

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

ADMINISTRATIVE MATTER DATE January 29, 2015MOTOR CARRIER MATTER DOCKET NO. 2014-372-TUTILITIES MATTER

ORDER NO. _____

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 Joint Request Supported by All Parties to Suspend and Hold in Abeyance the Scheduled Hearing and All Related Matters and to Issue a Class C – Transportation Network Company Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier to Be Effective Only through June 30, 2015.

COMMISSION ACTION:

On Thursday, January 22, 2015, House Bill 3413 was introduced in the Legislature. This Bill, if enacted, would regulate companies such as the Applicant, Raiser, LLC. On Tuesday, January 27, 2015, Counsel for Rasier filed a letter with the Commission, co-signed by Counsel for Checker Yellow Cab Company, Inc., an intervenor, requesting that this Commission hold in abeyance the hearing currently scheduled for February 23, 2015, as well as all discovery deadlines and filing dates associated with this docket. Rasier, joined by Checker Yellow, further requested that this Commission grant expedited review and issue an order granting Rasier a time-limited Class C-Transportation Network Company Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier to be effective only through June 30, 2015. These requests were made due to the proposed legislation.

Subsequently, on Wednesday, January 28, 2015, the Office of Regulatory Staff (“ORS”) filed a letter fully supporting the joint request of Rasier and Checker Yellow. The ORS is required by statute to “represent the public interest in commission proceedings” and, when considered necessary and in the public interest, to “review, investigate, and make appropriate recommendations to the commission with respect to the service furnished or proposed to be furnished by any public utility.” ORS’ letter of support closed by stating: “ORS believes that approving the Agreement between Raiser and Checker-Yellow, and issuing Rasier a Class C – TNC Certificate is in the public interest.” The only other intervenor, Going Coastal, LLC, also affirmed its support of the joint request.

I move that we grant the relief requested by the parties. Our decision today is based upon judicial economy. While the South Carolina Code currently provides that this Commission generally regulates motor vehicle carriers providing transportation of passengers for compensation, Rasier has argued that it should be treated differently from other regulated transportation entities because the Code does not address its specific business model. House Bill 3413, if passed, would determine how such companies would be regulated, and would have a direct effect upon the pending docket.

Therefore, the Commission hereby suspends and holds in abeyance the scheduled deadlines and hearing date in Docket No. 2014-372-T until June 30, 2015, and grants the requested time-limited Certificate. The parties shall notify the Commission if and when legislation is enacted which would affect this docket. If no such legislation is enacted by June 30, 2015, the parties shall so inform the Commission and request that the Commission recommence these proceedings. In such an event, no party would be deemed to have waived any argument or position in this proceeding. If no party informs the Commission of the need to recommence these proceedings by July 10, 2015, the present docket, as well as the related Docket 2014-265-T (also currently held in abeyance), may be subject to

administrative closure without further action of this Commission.

The Commission desires appropriate regulation that accommodates and fosters new innovations to ensure that South Carolinians have choices, while always ensuring that we protect the safety of the people of our state. Therefore, while current regulations do not include a specific classification for Transportation Network Carriers, we must consider and give weight to the fact that all of the parties to this docket have agreed to the issuance of an order granting such a certificate, and that ORS states it would be in the public interest.

Our action today is neither a rulemaking proceeding nor an attempt to legislate. The requested "TNC" classification is a temporary one granted solely for the purpose of bridging the time until legislation may be explored that more fully addresses the type of service being offered by Raiser. The grant of this TNC classification will allow for enforcement of the terms of a transportation carrier certificate applicable to Raiser in the interim time while legislation is considered.

Accordingly, the Commission approves, on a time-limited basis only, Rasier's Amended Application for a Class C - Transportation Network Company Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier as filed. This Certificate, along with the waivers and compliance alternatives requested by Rasier in its Amended Application, shall expire on June 30, 2015. Consistent with the relief hereby granted, Rasier shall comply with all applicable South Carolina standards with regard to insurance and safety. By the express terms of this decision and the parties' Agreement, the findings, positions and arguments involving the relief granted here shall set no precedent for any proceedings that may be required after June 30, 2015, and the relief is agreed to without prejudice to any party or the Commission regarding positions that may be taken in any such proceedings that may be required following that date.

PRESIDING: Hall

SESSION: Special

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input 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 checked="" 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

