

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Raiser-PA, LLC, a limited liability company of the State of Delaware 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 designated counties

A-2014-2424608

**MOTION FOR JUDGMENT ON THE PLEADINGS**

And now come Respondents Keystone Cab Service Inc., EZ Taxi LLC, United Cab LLC, and Good Cab LLC by and through their attorney, Justine L. Pate, Esq., to request the dismissal of the Application filed by Applicant Raiser-PA LLC (Rasier) for statewide service excluding designated counties. Respondents assert:

1. On or about June 2, 2014 Applicant filed an Application to begin Experimental Service throughout the Commonwealth with the exception of designated counties.
2. Respondents filed a timely Protest to the Application.
3. On or about July 21, 2014 Applicant filed Preliminary Objections to Respondent's Protest.
4. Respondent filed a timely Answer and New Matter. The same is attached hereto as Exhibit A.
5. By Order entered on or about August 11, 2014, the presiding Administrative Law Judges denied the Preliminary Objections of the Applicant.
6. Applicant has not yet responded to Respondent's New Matter.
7. The pleading schedule has been truncated in the instant matter, as New Matter has been pleaded, however, evidentiary hearings are to be held in less than seven days.
8. Respondent's New Matter raised, among other issues, Applicant's continuing operations despite a cease and desist order issued by the Commission.
9. Respondent's New Matter asserted Applicant is, in fact, a regular common carrier, and not an 'experimental service'. Respondent asserted that Applicant therefore filed the incorrect application.

10. 52 Pa Code Section 41.14 of the Pennsylvania Code sets forth the requirements for the Commission to grant an Application. It is the burden of the Applicant to demonstrate the Applicant has the propensity to operate safely and legally.
11. Respondent's unanswered New Matter asserts the Applicants history of failing to comply with Commission authority, such as continued operation despite a cease and desist order.
12. The pleadings in this matter have been cut short by the expedited hearing date.
13. The New Matter has not been answered and should therefore be deemed admitted.
14. The pleadings therefore demonstrate that Applicant does lack the propensity to operate legally.
15. Respondents also move for dismissal on the grounds that the Applicant has filed the incorrect Application. The applicable regulation governing Experimental Service states in pertinent part, "In order to advance and promote the public necessity, safety and convenience, the Commission may, upon application, grant a new certificate or an amendment to an existing certificate in order to allow to be provided a new, innovative or experimental type or class of common carrier service"
16. Applicant plans to utilize mobile software to transport passengers from one location to another. 52 Pa Code 29.13(1) states call or demand service is, "Local common carrier service for passengers, rendered on either an exclusive or a nonexclusive basis, where the service is characterized by the fact that passengers normally hire the vehicle and its driver either by telephone call or by hail, or both.
17. Here, the Applicant characterizes itself as experimental because it uses Application based software to connect drivers with riders.
18. The regulation however provides that passengers *normally* hire the vehicle by telephone or by hail to be considered call or demand service.
19. The regulations do not require that passengers *only* or *always* hire a vehicle by telephone or by hail.
20. The utilization of an App does not distinguish the Applicant from being call or demand service.
21. The purpose of the App is the same as the purpose of making a phone call; that purpose being to obtain transport from one location to another.
22. Therefore, Applicant has filed the incorrect application in order to circumvent Commission authority and the regulations governing call or demand service. Applicant has all the markings for call or demand, *i.e.* if a person requests transport, Applicant will

provide the transportation, and collect a fare for the transportation. Utilizing software to provide transport does not make Applicant's service new or unique and as such, Applicant is not an experimental service.

**Wherefore,** Respondents respectfully request the application be dismissed.

Respectfully submitted,

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Justine L. Pate, Esq.

Attorney for Keystone Cab Service, Inc.

EZ Taxi, LLC, Good Cab, LLC and United  
Cab LLC

Attorney ID No: 311904