BEFORE THE

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Rasier-PA LLC, a limited liability : A-2015-2469287

company of the State of Delaware for amendment :

to its common carrier certificate, which grants the :

right to transport by motor vehicle persons in :

experimental service of ride-sharing network for :

passenger trips between points in Pennsylvania, :

excluding those which originate or terminate in the :

counties of Beaver, Clinton, Columbia, Crawford, :

Lawrence, Lycoming, Mercer, Northumberland and :

Union so as to permit the inclusion of the counties :

of Beaver, Clinton, Columbia, Crawford, Lawrence, :

Lycoming, Mercer, Northumberland and Union, :

which would allow the transportation of persons :

between all points in Pennsylvania, excluding :

service which is under the jurisdiction of the :

Philadelphia Parking Authority :

**INITIAL DECISION**

Before

Mary D. Long

Jeffrey A. Watson

Administrative Law Judges

The request of an applicant for transportation authority to withdraw its application is granted.

HISTORY OF THE PROCEEDING

 On February 27, 2015, Rasier-PA LLC (Applicant), a transportation network company, filed an application to expand the service territory of its experimental service to include passenger trips between points in Beaver, Clinton, Columbia, Crawford, Lawrence, Lycoming, Mercer, Northumberland and Union counties, which were excluded from the state-wide experimental authority granted by the Commission on December 5, 2014 at Docket No. A‑2014-2424608. The application was advertised in the *Pennsylvania Bulletin* on March 21, 2015.[[1]](#footnote-1) The notice stated that protests must be filed on or before April 6, 2015.

 On March 25, 2015, MTR Transportation, Inc., t/d/b/a/ K-Cab Co. (MTR) and Billtown Cab Co., Inc. (Billtown) (collectively, Protestants), filed protests to the application. On April 27, 2015, the Applicant filed preliminary objections seeking dismissal of the protests on the basis of legal insufficiency, lack of standing and insufficient specificity. The Protestants filed answers on May 6, 2015. By interim order dated June 18, 2015, the preliminary objections were dismissed. Thereafter the application was scheduled for a hearing on October 14, 2015.

 On October 5, 2015, the Applicant filed a motion for a continuance. The Applicant explained that the General Assembly is considering a number of bills related to transportation network companies. Therefore, Rasier proposed to hold consideration of this application in abeyance pending the passage of legislation at some point in the future. The Protestants did not oppose the request for continuance. Therefore, by order dated October 5, 2015, the continuance was granted and the parties were directed to file status reports every 60 days.

 On August 10, 2016, we issued an interim order terminating the stay. We noted that at that time, although the General Assembly had considered transportation network company legislation, no law has been passed as of yet. Accordingly, given the passage of time, we direct the Applicant to either withdraw its application, resolve its differences with the Protestants, or move forward to pursue the authority requested under existing standards. The parties conferred and an evidentiary hearing was scheduled for December 15, 2016.

 On November 4, 2016, the Governor signed into law Act 164, which amended the Public Utility Code to provide for the licensing of transportation network companies. That legislation also directed the Commission to develop regulations accordingly.

 By letter dated December 6, 2016, the parties requested a further indefinite postponement of the hearing regarding the 2015 application. By order dated December 8, 2016,

we converted the December 15, 2016 evidentiary hearing to a prehearing conference. The conference was held as scheduled. Following the conference, the parties were directed to file status reports at regular intervals.

 On January 26, 2017, the Commission approved Raiser’s application for a license to operate as a transportation network company pursuant to Act 164.[[2]](#footnote-2) By letter dated February 16, 2017, Rasier informed us that the license application had been granted and requested to withdraw its application for experimental service. The letter represented that the Protestants did not object.

FINDINGS OF FACT

 1. The Applicant is Rasier-PA LLC.

 2. The Protestants are MTR Transportation, Inc., t/d/b/a/ K-Cab Co. (MTR) and Billtown Cab Co., Inc. (Billtown).

 3. Raiser-PA, LLC was granted a license for transportation network service by the Commission. *Application of Rasier-PA LLC for Transportation Network Service*, Docket A-2016-2580821 (Order entered January 26, 2017).

 4. On February 16, 2017, Rasier-PA LLC filed a letter requesting to withdraw its application for experimental service.

 5. The Protestants do not object to the withdrawal.

DISCUSSION

The withdrawal of formal complaints filed before the Commission in contested proceedings is governed by Section 5.94 of the Commission’s regulations:

Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 20 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.[[3]](#footnote-3)

Although Rasier did not file a formal written petition to withdraw its application, Rasier’s letter withdrawing the application sufficiently complies with the regulation. Any defects in procedure may be waived where the substantive rights of the parties are not affected.[[4]](#footnote-4) The Protestants were not prejudiced by the withdrawal of the application.

The Commission has no interest in mandating that Raiser continue litigation to defend an application which has become moot with the approval of the license for transportation network service. The Protestants did not object to the withdrawal. Therefore, there is no negative impact on the public interest by permitting the withdrawal. The request to withdraw is granted.

CONCLUSIONS OF LAW

 1. The Commission’s regulations permit the withdrawal of a formal complaint filed in a contested proceeding after consideration of the petition, any objections by the parties and the public interest. 52 Pa.Code § 5.94(a).

2. It is in the public interest to permit the Applicant to withdraw the formal application.

ORDER

THEREFORE,

IT IS ORDERED:

 1. That the request of Raiser-PA LLC to withdraw its application for experimental authority to provide transportation network service in the counties of Beaver, Clinton, Columbia, Crawford, Lawrence, Lycoming, Mercer, Northumberland and Union at Docket A-2015-2469287 is granted.

2. That the Secretary mark Docket A-2015-2469287 closed.

 /s/ Mary D. Long Administrative Law Judge

Date: February 22, 2017 /s/

 Jeffrey A. Watson

 Administrative Law Judge

1. 45 Pa.B. 1474 (2015). [↑](#footnote-ref-1)
2. A-2016-2580821. [↑](#footnote-ref-2)
3. 52 Pa.Code § 5.94(a). [↑](#footnote-ref-3)
4. 52 Pa.Code § 1.2. [↑](#footnote-ref-4)