

**Karen O. Moury**  
717 237 4820  
karen.moury@bipc.com

409 North Second Street  
Suite 500  
Harrisburg, PA 17101-1357  
T 717 237 4800  
F 717 233 0852  
www.buchananingersoll.com

December 24, 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 the Commonwealth of Pennsylvania, Excluding Designated Counties  
Docket No. A-2014-2424608

Dear Secretary Chiavetta:

On behalf of Rasier-Pa LLC, I have attached for electronic filing the Non-Confidential Redacted Statewide Compliance Plan 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  
cc: Certificate of Service

## **Rasier-PA LLC Compliance Plan**

### **I. Introduction**

This Compliance Plan is filed pursuant to the Commission's Opinion and Order entered on December 5, 2014 ("*December 5 Order*") conditionally approving the Application of Rasier-PA LLC ("Rasier-PA") to transport, by motor vehicle, persons in the experimental service of passenger trips ("experimental transportation network service") between points in Pennsylvania, excluding trips which originate or terminate in the Counties of Allegheny, Beaver, Clinton, Columbia, Crawford, Lawrence, Lycoming, Mercer, Montour, Northumberland, Philadelphia and Union and in that portion of the County of Luzerne which is located within an airline distance of 15 statute miles of the limits of the Borough of Berwick, Columbia County, at Docket No. A-2014-2424608.

The experimental transportation network service conditionally approved by the *December 5 Order* involves drivers using their personal vehicles to provide transportation to passengers who submit requests through the Uber Technologies, Inc. ("UTI") mobile application ("App"). All steps outlined herein will be completed within 30 days following Commission approval of the Compliance Plan.

### **II. Components of Compliance Plan**

#### **A. Insurance**

1. Rasier-PA LLC ("Rasier-PA") has obtained primary liability insurance coverage covering its experimental transportation network service for Stage 1 at levels consistent with the Commission's regulations at 52 Pa. Code § 32.11(b), plus \$1,000,000 coverage for Stages 2 and 3.<sup>1</sup> James River Insurance Company, an insurance carrier authorized to do business in the Commonwealth of Pennsylvania, filed a Form E on December 19, 2014 evidencing this insurance coverage. In addition, Rasier-PA requires drivers to maintain and provide proof of liability insurance during the sign-up process, and annually thereafter, covering Stage 0, which falls outside the scope of experimental transportation service.
2. During the driver sign-up process, Rasier-PA will inform drivers, in writing through electronic notification, as follows:
  - a. It has obtained primary liability insurance coverage in the amount of \$35,000, split in the amounts of \$15,000 bodily injury per person, \$30,000 bodily injury per accident and \$5,000 property damage per accident, for Stage 1.

---

<sup>1</sup> The *December 5 Order* (at page 37, footnote 13) describes the different stages of experimental transportation network service as follows:

- Stage 0: Driver is driving for personal reasons and the App is closed.
- Stage 1: Driver opens the App and is logged on to the system.
- Stage 2: Driver receives and accepts a ride request and travels to pick up the passenger
- Stage 3: Driver picks up the passenger, drives the passenger to the destination, and the passenger exits the vehicle.

- b. It has obtained primary liability insurance coverage in the amount of \$1,000,000, at a combined single limit, including bodily injury and property damage, and \$1,000,000 in uninsured/underinsured coverage for bodily injury per incident, for Stages 2 and 3.
- c. Whether it is providing comprehensive and collision coverage to the drivers.
- d. In the event of an accident during Stages 1, 2 and 3, drivers shall produce evidence of Rasier-PA's insurance.

Rasier-PA will maintain verifiable records thereof for three years in electronic format.

3. During the driver sign-up process, Rasier-PA will require each driver to verify through an electronic signature that, within 30 days of being activated on the platform, he will review the terms of his personal automobile insurance policy with his insurer or agent regarding the use of the insured vehicle on Rasier-PA's platform. Rasier-PA will maintain verifiable records thereof for three years in electronic format.

## **B. Driver Integrity**

1. Rasier-PA will continue, at the time of driver sign-up, to undertake driver criminal background checks of the scope and breadth described in the Application and on page 27 of the *December 5 Order*, which exceed the requirements of 52 Pa. Code §§ 29.503 and 29.505. In addition, Rasier-PA will implement a process to conduct criminal background checks on each driver on an annual basis thereafter. Rasier-PA will maintain verifiable records thereof for two years.
2. Rasier-PA will continue, at the time of driver sign-up, to undertake drivers' history checks consistent with 52 Pa. Code § 29.504. In addition, Rasier-PA will implement a process to conduct drivers' history checks on an annual basis thereafter. Rasier-PA will further continue its "zero tolerance" policy for driver drug/alcohol use while driving on the platform, consistent with 52 Pa. Code §§ 29.506 and 29.507. Rasier-PA will maintain verifiable records thereof for three years.

## **C. Vehicle Safety**

1. Rasier-PA will ensure that drivers' vehicles successfully pass the annual Pennsylvania Department of Transportation ("PennDOT") inspections required by 75 Pa.C.S. Chapter 47 pursuant to 52 Pa. Code § 29.405. During the driver sign-up process, Rasier-PA will collect evidence of the successful completion of annual state inspections. Rasier-PA will maintain verifiable records thereof for three years.
2. To comply with the Commission's requirement that vehicles remain in continuance compliance with the standards at 52 Pa. Code §§ 29.402(1) and (2) and 29.403, Rasier-PA will:
  - a. Inform drivers during the sign-up process that they are responsible for ensuring that their vehicles remain in compliance with these standards.

- b. Require drivers to provide evidence of the successful completion of PennDOT inspections on an annual basis.
  - c. Mandate that drivers resolve any deficiencies identified by enforcement officers during inspections conducted under the Commission's regulations.
  - d. Follow up with drivers to resolve any negative feedback about their vehicles that is provided by customers through the rating system, responses to email receipts or complaints.
  - e. Deactivate a driver from the platform who fails to provide evidence of the successful completion of annual PennDOT inspection or who fails to rectify any safety-related deficiencies with their vehicles.
3. Rasier-PA will not permit the use of vehicles older than eight model years, consistent with 52 Pa. Code § 29.314(d).<sup>2</sup> During the driver sign-up process, Rasier-PA will collect vehicle information from drivers to verify that the vehicles are currently not older than eight model years and include this information in a database. Thirty days prior to the vehicles reaching eight model years, Rasier-PA will provide a notification to drivers that their vehicles need to be replaced. In the event such vehicles are not replaced, Rasier-PA will deactivate the driver from the platform until such time as he replaces his vehicle. Rasier-PA will maintain verifiable records thereof for three years.
  4. Rasier-PA will require each driver to place a "U" placard in the windshield of the vehicle, which is clearly visible from outside the vehicle at all times while operating in Stages 1, 2 or 3, consistent with 52 Pa. Code §§ 29.71 and 29.72.

#### **D. Recordkeeping, Reports and Audits**

1. Rasier-PA will maintain verifiable records for service for a period of two years after the service was provided including: trip information (date, time, origination, destination and fare); vehicle information under 52 Pa. Code § 29.314(c); and the identity and driver's license numbers of all drivers.
2. Rasier-PA will comply with the accident reporting requirements of 52 Pa. Code § 29.44 by providing telephonic notification to the Bureau of Technical Utility Services' Transportation Division within 24 hours of an accident resulting in the death of a person;

---

<sup>2</sup> Rasier-PA is aware that Section 29.314(d) of the regulations is the subject of a final rulemaking order which, if approved, will revise the eight-model year requirement to ten model years for conventional vehicles or twelve model years for alternatively fueled vehicles. See *Final Rulemaking Order in Vehicle List, Age, and Mileage Requirements for Taxis and Limousines*, Docket No. L-2013-2349042 (Order entered November 19, 2014). On December 18, 2014, the Commission adopted a Motion in that proceeding regarding the effective date of the ten model year standard, noting the desire to immediately allow taxicab companies to begin using vehicles that are ten model years in age. Along those same lines, Rasier-PA notes that given the timing for approval of this Compliance Plan, drivers operating 2006 vehicles will be required to replace them in or around February 2015 while a new rule may go into effect shortly thereafter that would have permitted them to continue using those vehicles for two more years. While Rasier-PA is prepared to comply with the eight-model year requirement within thirty days and until such time as it is revised, Rasier-PA respectfully requests that the Commission consider a longer compliance period for this requirement (such as 180 days rather than 30 days) in an effort avoid this adverse impact on drivers.

and maintaining records of any accident that results in a police report for a period of one year.

3. Rasier-PA, its affiliates and third-party contractors will comply with the assessment reporting requirements of 52 Pa. Code § 29.43, including reporting the gross intrastate operating revenues derived from the experimental service authority.
4. Rasier-PA is herewith filing, in Attachment A, for Commission review an affiliated interest agreement between it and UTI, pursuant to 66 Pa.C.S. § 2102. The agreement identifies Jon Feldman, General Manager-Uber Pennsylvania, as the UTI employee who is furnishing management and supervisory services regarding market entry and regulatory compliance in Pennsylvania. Mr. Feldman's offices are located at 109 South 13<sup>th</sup> Street, Philadelphia, PA 19107.
5. Rasier-PA has worked with other entities to gather the trip information required by the Interim Order dated July 31, 2014 at Docket No. A-2014-2416127, and is herewith filing this information under seal, as Attachment B, for review by the Commissioners and advisory staff at the Commission who have duties to monitor Rasier-PA's compliance with *December 5 Order*.<sup>3</sup> As this information constitutes a trade secret, Rasier-PA understands that the Commission will safeguard its confidentiality pursuant to the Commission's Procedures Manual and 52 Pa. Code 5.362.
6. Rasier-PA acknowledges that the Commission is authorized, pursuant to 66 Pa. C.S. §§ 331(a), 501 and 506, to inspect, audit and investigate any books, records and facilities of theirs and any affiliated entities as they relate to certificated services provided by Rasier-PA. Any reports or other documents marked as confidential will be treated according to existing Commission confidentiality practices and regulations.
7. Rasier-PA is herewith filing, as Attachment C, a proposed a tariff setting forth the terms and conditions of service. In the tariff, Rasier-PA describes its proposed surge pricing policy during emergencies and natural disasters, noting its commitment to compliance with Pennsylvania's Price Gouging Act, 73 P.S. §§ 232.1 *et seq.*

#### **E. Waiver of Regulations**

1. Rasier-PA acknowledges that the Commission's regulations for call and demand apply to the experimental transportation network service, unless they are waived and modified by the *December 5 Order*. In addition to those that are identified in the *December 5 Order*, Rasier-PA requests a waiver of the following provisions in 52 Pa. Code:
  - a. Section 23.41 (changes in rates may only be made upon 30 days' notice);<sup>4</sup>

---

<sup>3</sup> Since the Interim Order required data through the end of the complaint proceeding, which is still pending, Rasier-PA has chosen a reasonable end date, being the date on which the *December 5 Order* was entered.

<sup>4</sup> 52 Pa. Code § 29.62, which requires motor carriers to provide advance notice to the Commission of rate changes has already been waived.

- b. Section 29.61 (carrier must begin operating within 30 days after receipt of certificate);<sup>5</sup>
  - c. Section 29.313(e) (carrier may not carry packages or parcels unless accompanied by a passenger);<sup>6</sup> and
  - d. Section 29.314(e) (requires vehicles to have dome lights).<sup>7</sup>
2. Rasier-PA seeks confirmation of the applicability of 52 Pa.Code § 29.312 to the experimental services approved by the *December 5 Order*, despite references to limitations on trips “originating” or “terminating” in specified counties.<sup>8</sup> Section 29.312(4) provides that call or demand vehicles may transport persons in the area authorized by the certificate; from the area authorized by the certificate to a point in this Commonwealth; and from a point in the Commonwealth to a point in the area authorized by the certificate, provided that the request for transportation is received in the area authorized by the certificate. 52 Pa.Code § 29.312(4). Applying this regulation to the experimental services approved by the *December 5 Order* would ensure that passengers can be transported to their requested destination regardless of where they are picked up. For example, a passenger could request service in Bucks County and be transported to a point in Philadelphia County.

### III. Conclusion

Through this Compliance Plan, Rasier-PA has complied with or has committed to timely compliance with every condition of the Commission’s *December 5 Order*. Rasier-PA acknowledges that the Commission will rule upon the completeness and adequacy of the Compliance Plan within thirty days. Rasier-PA certifies that it will achieve full compliance with all of these conditions within thirty days following approval of the Compliance Plan.<sup>9</sup>

To the extent that the Commission views any aspect of this Compliance Plan as being deficient, Rasier-PA welcomes a dialogue with the Commission or Commission staff designed to submit changes necessary to gain approval by the Commission. Rasier-PA further commits to complying with the requirement to submit quarterly reports following approval of the Compliance Plan demonstrating continued compliance with each condition.

---

<sup>5</sup> Rasier-PA does not expect to begin operating in all counties authorized by the *December 5 Order* within 30 days, and requests flexibility to launch, as appropriate, in various counties over the course of this 2-year certificate.

<sup>6</sup> Rasier-PA’s business model in other jurisdictions includes the ability to deliver products to consumers who request these services through the mobile application. An example of a special promotion involving the carrying of packages or parcels is a clothing drive for less fortunate members of society.

<sup>7</sup> The personal vehicles used by drivers operating on Rasier-PA’s platform will not be equipped with dome lights.

<sup>8</sup> See *December 5 Order* at pages 15-16 and Page 73, footnote 25.

<sup>9</sup> If the Commission agrees to a longer compliance period for the eight year model standard, Rasier-PA will achieve compliance consistent with the Commission’s order addressing this Compliance Plan.

# Attachment A

**MANAGEMENT AND SUPERVISORY SERVICES AGREEMENT  
BY AND BETWEEN  
UBER TECHNOLOGIES, INC.  
AND  
RASIER-PA LLC**

1. This Management and Supervisory Services Agreement (“Agreement”), effective January 1, 2015, is made and entered into by and between Rasier-PA LLC (“Rasier-PA”) and Uber Technologies, Inc. (“UTI”).

2. Rasier-PA, a wholly-owned subsidiary of UTI, is a limited liability company organized under the laws of Delaware and registered as a foreign limited liability company in Pennsylvania with the Department of State at Corporation Bureau Entity Identification Number 4262217.

3. UTI, a corporation organized under the laws of Delaware, is registered as a foreign business corporation with the Pennsylvania Department of State at Corporation Bureau Entity Identification Number 4105162.

4. Rasier-PA’s physical address in Pennsylvania is 109 South 13<sup>th</sup> Street, Philadelphia, PA 19107.

5. UTI’s principal place of business is in San Francisco, California.

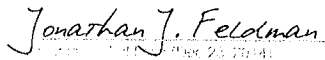
6. Rasier-PA is a transportation network company, which has conditionally been granted the right to transport person by motor vehicle in the experimental service of shared-ride network for passenger trips between points in Pennsylvania, excluding trips between points in designated counties. *See Applications of Rasier-PA LLC*, Docket Nos. A-2014-241627 and A-2014-2424608 (Orders entered December 5, 2014).

7. UTI is a technology company, which licenses its mobile application to permit passengers to obtain transportation by drivers using their personal vehicles who contract with Rasier-PA.

8. UTI will provide management and supervisory services to Rasier-PA. These services include the handling of market entry, consumer complaints and regulatory compliance matters in Pennsylvania.

9. Rasier-PA will pay UTI for these services on a reasonable cost basis.

10. This Agreement may be amended in writing by the parties. No amendment to this Agreement will be effective unless it is filed with and approved by the Pennsylvania Public Utility Commission.

  
\_\_\_\_\_  
Dec 23, 2014

Jon Feldman, General Manager, Uber Pennsylvania  
For Rasier-PA LLC

  
\_\_\_\_\_  
Dec 23, 2014

Krishna K. Juvvadi, Regulatory Counsel  
Uber Technologies, Inc.

Date: December 23, 2014

Attachment B  
(redacted)

**Trip Data**

(Redacted Version)

From initiation of service in Pennsylvania until June 5, 2014:

From receipt of cease and desist letter dated July 6, 2012 to June 5, 2014:

From June 5, 2014 to July 1, 2014:

From July 1, 2014 to December 5, 2014:

# Attachment C

Certificate No. A-2014-2424608

Experimental - Pa. P.U.C. No. 1

## **Rasier-PA LLC**

### **Rates and Rules Governing the Transportation of Persons in Experimental Service Between Points in the Commonwealth of Pennsylvania**

#### **Description of the Authorized Rights:**

To transport, by motor vehicle, persons in the experimental service of passenger trips between points in the Commonwealth of Pennsylvania, excluding trips which originate or terminate at points in the Counties of Allegheny, Beaver, Clinton, Columbia, Crawford, Lawrence, Lycoming, Mercer, Montour, Northumberland, Philadelphia and Union and in that portion of the County of Luzerne which is located within an airline distance of 15 statute miles of the limits of the Borough of Berwick, Columbia County

Issued under authority of 52 PA Code Section 23.42

**By: Rasier-PA LLC  
109 S. 13<sup>th</sup> Street  
Philadelphia, PA 19107  
717-237-4820**

**Issued: [1 Day After Filing]**

**Effective: [3 Days After Issuance]**

## **Rules and Regulations**

- 1.1. Riders will request transportation through the Internet or a mobile application (“App”) on their smartphones. Operators may not solicit or accept street-hails.**
- 1.2. When an operator responds to the request, the rider will receive the vehicle type and a photo of the operator, along with an indication of the operator’s current location and estimated time of arrival.**
- 1.3. Upon completion of a trip, an electronic receipt will be transmitted to the customer’s email address or smartphone App documenting the details of the trip.**

**Issued: [1 Day After Filing]**

**Effective: [3 Days After Issuance]**

### Schedule of Rates

- 2.1. Rates are calculated on the basis of the distance and time between the point of origination and the destination and include a minimum base fare.
- 2.2. Flat fees may be charged for trips to specific destinations.
- 2.3. Rates may increase or decrease in real time for the purpose of balancing supply and demand. At times of tight supply, such as special events or holidays, surge pricing goes into effect.
- 2.4. When a natural disaster or emergency results in a state of disaster emergency being declared by the Governor of Pennsylvania, the surge price will be computed to comply with the Pennsylvania Price Gouging Act, 73 P.S. §§ 232.1 *et seq.* For any natural disaster or emergency that does not result in a state of disaster emergency being declared by the Governor of Pennsylvania, the surge price will be established on the basis of prices charged over the preceding sixty days.
- 2.5. In all situations, the prospective customer will be advised of the applicable rates being charged and will have the option of receiving an estimated fare before booking the ride.
- 2.6. Cancellation fees and cleaning fees may be applied as necessary, with advance notice to the customer.

Issued: [1 Day After Filing]

Effective: [3 Days After Issuance]

**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-2014-2424608  
Approval to Operate an Experimental :  
Ride-Sharing Network Service Between Points in :  
the Commonwealth of Pennsylvania, Excluding :  
Designated Counties :

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 First-Class Mail**

Mary D. Long  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 5th Avenue, Suite 220  
Pittsburgh, Pennsylvania 15222  
[malong@pa.gov](mailto:malong@pa.gov)

Jeffrey A. Watson  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
301 5th Avenue, Suite 220  
Pittsburgh, Pennsylvania 15222  
[jeffwatson@pa.gov](mailto:jeffwatson@pa.gov)

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

Michael S. Henry, Esquire  
Michael S. Henry LLC  
2336 S. Broad Street  
Philadelphia, PA 19145  
[mshenry@mshenrylaw.com](mailto:mshenry@mshenrylaw.com)

Justine Pate, Esquire  
620 S. 13<sup>th</sup> Street  
Harrisburg, PA 17104

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

David W. Donley, Esquire  
3361 Stafford Street  
Pittsburgh, PA 15204

Dated this 24<sup>th</sup> day of December, 2014.



---

Karen O. Moury, Esq.