

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>January 15, 2015</u>
MOTOR CARRIER MATTER	<input checked="" type="checkbox"/>	DOCKET NO.	<u>2014-372-T</u>
UTILITIES MATTER	<input type="checkbox"/>	ORDER NO.	<u>2015-46</u>

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

[Docket No. 2014-372-T](#) - Application of [Rasier, LLC](#) for a Class C - Transportation Network Company Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier - Discuss with the Commission a letter dated January 13, 2015, from Jeffrey M. Nelson, Esquire, Office of Regulatory Staff, and a response to Mr. Nelson's letter dated January 14, 2015, from Benjamin P. Mustian, Esquire, counsel for Rasier, LLC.

COMMISSION ACTION:

As we know, Raiser, LLC, a wholly owned subsidiary of Uber Technologies, Inc., has filed an Application for a Certificate of Public Convenience and Necessity. On Monday, January 12, 2015, the duly appointed Hearing Officer in this docket suspended the hearing which had been scheduled for January 26, 2015. The parties to that docket have pending disputes with regard to discovery which, in the judgment of the Hearing Officer, would preclude the hearing on the merits from proceeding on the scheduled date.

In follow-up correspondence, ORS Counsel urged the Commission to move forward with the merits hearing as scheduled on January 26. He advised the Hearing Officer that ORS believes Rasier, its related companies and affiliates, including, but not limited to Uber Technologies, Inc., and its network partner drivers, began operations in the state of South Carolina in July 2014, and that they continue to operate presently. Neither Rasier, nor any of its affiliates, nor any of its network partner drivers have obtained a Certificate of Public Convenience and Necessity prior to operating, as required by the plain language of S.C. Code Ann. Section 58-23-40 (Supp. 2014) ("A motor vehicle carrier shall obtain a certificate . . . before the motor vehicle carrier may transport persons or property for compensation on any improved public highway in this State"). ORS Counsel further advised the Hearing Officer that ORS has abstained from issuing citations to Rasier, its affiliates, or its network partner drivers during the pendency of the present application.

Counsel for Rasier subsequently filed a letter addressed to the Hearing Officer stating that Rasier is "prepared to make available a new and previously unavailable transportation network service" and wants to move forward with the merits hearing on January 26. Today, counsel for Checker Yellow Cab Company, Inc. filed a response reiterating its position that the hearing needed to be delayed in order to resolve the outstanding discovery issues and allow adequate time for use of any information produced in discovery in preparation for the hearing.

Whether Rasier is currently operating in this state without authority, as ORS is informed and believes, or the company seeks only prospectively to provide service, as Rasier seems to imply, the new information provided in the recent correspondence requires this Commission to act today to clarify Rasier's legal obligations as well as those of its associated entities.

Pursuant to state statute, this Commission requires all motor carriers transporting persons or property for compensation to first obtain a Certificate of Public Convenience and Necessity before commencing operation. This requirement to first obtain a certificate is in every order issued by this Commission granting authority to operate a motor vehicle carrier, and is driven by the Legislature's concern for

public safety and other legal considerations. At this point, it is not necessary to make a finding of fact that the Applicant is or is not operating. It is only necessary that the Applicant be held to the same standard as every other applicant. To the extent that Rasier or its related companies and affiliates and/or its network partner drivers are currently operating, they must cease and desist operating unless and until the Application is approved and a Certificate is issued.

Therefore, I move that this Commission order Rasier, LLC, its related companies and affiliates, including, but not limited to Uber Technologies, Inc., and its network partner drivers to cease and desist operations, if any, within the state of South Carolina, until the statutory and regulatory criteria for a Class C Certificate for which Rasier has applied in the present Docket have been met and a Certificate of Public Convenience and Necessity duly issued by the Office of Regulatory Staff has been issued.

The Commission desires an expeditious resolution to both the discovery issues and the substantive issues in the docket. Consumers benefit from, and deserve choices in, the marketplace. However, those choices must be consistent with state law intended to protect the public. To fulfill its statutory duty, the Commission must allow sufficient time for a full and fair discovery process; therefore we reaffirm the Hearing Officer's current suspension of the January 26, 2015, hearing date. The Hearing Officer has scheduled oral arguments on the pending discovery disputes following this Commission meeting, and we encourage the parties to work toward resolution of the discovery issues so that we may proceed to substantive resolution of the Application.

PRESIDING: Hall

SESSION: Special

TIME: 3:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

