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March 16, 2015

VIA E-FILING

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

Re: Petition of Rasier-PA LLC For Waiver of Six-Month Delay in Implementation of Changes in the Commission's Vehicle Age and Mileage Regulations at 52 Pa. Code § 29.314(c); Docket No. P-2015-

Dear Secretary Chiavetta:

On behalf of Rasier-PA, LLC ("Rasier-PA"), I am electronically filing the Petition of Rasier-PA LLC for Waiver of Six-Month Delay in Implementation of Changes in the Commission's Vehicle Age and Mileage Regulations at 52 Pa. Code Section 29.314(c).

Very truly yours,



Karen O. Moury

KOM/bb
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Rasier-PA LLC For Waiver of Six- :
Month Delay in Implementation of Changes in : Docket No. P-2015-
the Commission’s Vehicle Age and Mileage :
Regulations at 52 Pa. Code § 29.314(c) :

**PETITION OF RASIER-PA LLC FOR WAIVER OF SIX-MONTH DELAY IN
IMPLEMENTATION OF CHANGES IN THE COMMISSION’S VEHICLE AGE AND
MILEAGE REGULATIONS AT 52 PA. CODE SECTION 29.314(C)**

Pursuant to 52 Pa. Code § 5.43, Rasier-PA LLC (“Rasier-PA”), by and through its counsel, Karen O. Moury and Buchanan Ingersoll & Rooney PC, hereby petitions the Pennsylvania Public Utility Commission (“Commission”) for a waiver of the six-month delay in implementation of the changes adopted by the Commission to its vehicle age and mileage regulations at 52 Pa. Code § 29.314(c) in its November 19, 2014 Final Rulemaking Order at Docket No. L-2013-2349042 (“Final Rulemaking Order”). In support hereof, Rasier-PA avers as follows:

1. By this Petition, Rasier-PA seeks permission to immediately begin following the forthcoming vehicle age and mileage regulations upon their approval through Pennsylvania’s regulatory review process and publication in the *Pennsylvania Bulletin*. Specifically, Rasier-PA proposes to immediately implement the changes, without the six-month delay, permitting the use of vehicles that are 10 model years, provided they have no more than 350,000 miles on their odometers. Also, Rasier-PA proposes to immediately implement the changes, without the six-month delay, permitting the use of electric vehicles, hybrid electric vehicles and vehicles

utilizing alternative fuels (as defined by the regulations) up to the vehicle age of 12 model years, provided they have no more than 350,000 miles on their odometers.

2. By the Final Rulemaking Order, the Commission adopted final regulations establishing new vehicle age/mileage requirements for taxicabs operating in Pennsylvania. If approved through Pennsylvania's regulatory review process, these revisions will result in an increase in the conventional vehicle age requirement from 8 to 10 model years old; an increase to 12 years old for electric vehicles, hybrid electric vehicles and vehicles utilizing alternative fuels; and the imposition of a 350,000 odometer limitation. The Commission has indicated that these regulations will apply to Rasier-PA. *Applications of Rasier-PA LLC for Experimental Service of Shared-Ride Network*, Docket Nos. A-2014-2416127 and A-2424608 (Orders entered December 5, 2014, at page 44, footnote 17 and page 37, footnote 12, respectively).

3. In adopting the Final Rulemaking Order, the Commission delayed the effective date of the changes for six months. Thereafter, the Commission proposed to eliminate the six-month delay, noting that the original reason for the delay was to "give taxi carriers sufficient flexibility to prepare for the elimination of the Commission's vehicle waiver program." Tentative Reconsideration Order entered December 22, 2014 Order at 2, Docket No. L-2013-2349042. The Commission explained that delaying the effective date of the vehicle age and mileage requirements may unnecessarily prevent the use of vehicles between eight and ten model years of age, which was not its intent in establishing a dual age/mileage limitation. *Id.*

4. Based on adverse comments received from the taxicab industry noting that elimination of the six-month implementation timeframe may not give taxi carriers sufficient flexibility to prepare for the Commission's new dual vehicle age/mileage regulations, the Commission declined to delay the effective date. Final Order entered January 29, 2015, Docket No. L-2013-2349042.

5. By Order entered on March 11, 2015, the Commission granted a request of a competing transportation network company (“TNC”), Lyft, Inc., to permit its drivers to operate vehicles in accordance with the Commission’s forthcoming vehicle age and mileage regulations at 52 Pa. Code § 29.314(c) upon publication of those regulations in the *Pennsylvania Bulletin* instead of waiting six months thereafter. Petition of Lyft, Inc., Docket No. P-2015-2465852 (Order entered March 11, 2015) (“Lyft Waiver Order”).

6. As recognized by the Commission in the Lyft Waiver Order, the Commission did not intend to unnecessarily prevent the use of vehicles between 8 and 10 model years of age in establishing the new dual age/mileage metric in the forthcoming regulations. Rather, the Commission delayed the effective date by six months to give taxi and limousine carriers time to adjust to the new regulations. Lyft Waiver Order at 9.

7. The Commission further observed in the Lyft Waiver Order that if a TNC is “ready and capable to adhere to the forthcoming regulations when and if those regulations are formally approved and published in the *Pennsylvania Bulletin*,” there is no reason to deny the TNC and its drivers from immediately beginning to follow those requirements. Lyft Waiver Order at 9. As the Commission explained, not only would such as a result needlessly curtail the availability of TNC drivers, it would also be contrary to the Commission’s desire to establish the dual age/mileage metric. *Id.*

8. Also, in the Lyft Waiver Order, the Commission acknowledged that permitting TNCs flexibility to immediately follow the new regulations promotes economic development and the use of innovative technologies that benefit the traveling public. *Id.* At 10.

9. In the Compliance Plans submitted at Docket Nos. A-2014-2416127 and A-2014-2424608, Rasier-PA requested that the Commission consider a longer compliance period regarding the 8 model year requirement due to the Final Rulemaking Order. In approving

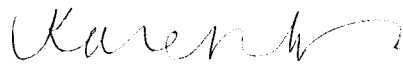
Rasier-PA's Compliance Plans, the Commission did not grant this request. *See* Order adopted January 29, 2015, Docket Nos. A-2014-2416127 and A-2014-2424608. As a result, Rasier-PA has removed vehicles from its platform that are older than 8 model years as of March 1, 2015.

10. Rasier-PA is currently operating with vehicles that meet the existing Commission regulations and will be ready to immediately follow the forthcoming regulations upon their publication in the *Pennsylvania Bulletin*. Having this flexibility would facilitate Rasier-PA's efforts to meet consumer demand and would ensure that competing TNCs are subject to the same rules.

11. For these reasons and based on the Commission's rationale in the Lyft Waiver Order, Rasier-PA respectfully requests that it also be permitted to immediately begin following the requirements of Section 29.314(c) upon approval and publication of in the *Pennsylvania Bulletin*.

WHEREFORE, Rasier-PA LLC respectfully requests that the Commission grant this Petition for Waivers of the Six-Month Delay in Implementation of Changes in the Commission's Vehicle Age and Mileage Regulations at 52 Pa. Code § 29.314(c).

Respectfully submitted,



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Attorneys for Rasier-PA LLC

Dated March 16, 2015

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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).

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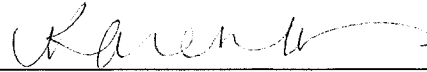
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Dated this 16th day of March, 2015.



Karen O. Moury, Esq.