**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Harrisburg, Pennsylvania 17120**

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| **Application of Wenger Works, Inc. t/a TukTuk Lancaster, for the initial right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to sightseeing excursions, from points in Lancaster County, to points in Pennsylvania, and return.** |  | **Public Meeting July 12, 2017**  **2585784-TUS**  **Docket No. A-2017-2585784** |

**STATEMENT OF COMMISSIONER ROBERT F. POWELSON**

Before the Pennsylvania Public Utility Commission (Commission or PUC) today for consideration is the unprotested application (Application) of Wenger Works, Inc. (Wenger Works) to provide paratransit service to tourists within the City of Lancaster, Pennsylvania. The applicant proposes to use a three-wheeled, electric-powered vehicle, known as a “TukTuk,” to provide food tours and sightseeing excursions within the City of Lancaster. The vehicle’s speed is limited to 25 mph and the tours span only short distances.

Wenger Works is offering a new and innovative form of transportation that has the potential to bring great benefits to the City of Lancaster and the tourists of Central Pennsylvania. Entrepreneurs in numerous cities throughout the country have designed creative and interesting ways to transport tourists to local attractions – from pedal taverns in Nashville, to golf carts in Scottsdale, to “Duck” vehicles in Washington, D.C. and Philadelphia. There is no reason why Lancaster cannot join these cities in promoting innovative tourism.

It is even arguable that Wenger Works’ service falls outside of the Commission’s jurisdiction (if the rides it provides are round trip and not “between points,” or if the service is incidental to Wenger Works’ larger sightseeing business). However, if the Commission believes the service is jurisdictional, then it should grant Wenger Works a certificate and not deny this service to the public. If regulated properly, with appropriate safety parameters, Wenger Works’ service could thrive and provide tourists with a new enticement to visit Lancaster and enjoy the City’s many attractions.

There are sufficient facts in front of us today to grant Wenger Works a certificate for Experimental Authority. This type of authority is temporary, lasting only 2 years, which would give the Commission time to observe Wenger Works’ operations and gather additional information to determine whether permanent authority is appropriate. In the meantime, the owners have clearly established that they have the technical and financial fitness to safely run this sightseeing service. Additionally, as demonstrated by the multitude of verified statements submitted by the public in support of Wenger Works, consumers clearly want this service. Moreover, by placing certain conditions on Wenger Works’ operations, such as limiting the service to the City of Lancaster’s municipal boundaries, where the speed limit is 25 mph, and prohibiting operations during winter months, the Commission can mitigate most of the safety concerns surrounding the unique nature of the TukTuk vehicle.

Wenger Works’ submitted its Application to the Commission in December 2016 and the filing received no protests. During this time, the Commission has had ample opportunity to examine Wenger Works’ operations and ask any unanswered questions. Denying the Application for insufficient information is not a reasonable outcome, particularly when the Commission has had 7 months to assess the proposed service. Instead, the Commission should treat Wenger Works’ Application as a filing for Experimental Authority and approve it on a temporary basis.

One of the most important duties of the Commission is ensuring that the transportation providers it certificates are safe, and I do not take this responsibility lightly. However, regulation is a balancing act, and the Commission must also strive to ensure that its regulatory structure is not a barrier to the new and innovative transportation services that Pennsylvanians demand. By denying Wenger Works’ application today, the Commission is once again demonstrating an inability to effectively react and adapt to Pennsylvania’s changing transportation industry. I believe the public deserves better. Therefore, I respectfully dissent.

**DATE: July 12, 2017 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ROBERT F. POWELSON COMMISSIONER**