving reductions in greenhouse gas emissions.[[1]](#footnote-1)

Notice of the application was published in the Pennsylvania Bulletin on April 19, 2014. The notice provided that the deadline for the filing of protests was May 5, 2014.[[2]](#footnote-2) Protests were filed by the Pennsylvania Association for Justice, the Insurance Federation of Pennsylvania, JB Taxi LLC, Black Tie Limousine, Concord Limousine and Executive Transportation. The Applicant filed preliminary objections which sought dismissal of each of the Protestants on May 29, 2014. By notice dated June 3, 2014, the application was assigned to us for disposition. By orders dated June 25, 2014, the preliminary objections seeking dismissal of JB Taxi LLC and Executive Transportation were dismissed. Initial decisions sustaining the preliminary objections and dismissing the protests of Concord Limousine and Black Tie Limousine as well as Pennsylvania Association for Justice and the Insurance Federation of Pennsylvania were served on June 27, 2014.

On April 3, 2014, Lyft, Inc. (Applicant) also filed an application for motor common carrier of persons in experimental service between points throughout the Commonwealth of Pennsylvania:

This Application of Lyft, Inc. (“Lyft”) for an experimental service proposes to operate a peer-to-peer ride-sharing network using digital software to facilitate transactions between passengers and ridesharing operators using their own vehicles to provide transportation (known as a transportation network service) between points within the Commonwealth of Pennsylvania for the purpose of enhancing access to transportation alternatives, supplementing existing public transportation, reducing single occupancy vehicle trips, vehicle ownership and usage, and assisting the state in achieving reductions in greenhouse gas emissions.[[3]](#footnote-3)

Notice of the application was published in the Pennsylvania Bulletin on April 19, 2014. The notice provided that the deadline for the filing of protests was May 5, 2014.[[4]](#footnote-4) Protests were filed by Billtown Cab Co., Inc., MTR Transportation, Inc., the Pennsylvania Association for Justice, JB Taxi LLC, Shamokin Yellow Cab, Inc., Paul’s Cab Service, Inc., the Insurance Federation of Pennsylvania, Aceone Trans Co., AF Taxi, Inc., AG Cab, Inc., AGB Trans, Inc., Almar Taxi, Inc., ATS Cab, Inc., BAG Trans, Inc., BNA Cab Co., BNG Cab Co., BNJ Cab Co., Inc., Bond Taxi, Inc., BSP Trans, Inc., Double A Cab Co., FAD Trans, Inc., GA Cab, Inc., GD Cab, Inc., GN Trans, Inc., God Bless America Trans, Inc., Grace Trans, Inc., IA Trans, Inc., Jarnail Taxi, Inc., Jaydan, Inc., LAN Trans Co., Inc., LMB Taxi, Inc., MAF Trans, Inc., MDS Trans, Inc., MG Trans Co., Inc., Noble Cab, Inc., Odessa Taxi, Inc., RAV Trans, Inc., S&S Taxi Cab, Inc., Saba Trans, Inc., SAJ Trans, Inc., SF Taxi, Inc., Society Taxi, Inc., Steele Taxi, Inc., TGIF Trans, Inc., V&S Taxi, Inc., Valtrans, Inc., VB Trans, Inc., VSM Trans, Inc., BM Enterprises, Inc., Bucks County Services, Inc., Dee Dee Cab Company, Executive Transportation Co., Germantown Cab Company, Ronald Cab Company, Rosemont Taxicab Co., Inc., Sawink, Inc., and Shawn Cab, Inc. The Applicant filed preliminary objections which seek dismissal of the protests.

By notice dated June 3, 2014, the application was assigned to us for disposition. The preliminary objections which sought dismissal of the Pennsylvania Association for Justice, the Insurance Federation of Pennsylvania and Shamokin Yellow Cab were sustained and those protests were dismissed by initial decisions entered June 27, 2014. The preliminary objections concerning the remaining protests were denied and the protests were not dismissed.

By hearing notice dated July 3, 2014, a prehearing conference was scheduled for July 24, 2014 at 9:00 a.m. We issued a prehearing conference order on July 7, 2014, which set forth the matters which would be discussed at the prehearing conference and directing the parties to confer and agree upon a proposed litigation schedule for our consideration.

The prehearing conference convened as scheduled. Counsel for the Applicant and the Protestants, except for Paul’s Cab Service, Inc., appeared. This Order memorializes the matters decided and agreed upon by the parties attending the conference.

**Litigation Schedule**

The parties agree upon the following litigation schedule:

|  |  |
| --- | --- |
| Evidentiary Hearings in Pittsburgh | August 7-8, 2014 |
| Main Briefs | August 22, 2014 |
| Reply Briefs | August 29, 2014 |

The above-stated dates are in-hand dates for service on the parties and the Presiding Administrative Law Judges (Presiding ALJs). The parties and the Presiding ALJs agree to accept email transmission of such material, so long as the subject email is received by 4:30 p.m. on the date due and provided the email is followed the next business day by sending a hard copy of the same material via first-class mail postage prepaid to the parties. The email addresses of the Presiding ALJs are [malong@pa.gov](mailto:malong@pa.gov) and [jeffwatson@pa.gov](mailto:jeffwatson@pa.gov). The Presiding ALJs will not accept facsimile transmissions greater than ten pages in length without prior authorization. If in doubt, please call (412) 565-3550.

Hearings will begin promptly at **9:00 a.m.** each day. The parties must confer before commencement of the hearings to schedule their witnesses so as to avoid “holes” or “dead time” during the hearings. **In the event that a partial settlement is achieved the parties should be prepared to proceed on the first scheduled day of hearing to present evidence on the non-resolved issues.**

**Parties**

As of the date of this Order, the entities named above are the only parties involved in this case. A Service List of these parties is appended to this Order.

The Philadelphia Parking Authority filed a petition to intervene at PUC Docket No. A-2014-2415047. No party objected. The petition is granted.

**Consolidation**

Although the hearings on both applications are scheduled concurrently, separate briefs for each application shall be filed and a separate Initial Decision will be prepared for each application.

**Issues**

In their respective prehearing memoranda, the parties identified various issues they may wish to pursue. The reader is directed to these documents to review a recitation of these issues. Additional issues may arise as the discovery process unfolds.

**Discovery**

The parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the parties have recourse to the Commission’s procedures for formal discovery, as herein modified. 52 Pa.Code §§ 5.321, *et* *seq*. The parties must not send the Presiding ALJs discovery material or cover letters, unless attached to a motion to compel. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.** If a motion to compel fails to contain such certification, the Presiding ALJs will contact the parties and direct them to pursue informal discovery.

Counsel for Protestants Billtown Cab Co. and MTR Transportation requested modification of the discovery rules to require less than 20 days to respond to discovery. The parties agreed to employ best efforts to respond to discovery requests within five days.

**Settlement and Stipulations**

The parties are reminded it is the Commission’s policy to encourage settlements. 52 Pa.Code § 5.231(a). If settlement is not feasible, the parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234. All stipulations entered into by the parties must be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation is permissible, if it is followed by a reduction to writing as herein directed.

**Cross-Examination**

Friendly cross-examination or cumulative cross-examination during hearings will not be permitted. 52 Pa.Code §§ 5.76 & 5.243.

**Briefs**

The parties must comply with 52 Pa.Code §§ 5.501, *et* *seq*., regarding the preparation and filing of briefs. Page limitations on briefs will be discussed on or before the last day of hearing. Where possible, the parties shall submit to the Presiding ALJs **one** hard copy of their briefs and one copy by email. **The electronic version of a brief must be prepared on an IBM compatible system in *Microsoft Office Word 2010* format or in an earlier version of this software application.** If in doubt, please call the office of the Presiding ALJs for clarification.

Main Briefs **MUST** include:

1. Proposed findings of fact and conclusions of law with citations to the transcript and exhibits admitted into the record. **Any proposed finding of fact that does not include record citations to transcript pages or exhibits where the supporting evidence appears, will not be considered**.

2. A thorough legal analysis of the issues raised in the case.

3. Proposed ordering paragraphs specifically identifying the relief sought.

Any reply brief should be succinct and should not repeat arguments already made in the party’s main brief.

**Modification**

Any of the provisions of this Prehearing Order may be modified upon motion and good cause shown by any party in interest.

Date: July 25, 2014 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mary D. Long

Administrative Law Judge

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeffrey A. Watson

Administrative Law Judge

**A-2014-2415045 – Application of Lyft Inc.,** a corporation of the State of Delawarefor the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Company for passenger trips between points in Allegheny County

**A-2014-2415047 – Application of Lyft, Inc**., a corporation of the State of Delaware, for the right to begin to transport, by motor vehicle persons in the experimental service of Transportation Network Company for passenger trips between points in Pennsylvania

***Revised 7/2/2014***

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**A-2014-2415045 and A-2014-2415047**

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***A-2014-2415047***

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***Representing this complainant in both***

***A-2014-2415045 and A-2014-2415047***

*Executive Transportation, Inc. t/a Luxury Sedan,*

***Accepts E-service***

1. Application at Attachment A, p. 1. [↑](#footnote-ref-1)
2. 44 Pa.B. 2493 (April 19, 2014). [↑](#footnote-ref-2)
3. Application at Attachment A, p. 1. [↑](#footnote-ref-3)
4. 44 Pa.B. 2493 (April 19, 2014). [↑](#footnote-ref-4)