



Steven K. Haas  
717 236-1300 x244  
[skhaas@hmslegal.com](mailto:skhaas@hmslegal.com)

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100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 [www.hmslegal.com](http://www.hmslegal.com)

April 24, 2015

**VIA ELECTRONIC FILING**

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

RE: Application of East Coast Resources, LLC; Docket No. A-2014-2453533;  
Motion of East Coast Resources, LLC to Dismiss Protests

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Motion of East Coast Resources, LLC to Dismiss the Protests of EZ Taxi, LLC, Good Cab, LLC, United Cab, LLC, Keystone Cab Service, Inc. and Capital City Cab Service in the above-captioned proceeding. Copies of this document have been served on counsel to the Protestants as indicated on the attached Certificate of Service.

Thank you for your attention to this matter. Please contact me with any questions you may have.

Sincerely,

Steven K. Haas  
*Counsel to East Coast Resources, LLC*

SKH/jld  
Enclosure  
cc: Per Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of East Coast Resources, LLC

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Docket No. A-2014-2453533

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**NOTICE TO PLEAD**

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Pursuant to 52 Pa. Code § 5.101(f), you are hereby notified that, if you do not file a written response to the enclosed Motion to Dismiss of East Coast Resources, LLC within ten (10) days from the date of its service, the Commission may render a decision based solely upon the information contained therein. Your response, if any, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel to East Coast Resources, LLC.



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Steven K. Haas  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
717-236-1300  
[skhaas@hmslegal.com](mailto:skhaas@hmslegal.com)  
*Counsel to East Coast Resources, LLC*

DATED: April 24, 2015

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of East Coast Resources, LLC

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Docket No. A-2014-2453533

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**MOTION TO DISMISS OF  
EAST COAST RESOURCES, LLC**

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NOW COMES the Applicant, East Coast Resources, LLC (“ECR”) and files, pursuant to 52 Pa. Code § 3.381(c)(1)(i)(C), this Motion to Dismiss the Protests of EZ Taxi, LLC, Good Cab, LLC, United Cab, LLC, Keystone Cab Service, Inc. and Capital City Cab Service in the above-captioned application proceeding. In support thereof, ECR represents as follows:

**Background**

1. On October 7, 2014, ECR filed an Application with the Pennsylvania Public Utility Commission (“Commission”) by which it is seeking authority to provide service as a motor common carrier of persons in experimental service in Cumberland, Dauphin, Lancaster, Lebanon and York Counties. Notice of this application was published in the March 21, 2015 edition of the Pennsylvania Bulletin.

2. On or about April 6, 2015, Protests to ECR’s experimental service application were filed by EZ Taxi, LLC, Good Cab, LLC, United Cab, LLC, Keystone Cab Service, Inc. and Capital City Cab Service.

3. As is set forth in each of the Protests, the Protestants possess call or demand authority in various counties in Pennsylvania that overlaps, to one degree or another, with the territory sought in ECR's experimental service application. As is also evident from each of the Protests, none of the Protestants possess experimental service authority in Pennsylvania.

4. As more fully set forth below, each of these protests should be dismissed on the basis of lack of standing, since none of the Protestants possess authority from the Commission to provide experimental service in Pennsylvania, the service for which ECR is applying. Accordingly, the authority sought in ECR's application is not in conflict with the authority possessed by the Protestants.

#### **Motion to Dismiss**

5. The various types of motor common carrier passenger services that fall under the regulation of the Commission can be found at 52 Pa. Code §§ 29.301 – 29.356. The types of passenger services subject to regulation by the Commission include: scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, and "other services," which include paratransit and experimental services.

6. The regulations permit this Commission to grant experimental services authority pursuant to 52 Pa. Code § 29.352, which states:

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. Holders of experimental certificates shall abide by this chapter except those which the Commission shall explicitly state do not apply. Holders of experimental certificates shall abide by an additional regulations or requirements, including informational and reporting requirements, which the Commission shall stipulate upon granting the certificate. A certificate for

experimental service shall be valid only until the service is abandoned, until 2 years have elapsed from the time the certificate was approved or until the Commission enacts amendments to this chapter pertaining to the new class of service represented by the experimental service, whichever event occurs first.

52 Pa. Code § 29.352.

7. This Commission has previously determined that Transportation Network Company (“TNC”) service, which is the type of service proposed in the instant application, is distinct from call or demand service where, among other differences, the TNC service provider will not be permitted to solicit or accept street-hails. *See Application of Rasier-PA, LLC*, Docket No. A-2014-2424608, Opinion and Order at 15, (Pa. P.U.C. November 13, 2014).

8. Furthermore, in *Application of Rasier-PA*, this Commission ultimately granted an experimental services certificate to Rasier-PA as a TNC service provider. *See also Application of Lyft, Inc.*, Docket No. A-2014-2415047, Opinion and Order (Pa. P.U.C. December 18, 2014) (granting an experimental service certification to Lyft, a TNC service provider). In approving Rasier-PA’s application, this Commission ruled that 52 Pa. Code § 29.352 grants it the authority to issue an experimental services certificate to a TNC provider because “not all types of common carrier transportation fit squarely within these specified categories ... and [t]herefore, in order to accommodate a proposed transportation methodology not encompassed within the stated categories, our regulations also provide for ‘experimental service.’” *Application of Rasier-PA*, at 21.

9. On or about October 7, 2014, ECR filed its Experimental Service Application with the Commission, seeking authority to become a TNC service provider. All of the characteristics which distinguish a TNC service provider from a call or demand service provider were included in ECR’s application, including the fact that its drivers will not be permitted to solicit or accept street-hails, a characteristic distinct to call or demand authority.

10. On or about April 6, 2015, EZ Taxi, LLC, Good Cab, LLC, United Cab, LLC, Keystone Cab Service, Inc., all of which possess call or demand authority from this Commission, filed protests to ECR's application. The grounds for the protest of EZ Taxi, LLC, Good Cab, LLC, United Cab, LLC, and Keystone Cab Service, Inc. are identical and assert, among other things, that permitting ECR to operate as a TNC service provider would harm competition and result in lost revenue for each of their individual companies that are authorized to engage in call or demand services.

11. On or about April 6, 2015, Capital City Cab Services, which is authorized as a call or demand service provider, also filed a protest. Its protest similarly asserts that granting an experimental services certificate to ECR as a TNC provider would also adversely affect its call or demand services business.

12. This Commission noted, in *Application of Select Ambulance, Inc.*, "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." No. A-2014-2441095, 2015 WL 1291546, at \*4 (Pa.P.U.C. Feb. 17, 2015).

13. Additionally, this Commission has specifically ruled that, "[o]n the question of standing to protest an application to obtain a certificate of public convenience ... 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." *Id.* (citing, *Application of Glen Alsace Water Company*, 45 PA PUC 472 (1971)).

14. Here, ECR is submitting an application for experimental services authority because it is seeking to offer TNC service, a service which this Commission has previously ruled is distinct from call or demand service.

15. Moreover, according to their Protests, all five Protestants possess only call or demand authority from this Commission. None of the Protestants asserted or put forth any evidence indicating that they possess experimental service authority.

16. Because the Protestants possess only call or demand authority, which is distinct from the experimental TNC service proposed in the instant application, none of the Protestants possess the requisite standing to challenge ECR's experimental service application and, therefore, the protests should be dismissed.

WHEREFORE, East Coast Resources, LLC, requests that the Protests of EZ Taxi, LLC, Good Cab, LLC, United Cab, LLC, Keystone Cab Service, Inc. and Capital City Cab Service be dismissed.

Respectfully submitted,  
Hawke McKeon & Sniscak, LLP

By:   
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Steven K. Haas  
*Counsel to East Coast Resources, LLC*

DATED: April 24, 2015

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of East Coast Resources, LLC

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Docket No. A-2014-2453533

**CERTIFICATE OF SERVICE**

I hereby certify that I have served on this date the foregoing document on the persons and  
in the manner identified below:

**VIA FIRST CLASS MAIL**

Justine L. Pate, Esquire  
620 S. 13<sup>th</sup> Street  
Harrisburg, PA 17104  
*Counsel to Protestants EZ Taxi, LLC,  
Good Cab, LLC, United Cab, LLC and  
Keystone Cab Service, Inc.*

Joseph T. Sucec, Esquire  
325 Peach Glen-Idaville Road  
Gardners, PA 17324  
*Counsel to Protestant  
Capital City Cab Service*

DATED: April 24, 2015

  
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Steven K. Haas