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April 27, 2015

**VIA E-FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
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 Service of Shared-Ride Network for Passenger Trips Originating or Terminating in the Counties of Beaver, Clinton, Columbia, Crawford, Lawrence, Luzerne, Lycoming, Mercer, Montour, Northumberland and Union; Docket No. A-2015-2469287

Dear Secretary Chiavetta:

On behalf of Rasier-PA LLC, I am electronically filing the Preliminary Objections to the Protest of Prime Time Limo Service, in the above-captioned proceeding.

Copies have been served on all parties as indicated in the attached Certificate of Service.

Very truly yours,



Karen O. Moury

KOM/bb  
Enclosure

cc: Chief Administrative Law Judge Charles E. Rainey, Jr. (via First Class mail)  
Certificate of Service

**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 :  
Approval to Operate an Experimental Service of :  
Shared-Ride Network for Passenger Trips : Docket No. A-2015-2469287  
Originating or Terminating in the Counties of :  
Beaver, Clinton, Columbia, Crawford, Lawrence, :  
Luzerne, Lycoming, Mercer, Montour, :  
Northumberland and Union :

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**NOTICE TO PLEAD**

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TO: J. Randall Tharan  
Prime Time Limo Service  
53 Tharan Lane  
Knox, PA 16232

Pursuant to 52 Pa. Code § 5.101(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Preliminary Objections to the Protest of Prime Time Limo Service within **ten (10) days** from service of this Notice, the facts set forth by Rasier-PA LLC in the Preliminary Objections may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Rasier-PA LLC, and where applicable, the Administrative Law Judge presiding over the case.


**File with:**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**With a copy to:**

Karen O. Moury  
Buchanan Ingersoll & Rooney, PC  
409 North Second Street  
Suite 500  
Harrisburg, PA 17101

Dated: April 27, 2015

  
\_\_\_\_\_  
Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Beaver, Clinton, Columbia, Crawford, Lawrence, :  
Luzerne, Lycoming, Mercer, Montour, :  
Northumberland and Union :

**PRELIMINARY OBJECTIONS TO THE PROTEST OF  
PRIME TIME LIMO SERVICE**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Rasier-PA LLC, a wholly owned subsidiary of Uber Technologies, Inc. (“Rasier-PA”), by and through its counsel, Karen O. Moury and Buchanan Ingersoll & Rooney PC, files these Preliminary Objections pursuant to Section 5.101(a) of the Pennsylvania Public Utility Commission (“Commission”) regulations at 52 Pa. Code § 5.101(a)(4) and (7), seeking to dismiss the protest filed by Prime Time Limo Service (“Protestant”) and in support thereof, avers as follows:

**I. Introduction**

1. Rasier-PA seeks dismissal of Protestant’s protest on the basis of the Commission’s prior orders approving Rasier-PA’s applications to fully operate an experimental service of shared-ride network service for passenger trips (“transportation network services”) for the vast majority of Pennsylvania, excluding Philadelphia. *Application of Rasier-PA LLC for Allegheny County Authority*, Docket No. A-2014-2416127 (Order entered December 5, 2014) (“December 5 Allegheny County Order”); *Application of Rasier-PA LLC for Statewide Authority*, (“statewide application”), Docket No. A-2014-2424608 (Order entered December 5, 2014) (“December 5 Statewide Order”).

2. Since the pending application would merely expand Rasier-PA's existing (nearly stateside) operating authority to provide transportation network services in a relatively small number of previously excluded counties, and the Commission addressed all of the relevant issues regarding public need for the proposed service and Rasier-PA's fitness to provide this service less than five months ago, no useful public purpose would be served by holding evidentiary hearings and delaying the delivery of innovative and competitive transportation alternatives to the public in these areas. This is particularly true since the protest has offered no specific reasons to engage a review of public need, fitness or the effect on existing carriers of the proposed service and merely seeks to foster the monopolistic protection of the traditional transportation industry.

3. Rasier-PA further seeks dismissal of Protestant's protest on the grounds that Protestant lacks standing. Protestant's statewide authority to operate as a limousine carrier does not present an actual or potential conflict with Rasier-PA's proposed services. Therefore, consistent with the Commission's well-established precedent, Protestant lacks standing and its protest must be dismissed in its entirety. Moreover, the protest should be dismissed on the basis that it is an insufficient pleading because it fails to contain the information required by the Commission's regulations.

4. The Commission should expeditiously approve Rasier-PA's application to provide transportation network services in the counties previously excluded from its statewide application. Through this application, Rasier-PA proposes to expand its use of a digital platform to connect passengers to independent drivers, with whom it contracts. Under Rasier-PA's existing service, riders request transportation through the Internet or a mobile application ("App") on their smartphones, and drivers use their own personal, non-commercially licensed vehicles for the purpose of providing transportation services. When a driver responds to the

request, the passenger receives the vehicle type and a photo of the driver, along with an indication of the driver's current location and estimated time of arrival. Drivers may not solicit or accept street hails. Rasier-PA discloses the fare calculation method, the applicable rates being charged, and the option for the passenger to obtain an estimated fare before booking the transportation. Upon completion of a trip, an electronic receipt is transmitted to the passenger's email address or App documenting the details of the trip and contact information for the Commission that be may be used to file a complaint.

5. Technology has enabled Rasier-PA to offer innovative services to passengers in Allegheny County and throughout Pennsylvania that are not available from traditional transportation providers. By relying on a digital platform, Rasier-PA is able to efficiently and economically connect passengers with drivers. Through Rasier-PA's proposed service, passengers in counties now excluded from Applicant's statewide certificate would gain access to safe, reliable and affordable transportation alternatives that fill voids in the existing infrastructure. Those areas are in as much need of adequate transportation options as the other parts of Pennsylvania. Further, affording Rasier-PA the ability to more freely move throughout Pennsylvania would benefit the riding public.

6. In addition, Rasier-PA's services are responsive to consumers who wish to have a choice about the way they are transported. The availability of Rasier-PA's services in the specified counties would allow passengers to request transportation services through the Internet or App rather than by street hail or telephone, which many passengers find to be convenient and preferable to traditional taxicab service.

7. Pointing to the use of an App-based technology as allowing for wider ranging, faster and more user friendly scheduling of transportation, the Commission has previously recognized similar services as being sufficiently distinguishable from limousine and call or

demand service so as to qualify for the separate classification of common carrier authority known as experimental service under the Commission's regulations.

8. Given the Commission's flexible approach in the *December 5 Statewide Order* regarding the applicability of the public need or demand standards to transportation network services; its findings that the services proposed by Rasier-PA would be responsive to public demand and serve a useful public purpose; its conclusions that the services proposed by Rasier-PA would provide compelling societal benefits, and its determination that Rasier-PA is fit to offer these services, it would be a waste of administrative resources to hold evidentiary hearings on the pending application to determine whether there is a need for the proposed service and whether Rasier-PA is fit to provide the proposed service.

9. Therefore, for reasons noted above and more fully described below, the Commission should dismiss the protest and approve the application.

## **II. Background**

10. On February 27, 2015, Rasier-PA filed the pending application, pursuant to 52 Pa. Code § 29.352, requesting approval to provide transportation network services originating or terminating in the Counties of Beaver, Clinton, Columbia, Crawford, Lawrence, Luzerne, Lycoming, Mercer, Montour, Northumberland and Union.

11. The Commission's regulations establish "experimental service" as a classification of passenger carrier service that is separate and apart from limousine service, call or demand service, group and party service, airport transfer service, paratransit service and scheduled route service, and describe it as follows:

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*. An application for a certificate or amendment shall state that it is an application for an experimental service.

52 Pa. Code § 29.352 (emphasis added).

12. Rasier-PA already holds experimental authority to provide transportation network services between points in Pennsylvania, excluding 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 with an airline distance of 15 statute miles of the limits of the Borough of Berwick, Columbia County. December 5 Order. Upon approval of Rasier-PA's compliance plan by Order entered on January 29, 2015, a certificate of public convenience was issued on the same date.

13. By this application, Rasier-PA is seeking approval to expand its transportation network services on an experimental basis to include the eleven counties previously excluded from the statewide application. Rasier-PA previously excluded specific counties from its statewide application in an effort to avoid the filing of protests and to cause the withdrawal of protests that were filed, with the objective of streamlining the approval process.. However, several protests remained in opposition to the applications, which were ultimately approved by the *December 5 Allegheny County Order and December 5 Statewide Order* following a fully litigated proceeding that included evidentiary hearings, the filing of briefs, the issuance of a recommended decision, and the filing of exceptions.

14. Notice of Rasier-PA's application was published in the *Pennsylvania Bulletin* on March 21, 2015. Protests were due by April 6, 2015. Protestant filed a timely protest, asserting that it holds statewide limousine authority.

15. Under Section 3.381(c)(1)(C) of the Commission's regulations, Rasier-PA's may file motions to strike or dismiss within twenty days after the closing date for the filing of protests, or by April 27, 2015. 52 Pa. Code § 3.381(c)(1)(C).

16. Through these timely-filed Preliminary Objections, pursuant to the Commission's regulations at 52 Pa. Code § 5.101(a)(3)(4) and (7), Rasier-PA seeks dismissal of Protestant's protest on the grounds that the protest is a legally insufficient pleading that fails to state a claim upon which relief may granted; the Protestant lacks standing to participate in the proceeding, and the protest lacks sufficient specificity because it fails to set forth the information that is required by the Commission's regulations.

### **III. Legal Standards Applicable to Preliminary Objections**

17. The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections. 52 Pa. Code § 5.101(a)(1)-(7). *Equitable Small Transportation Interveners v. Equitable Gas Company*, 1994 Pa. P.U.C. LEXIS 69, Docket No. C-00935435 (July 18, 1994).

18. The grounds for preliminary objections are limited to those set forth in 52 Pa Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.



19. The Commission's procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice. *Equitable Small Transportation Interveners*, supra.

20. The moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985). However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa.Cmwlth. 2007).

#### **IV. Argument**

##### **A. Preliminary Objection No. 1: Legal Sufficiency of Pleading**

21. The protest should be dismissed pursuant to the Commission's regulations at 52 Pa. Code § 5.101(a)(4) on the basis that is a legally insufficient pleading and fails to state a claim upon which relief may be granted. A hearing is not necessary and would not serve the public interest in this matter. *See* 66 Pa.C.S. § 703(b).

22. The Commission's policy statement at 52 Pa. Code § 41.14 establishes the evidentiary criteria that are relied upon in deciding motor common carrier applications. Under that policy statement, an applicant "has a burden of demonstrating that approval of the application will serve a useful public purpose, responsive to a public demand or need." 52 Pa. Code § 41.14(a). Specifically, the applicant "has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service" and "authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally." 52 Pa. Code § 41.14(b). As noted in the policy statement, "[t]he Commission will

grant common carrier authority commensurate with the demonstrated public need unless it is established that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers to an extent that, on balance, the granting of authority would be contrary to the public interest.” 52 Pa. Code § 41.14(c).

23. Rather than making factual averments necessitating a hearing, the protest suggests that the application be denied until such time as all litigation involving Rasier-PA is resolved and that the Protestant has a vested area in the same market area as Rasier-PA. Nothing in the Commission’s standards governing motor carrier applications suggests that amendments to existing authority should be held in abeyance while appeals or other litigated matters involving a public utility are resolved.

24. Particularly in view of the findings in the Commission’s *December 5 Statewide Order* regarding Rasier-PA’s proposed service being responsive to a public demand and the recognition of the substantial benefits that will be derived from the initiation of this competitive service, as well as the limited expansion of transportation network services authority requested by this application, holding a hearing on the grounds raised by the Protestant would serve no public purpose and would be a waste of administrative resources.

25. Moreover, allowing existing carriers to challenge the application and delay the delivery of transportation network services to the previously excluded counties is contrary to the Commission’s recent policy announcements where the Commission has recognized the value of deferring to the market place as to whether new services are needed. Specifically, eliminating the outdated and lengthy application process in the household goods moving industry, the Commission touted the benefits of increased competition, customer choice and job creation. *Final Rulemaking Amending Regulations Applicable to Household Goods in Use Carriers*, Docket No. L-2013-2376902 (Order entered June 19, 2014). Those laudable goals are equally

beneficial to the transportation network services industry. The Commission also does not consider whether the entry of a new limousine carrier into the field would endanger or impair the operations of existing providers. 52 Pa. Code § 41.14(d).

26. Further, although the protest makes an ambiguous claim about having a vested interest in the same market, the protest offers no specific details about how the entry of a new carrier would impair operations of existing carriers, especially when Protestant does not currently have authority to provide transportation network services. In any event, the potential effect on the operations of existing carriers is an antiquated concept that, if endorsed by the Commission, would foster monopolistic protection of the traditional transportation industry and stand in the way of delivering new and innovative services to the riding public. It is also noteworthy that motor carrier applicants need not establish the inadequacy of existing transportation services. In 1982, the Commission expressly excised the inadequacy requirement from an applicant's burden of proof, thereby eliminating its focus on fostering monopolistic protection for existing carriers. *Morgan Drive Away, Inc. v. Pennsylvania Pub. Util. Comm'n*, 512 A.2d 1359, 1360 (1986) (citing *Seaboard Tank Lines, Inc. v. Pennsylvania Pub. Util. Comm'n*, 502 A.2d 762 (1985)).

**B. Preliminary Objection No. 2: Lack of Standing**

27. According to the protest, Protestant currently holds statewide limousine authority. The protest should be dismissed on the basis of lack of standing, pursuant to the Commission's regulations at 52 Pa. Code § 5.101(a)(7). Although Protestant claims to hold statewide authority to provide passenger transportation services and to have a vested interest in the market in which Rasier-PA proposes to provide service, Protestant asserts views as a citizen of Pennsylvania that the application should be denied until all litigation involving Rasier-PA is resolved.

28. Standing to participate in proceedings before an administrative agency is primarily with the discretion of the agency. *Pennsylvania National Gas Association v. T.W. Phillips Gas and Oil Co.*, 75 Pa. PUC 598, 603 (1991). Generally, the Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. *Joint Application of Pennsylvania-American Water Co. and Evansburg Water Co. for Approval of the transfer, by sale, of the water works property and rights of Evansburg Water Co. to Pennsylvania-American Water Co.*, A-212285F0046/47 and A-210870F01 (July 9, 1998); *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975); *Landlord Service Bureau, Inc. v. Equitable Gas Co.*, 79 Pa. PUC 342 (1993); *Re Equitable Gas Co.*, 76 Pa. PUC 23 (1992); *Manufacturers' Association of Erie v. City of Erie - Bureau of Water*, 50 Pa. PUC 43 (1976); *Waddington v. Pa. Pub. Util. Comm'n*, 670 A.2d 199 (Pa.Cmwlth. 1995), *alloc. denied*, 678 A.2d 368 (Pa. 1996). Requiring a person or entity to have a direct, immediate and substantial interest in the subject matter of a proceeding helps avoid frivolous, harassing lawsuits whose costs are ultimately borne, at least in part, by utility ratepayers. *Pa. Pub. Util. Comm'n v. National Fuel Gas Distribution Corp.*, 73 Pa. PUC 552 (1990).

29. As a citizen, Protestant clearly lacks standing to challenge the application. Under well-established Pennsylvania law, a party does not have standing to participate in a legal proceeding absent a showing that it is aggrieved. A party that is not adversely affected by the matter it seeks to challenge has no standing to obtain a judicial resolution. It is not sufficient for the person claiming to be aggrieved to assert the common interest of all citizens. *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975).

30. Even as a limousine provider, Protestant has failed to allege any direct, immediate and substantial interest in an application seeking to expand the provision of transportation

network services to a small number of previously excluded counties. This is particularly true when Rasier-PA already has nearly statewide authority to provide transportation network services and Protestant has given no indication that it actually provides limousine service in the counties that are the subject of the application or any explanation of how the entry of transportation network services in these additional counties would have an impact on its existing limousine service.

31. Moreover, in prior cases addressing a party's standing to protest an application for motor carrier authority, the Commission has repeatedly found that a party must have some operating authority in actual or potential conflict with the authority sought by the applicant to have the requisite standing to protest the application. In a long line of cases, the Commission has consistently concluded that having one classification of common carrier service does not give a carrier standing to protest a different classification of common carrier service. In the *Application of Carriage Limousine Services, Inc.*, Docket No. A-00108361, F.1, Am-B, Initial Decision dated October 12, 1994 (became final by operation of law by Order entered on December 23, 1994), the Commission found that a protestant having call or demand authority lacked standing to protest an application for amendment of a certificate of public convenience seeking additional service area in which to render limousine service. The ALJ's ID contained the following discussion:

On the question of standing to protest an application to obtain a certificate of public convenience, it appears that a protestant must have some operating authority in actual or potential conflict, with the authority sought by an applicant to have the requisite standing to protest the application. *See, Application of Glen Alsace Water Company*, 45 PA P.U.C. 472 (1971), standing denied to uncertificated protestant; *Re Francis M. Bauer*, 50 PA P.U.C. 825 (1977), late-filed protest allowed where protestant had an application for conflicting authority pending; *Re Capitol Bus Company*, 53 PA P.U.C. 590 (1979), call or demand authority conferred no standing to protest scheduled route service application; *Application of Ronald M. McDonald, t/d/b/a Rusmin Trucking*, A-00107696, F.2 (entered February 21, 1989), operations under temporary authority with permanent authority application pending sufficient to confer standing upon a

protestant; *Application of Team Brokerage, Inc.*, A-00105267 (entered March 6, 1985) and *Application of Interstate Express, Inc.*, A-00111077 (entered April 1, 1994), certificated common carriers lack standing to protest applications for brokerage authority; and *Application of Commercial Aggregates Transportation and Sales, L.P.*, A-0011085, F0003 (entered June 22, 1994), certificated common carrier lacked standing to continue to prosecute the protest after restrictive amendment eliminated all areas of operating authority between the protestant and the applicant.

I.D. 7-8. See also *Application of Kutztown Area Transport*, Docket No. A-2009-2140250 (Order entered October 18, 2010); *Application of K&F Medical Transport*, Docket No. A-2008-2020353 (Order entered July 8, 2008).

32. Rasier-PA's application proposes to expand its transportation network services into eleven counties that were previously excluded from its statewide application. As Protestant is not providing transportation network services in Pennsylvania, its concerns as a general citizen and its status as a statewide limousine provide are insufficient upon which to base standing. The Commission has already described transportation network services as being distinguishable from limousine and call or demand services so as to qualify for a separate classification of common carrier authority known as "experimental service." *Application of Yellow Cab Company of Pittsburgh, Inc., t/a Yellow X*, Docket No. A-2014-2410269, Order adopted on May 22, 2014.

33. Moreover, approving Rasier-PA's applications to operate in Allegheny County and through Pennsylvania (except Philadelphia and the excluded counties for which authority is sought by this application), the Commission noted that "[t]he pervasive use of smart phones and the Internet in our society has revolutionized various sectors of our economy" and cited one such example as the creation of transportation network companies ("TNCs"). *December 5 Order at 10*. The Commission went on to describe TNCs as "altering the space traditionally occupied by taxicab" and note that the "difference is much more than reinventing dispatch methods." *Id.* The Commission explained that "[t]he most fundamental change between TNCs and traditional taxicab service is the contractual use of private, personal vehicles and drivers to carry

passengers, rather than ownership of vehicle fleets by the certificate holder.” *Id.* These differences recognized by the Commission between TNCs and taxicab service apply equally to limousine service. On these grounds, the Commission found that it was appropriate to create a new type of motor carrier service under its experimental service regulations. 52 Pa. Code § 29.352.

34. Since Rasier-PA’s application proposes experimental service that is distinguishable from the service currently offered by Protestant, the latter’s existing limousine authority does not confer standing upon which to oppose this application. Further, Protestant’s pending application to provide transportation network services fails to support any direct, immediate and substantial interest in this proceeding since it is not known whether that application will be approved and if or when Protestant would develop the necessary technology and implement a business model to begin providing the services. Mere conjecture about possible future harm does not confer a direct interest in the subject matter of a proceeding. *Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board*, 467 A.2d 311 (Pa. 1983).

35. Therefore, the protest should be dismissed on the basis of lack of standing pursuant to the Commission’s regulations at 52 Pa. Code § 5.101(a).

**C. Preliminary Objection No. 3: Insufficient Specificity of Pleading**

36. The protest should be dismissed pursuant to the Commission’s regulations at 52 Pa. Code § 5.101(a)(3) on the basis that it contains insufficient specificity due to its failure to include the information required by the Commission’s regulations at 52 Pa. Code § 3.381(c)(1)(A).

37. Section 3.381(c)(1)(A) of the Commission’s regulations requires written protests to contain the following information:

- (I) The applicant's name and the docket number of the application.
- (II) The name, business address and telephone number of the protestant.
- (III) The name, business address and telephone number of the protestant's attorney or other representative.
- (IV) A statement of the protestant's interest in the application, including a statement of any adverse impact which approval of the application can be expected to have on the protestant.
- (V) A list of all Commission docket numbers under which the protestant operates, accompanied by a copy of the any portion of the protestant's authority upon which its protest is predicated.
- (VI) A statement of any restrictions to the application which would protect the protestant's interest, including a concise statement of any amendment which would result in a withdrawal of the protest.

52 Pa. Code § 3.381(c)(1)(A).

38. While claiming to hold statewide limousine authority and having a vested interest in the same market area as Rasier-PA, Protestant asserts that “[a]s a citizen of Pennsylvania, I feel that the application should be denied until such time any and all litigation with the aforementioned (sic) utility is resolved.” Protest at page 1.

39. The absence of any specific information about Protestant's authority or adverse impact of the proposed service on Protestant's operations warrant dismissal of the protest. This is particularly true when Rasier-PA already has nearly statewide authority, which includes Clarion County.<sup>1</sup> Protestant has made no assertion that expansion by Rasier-PA into any particular county that is a subject of this application would affect his business in any way.

40. The protest should be dismissed pursuant to the Commission's regulations at 52 Pa. Code § 5.101(a)(4) on the basis that is a legally insufficient pleading and fails to state a claim upon which relief may be granted.

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<sup>1</sup> The address provided on the protest shows that Protestant is based in Knox, Pennsylvania, which is located in Clarion County.

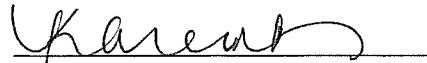


V. **Conclusion**

WHEREFORE, for the foregoing reasons, Rasier-PA LLC respectfully requests that the Commission grant these Preliminary Objections, dismiss the protest filed by Protestant and grant Rasier-PA such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: April 27, 2015



Karen O. Moury  
BUCHANAN INGERSOLL & ROONEY PC  
409 North Second Street, Suite 500  
Harrisburg, PA 17101-1357  
(717) 237-4820

*Attorneys for Rasier-PA LLC*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Rasier-PA LLC, a Wholly Owned :  
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Northumberland and Union :


**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 Email and First-Class Mail**

J. Randall Tharan  
Prime Time Limo Service  
53 Tharan Lane  
Knox, PA 16232

Dated this 27<sup>th</sup> day of April, 2015.



\_\_\_\_\_  
Karen O. Moury, Esq.