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PHILADELPHIA PARKING AUTHORITY
ST. JAMES LOBBY

By: Megan M. Poley, Trial Counsel
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The Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148
(215) 683-9484

BEFORE THE
PHILADELPHIA PARKING AUTHORITY

The Philadelphia Parking Authority :
Taxicab and Limousine Division :
 : Docket No. C-15- 08 - 042
vs. :
 :
Uber Technologies Inc. :
 :
 :

COMPLAINT

Through the Act of July 16, 2004, P.L. 758, No. 94 ("Act 94"), the Commonwealth of Pennsylvania transferred regulatory jurisdiction over Philadelphia's taxicab and limousine industries (the "Transfer") to The Philadelphia Parking Authority ("Authority"). The Authority's Taxicab and Limousine Division ("TLD") through its Enforcement Unit is charged with the duty of initiating proceedings which are prosecutory in nature. Pursuant to that authority, the TLD represents as follows:

Background

1. In 2005, regulatory oversight of the Philadelphia taxicab and limousine industry was transferred from the Pennsylvania Public Utility Commission ("PUC") to the Authority by Act 94.¹
2. The provision of all taxicab and limousine service in Philadelphia falls under the exclusive jurisdiction of the Authority pursuant to Chapter 55 of Title 53, 53 Pa. C.S § 5501 to 5517 (relating to parking authorities).
3. Uber Technologies Inc. ("Uber") maintains a principal place of business at 182 Howard Street, #8, San Francisco, CA 94105.

¹ The PUC and the Authority entered into an agreement to effectuate the transfer of regulatory oversight, as required by Section 22 of Act 94. See *Jurisdictional Agreement Pursuant to Act 94 of 2004*, 35 Pa. C. 1649, 1737 (March 12, 2005).

4. Uber, with the exception of being the 100% owner and shareholder of Gegen, LLC (“Gegen”)², holds no rights to operate as a common carrier in the City of Philadelphia.
5. Uber is the owner and operator of the UBER smartphone application. The smartphone application is a platform wherein riders can request service through UberBlack or UberX.
6. Uber Customers pre-register with Uber by providing personal information, including a valid credit card account number.
7. UberX drivers use their personal vehicles to provide common carrier service.
8. Through the smartphone application, Uber offers “on-demand” common carrier service to the public for compensation.
9. Uber does not possess any rights from the Authority to provide common carrier service in the City of Philadelphia.
10. Uber knew or should have known that the service they offer and provide by connecting passengers with drivers using the smartphone application is subject to regulation by the Authority.
11. Regardless of this, Uber, beginning on or about October 25, 2014, commenced providing common carrier service in the city of Philadelphia through the UberX portion of the application.
12. Subsequent to the launch of UberX, at least one million unauthorized trips occurred using the smartphone application up until this date.³
13. Between October 25, 2014 and the date of the filing of this complaint, an Enforcement Department Inspector used the Uber application to request common carrier service in the City of Philadelphia on fifty-one (51) separate occasions. On all fifty-one (51) occasions, the individual inspectors were transported by Uber drivers using personal vehicles and a fare was calculated and billed to a credit card:
 - (a) On October 25, 2014, at 7:15PM, from 4050 Woodhaven Road in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged by Uber was \$25.83⁴.
 - (b) On October 25, 2014, at 8:38 PM, from 200 South Street in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged by Uber was \$17.70.⁵

² Gegen, LLC (“Gegen”) provides limousine service in Philadelphia through an Authority issued Certificate of Public Convenience (“CPC”) No. 1029911-07. Gegen is a provider of UberBlack service.

³ Uber announced in April of 2015 that it had provided its millionth UberX ride in the City of Philadelphia.

⁴ After a \$20.00 promotional credit, \$5.83 was charged to the credit card.

- (c) On October 25, 2014, at 9:00 PM, from 200 Fairmount Avenue in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged by Uber was \$6.44.⁶
- (d) On October 25, 2014, at 9:30 PM, from 200 South Street in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged by Uber was \$7.00.⁷
- (e) On October 25, 2014, at 10:22 PM, from 200 Race Street in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged was \$7.00.⁸
- (f) On October 26, 2014, at 7:32 PM, from 1001 N. Delaware Avenue in Philadelphia, PA to 10th and Packer Avenue in Philadelphia, PA. The fare charged was \$20.90.⁹
- (g) On October 28, 2014, at 6:37 PM, from 1100 Delaware Avenue in Philadelphia, PA to 5200 Frankford Avenue in Philadelphia, PA. The fare charged by Uber was \$18.16.
- (h) On October 30, 2014, at 4:15 PM, from 400 South Street in Philadelphia, PA to 1100 Pattison Avenue in Philadelphia, PA. The fare charged by Uber was \$7.45.
- (i) On October 30, 2014, at 5:06 PM, from 700 Oregon Avenue in Philadelphia, PA to 1100 Pattison Avenue in Philadelphia, PA. The fare charged by Uber was \$9.65.
- (j) On November 2, 2014, at 3:28 PM, from 2200 Park Towne Place in Philadelphia, PA to 4th and Spring Garden Streets in Philadelphia, PA. The fare charged by Uber was \$9.77.
- (k) On November 5, 2014, at 1:40 PM, from 1900 Parish Street in Philadelphia, PA to 200 Spring Garden Street in Philadelphia, PA. The fare charged by Uber was \$10.79.
- (l) On November 7, 2014, at 1:20 PM, from 10000 Bustleton Avenue in Philadelphia, PA to 11000 Roosevelt Boulevard in Philadelphia, PA. The fare charged by Uber was \$7.21.
- (m) On November 7, 2014, at 1:48 PM, from 150 South Street in Philadelphia, PA to 10950 Roosevelt Boulevard in Philadelphia, PA. The fare charged by Uber was \$46.93.
- (n) On November 7, 2014, at 1:49 PM, from 2711 Cottman Avenue in Philadelphia, PA to 11000 Roosevelt Boulevard in Philadelphia, PA. The fare charged by Uber was \$7.00.
- (o) On November 12, 2014, at 4:33 PM, 10th and South Streets in Philadelphia, PA to 1300 Arch Street in Philadelphia, PA. The fare charged by Uber was \$8.39.
- (p) On November 12, 2014, at 4:55 PM, from 900 Filbert Street in Philadelphia, PA to 1300 Race Street in Philadelphia, PA. The far charged by Uber was \$7.11.

⁵ No charge to a credit card was made due to an Uber \$20.00 promotional credit.

⁶ No charge to a credit card was made due to an Uber \$20.00 promotional credit.

⁷ No charge to a credit card was made due to an Uber \$20.00 promotional credit.

⁸ No charge to a credit card was made due to an Uber \$20.00 promotional credit.

⁹ After a \$20.00 promotional credit, \$0.90 was charged to the credit card.

- (q) On November 26, 2014, at 10:37 AM, from 341 South Street in Philadelphia, PA to 1018 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$8.20.
- (r) On December 10, 2014, at 3:52 PM, from 500 South Street in Philadelphia, PA to 1000 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$9.37.
- (s) On December 10, 2014, at 3:59 PM, from 100 N. 6th Street in Philadelphia, PA to 1000 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$7.00.
- (t) On December 12, 2014, at 1:35 PM, from 1500 Packer Avenue in Philadelphia, PA to 100 Spring Garden Street in Philadelphia, PA. The fare charged by Uber was \$20.12.
- (u) On December 13, 2014, at 7:15 PM, from 900 Passyunk Avenue in Philadelphia, PA to 1100 Pattison Avenue in Philadelphia, PA. The fare charged by Uber was \$24.67.
- (v) On December 13, 2014, at 7:40 PM, from 1400 Packer Avenue in Philadelphia, PA to 1100 Pattison Avenue in Philadelphia, PA. The fare charged by Uber was \$7.00.
- (w) On December 13, 2014, at 8:00 PM, from 1500 Packer Avenue in Philadelphia, PA to 1100 Pattison Avenue in Philadelphia, PA. The fare charged by Uber was \$7.00.
- (x) On December 17, 2014, at 4:47 PM, from 525 N. Front Street in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged by Uber was \$7.15.
- (y) On December 17, 2014, at 5:00 PM, from 534 S. 4th Street in Philadelphia, PA to 200 Dock Street in Philadelphia, PA. The fare charged by Uber was \$7.00.
- (z) On December 24, 2014, at 10:11 AM, from 200 Brown Street in Philadelphia, PA to 500 N. 7th Street in Philadelphia, PA. The fare charged by Uber was \$10.01.
- (aa) On December 30, 2014, at 11:38 AM, from 400 South Street in Philadelphia, PA to 3rd and Spring Garden Streets in Philadelphia, PA. The fare charged by Uber was \$14.76.
- (bb) On December 30, 2014, at 2:17 PM, from 1049 N. 2nd Street in Philadelphia, PA to 11000 Roosevelt Boulevard in Philadelphia, PA. The fare charged by Uber was \$43.67.
- (cc) On December 30, 2014, at 6:45 PM, from 200 South Street in Philadelphia, PA to 200 S. 15th Street in Philadelphia, PA. The fare charged by Uber was \$7.00.
- (dd) On January 28, 2015, at 6:58 PM, from 30th Street Train Station in Philadelphia, PA to 13th and Arch Streets in Philadelphia, PA. The fare charged by Uber was \$6.74.
- (ee) On January 28, 2015, at 7:20 PM, from 10th and Filbert Streets in Philadelphia, PA to 13th & Arch Streets in Philadelphia, PA. The fare charged by Uber was \$5.80.

- (ff) On January 30, 2015, at 1:25 PM, from 1001 N. 2nd Street in Philadelphia, PA to 700 Willow Street in Philadelphia, PA. The fare charged by Uber was \$5.80.
- (gg) On February 13, 2015, at 11:30 AM, from 900 South Street in Philadelphia, PA to 30th Street Train Station in Philadelphia, PA. The fare charged by Uber was \$6.80.
- (hh) On February 13, 2015, at 12:15 PM, from 1500 JFK Boulevard in Philadelphia, PA to 30th Street Train Station in Philadelphia, PA. The fare charged by Uber was \$10.20.
- (ii) On February 27, 2015, at 2:35 PM, from 550 Market Street in Philadelphia, PA to 10th and Filbert Streets in Philadelphia, PA. The fare charged by Uber was \$7.80.
- (jj) On March 12, 2015, at 7:36 PM, from 1000 N. 2nd Street in Philadelphia, PA to 1300 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$9.13.
- (kk) On March 12, 2015, at 7:59 PM, from 237 S. Broad Street in Philadelphia, PA to 1300 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$5.00.
- (ll) On March 20, 2015, at 1:49 PM, from 700 N. 2nd Street in Philadelphia, PA to 100 Dock Street in Philadelphia, PA. The fare charged by Uber was \$14.14.
- (mm) On April 21, 2015, at 11:45 AM, from 900 South Street in Philadelphia, PA to 1000 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$5.00.
- (nn) On May 7, 2015, at 4:18 PM, from 1800 Market Street in Philadelphia, PA to 10th and Filbert Streets in Philadelphia, PA. The fare charged by Uber was \$5.34.
- (oo) On May 7, 2015, at 3:45 PM, from 83 N. 3rd Street in Philadelphia, PA to 1000 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$5.00.
- (pp) On May 29, 2015, at 12:41 PM, from 200 South Street in Philadelphia, PA to 900 Filbert Street in Philadelphia, PA. The fare charged by Uber was \$7.56.
- (qq) On May 29, 2015, at 1:00 PM, from 8th and Sansom Streets in Philadelphia, PA to 9th and Filbert Streets in Philadelphia, PA. The fare charged by Uber was \$5.24.
- (rr) On June 10, 2015, at 1:20 PM, from 400 N. Delaware Avenue in Philadelphia, PA to 500 N. 7th Street in Philadelphia, PA. The fare charged by Uber was \$8.40.
- (ss) On June 10, 2015, at 1:45 PM, from 700 N. 2nd Street in Philadelphia, PA to 500 N. 7th Street in Philadelphia, PA. The fare charged by Uber was \$5.55.
- (tt) On June 19, 2015, at 11:10 AM, from 900 S. Front Street in Philadelphia, PA to 400 N. Christopher Columbus Boulevard in Philadelphia, PA. The fare charged by Uber was \$5.37.
- (uu) On June 19, 2015, at 11:35 AM, from 1001 N. Delaware Avenue in Philadelphia, PA to 400 N. Christopher Columbus Boulevard in Philadelphia, PA. The fare charged by Uber was \$5.00.

- (vv) On July 8, 2015, at 2:17 PM, from 1700 Wolf Street in Philadelphia, PA to Philadelphia International Airport (Departures Terminal "D") in Philadelphia, PA. The fare charged by Uber was \$13.74.
- (ww) On July 9, 2015, at 2:13 PM, from 1417 W. Shunk Street in Philadelphia, PA to Philadelphia International Airport (Departures Terminal "D") in Philadelphia, PA. The fare charged by Uber was \$13.14.
- (xx) On July 14, 2015, at 11:59 AM, from 10th and Packer Avenue in Philadelphia, PA to Philadelphia International Airport (Departures Terminal "D") in Philadelphia, PA. The fare charged by Uber was \$13.18.
- (yy) On July 29, 2015, at 11:20 AM, from 150 Rouse Boulevard in Philadelphia, PA to Philadelphia International Airport (Departures Terminal "C") in Philadelphia, PA. The fare charged by Uber was \$13.08.

14. The drivers who responded to the above ride requests and provided common carrier service did not have rights to transport persons for compensation within Philadelphia.

15. As of this date, Uber continues to provide common carrier service through the smartphone application.

16. Due to the millions of trips provided, it is impossible for the TLD to be cognizant of each unlawful trip which occurred.

17. On June 11, 2015, Nick Zabriskie, Public Policy Associate, East Coast for Uber testified before the Pennsylvania House of Representatives Consumer Affairs Committee and acknowledged that UberX service is still being provided in the City of Philadelphia.

Violations

18. All allegations in paragraphs 1-17 are incorporated as if fully set forth herein.

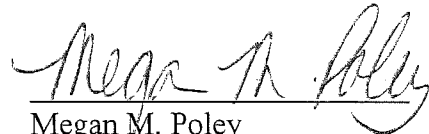
19. Uber provided common carrier service of persons in the City of Philadelphia without holding authority to do so in violation of 53 Pa. C.S. §§ 5714 and 5741 and 52 Pa. Code §§ 1011.9, 1013.1, 1051.8 and 1055.2.

20. As a result of the allegations of unauthorized service as set forth in the Complaint, compounded by the egregious misconduct and blatant disregard for the Authority's regulation, it is requested that a penalty in the amount of \$1,000.00 per day, beginning October 25, 2014, be assessed against Uber.

WHEREFORE, the Taxicab and Limousine Division respectfully requests that this Honorable Court find Respondent Uber Technologies, Inc. liable for the violations averred and impose a penalty of \$1,000 per day for the continuous violations¹⁰, and that the use of the Uber application be barred from use in the city of Philadelphia.

Respectfully submitted,

Date: August 28, 2015



Megan M. Poley
Office of the Trial Counsel
The Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148

¹⁰ § 5725. Civil penalties.

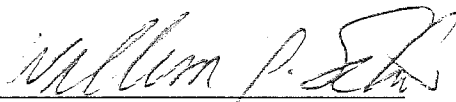
(a) **General rule.**--If any person or corporation subject to this subchapter shall violate any of the provisions of this subchapter or shall do any matter or thing prohibited under this subchapter; or shall fail, omit, neglect or refuse to perform any duty enjoined upon it by this subchapter; or shall fail, omit, neglect or refuse to obey, observe and comply with any regulation or final direction, requirement, determination or order made by the authority or to comply with any final judgment, order or decree made by any court, the person or corporation for the violation, omission, failure, neglect or refusal shall forfeit and pay to the authority a sum not exceeding \$1,000 to be recovered by a complaint as provided in section 5705(b) (relating to contested complaints). In construing and enforcing the provisions of this section, the violation, omission, failure, neglect or refusal of any officer, agent or employee acting for or employed by the person or corporation shall in every case be deemed to be the violation, omission, failure, neglect or refusal of the person or corporation.

(b) **Continuing offenses.**--Each and every day's continuance in the violation of any regulation or final direction, requirement, determination or order of the authority, or of any final judgment, order or decree made by any court, shall be a separate and distinct offense. If any interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter or thing done in violation of such final direction, requirement, determination, order or decree so superseded or enjoined for the period of time such order of supersedeas or injunction is in force. (July 16, 2004, P.L.758, No.94, eff. imd.; July 5, 2012, P.L.1022, No.119, eff. imd.)

VERIFICATION

I, **William Schmid**, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: August 28, 2015


William Schmid

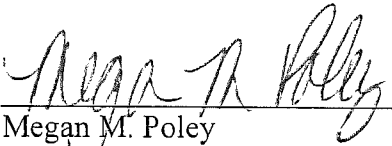
CERTIFICATE OF SERVICE

I, Megan M. Poley, Esquire, hereby certify that I caused to be served a true and correct copy of the Philadelphia Parking Authority, Taxicab and Limousine Division's Complaint against Uber Technologies Inc. by United States First Class Mail, postage prepaid to the following in accordance with the requirements of 52 Pa. Code § 1001.52 on August 28, 2015 upon:

Uber Technologies Inc.
182 Howard Street #8
San Francisco, CA 94105

David P. Temple, Esquire
Gallagher, Malloy & Georges, P.C.
1760 Market Street
11th Floor
Philadelphia, Pa 19103

Philadelphia Parking Authority
Taxicab and Limousine Division

By: 
Megan M. Poley
Trial Counsel