

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
CALIFORNIA

Order Instituting Rulemaking on
Regulations Relating to Passenger
Carriers, Ridesharing, And New Online-
Enabled Transportation services

Rulemaking 12-12-011

**COMMENTS OF CHRISTOPHER DOLAN ESQ. AND THE DOLAN LAW FIRM
ON PROPOSED DECISION MODIFYING DECISION 13-09-045**

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July 7, 2014

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Christopher B. Dolan hereby files the following comments regarding the Commissioner's proposed decision modifying decision 13-09-045.

Dolan acknowledges that the Taxi related Parties make a valid point regarding the need for every driver transporting persons for hire to have full-time commercial insurance in the amount's and categories proposed by the Commission. The incidence of street hails by these TNC drivers is not a fictional possibility but a reality. Drivers realize that they can serve recurrent clients for cash thereby charging them more than they would be paid by a TNC company like Uber, but less that the charge through the app (because the app provider charges up to 20%). Likewise, there is evidence that these drivers are accepting street hails where they drop off one passenger and another asks for service, verbally, rather than through the app. In both the street hail and private client situations the passengers would not be covered under the current and proposed regulations as the app would not be "on" at the time of injury.

If the Commission is not inclined to require full time commercial insurance covering the vehicle, then Dolan fully endorses the Commission's proposed rules for insurance coverage. Dolan agrees with the analysis of the Insurance Commissioner Jones, and the Commission as to the pressing need for insurance coverage of the types and quantities proposed.

Dolan encourages the commission to make the proposed insurance primary thereby requiring the TNC to provide a product that requires the insurance to pay the costs of defense in addition to providing indemnity payments.

The commission should not defer its decision based on the pending legislation. Although there are several bills proceeding through the legislature currently, with AB 2293 (Bonilla) addressing the issues of coverage types, amounts, and primacy; action through that body is subject to the whims and compromise of the political process. As one directly involved in the ongoing legislative debate as a concerned individual, legal representative for the parents of Sophia Liu, and as a representative on behalf of the Consumer Attorneys of California, Dolan has seen the tremendous amount of pressure Uber, Sidecar, and Lyft, are bringing to bear on the legislators through their army of recently retained lobbyists that are swarming the corridors in Sacramento. Given that it is an election year, where money and politics are more closely interwoven than in off years, the important consumer protections encompassed in the Commission's Proposed Decision cannot be left to the uncertainty of the legislative process. Indeed, it is not clear that any bill will make it through the legislative cycle much less what form it might be in following its digestion as it passes between houses and committees where there are multiple agendas working continuously. The important consumer protections contained within the proposed decision should be clearly stated and advanced by the body charged with regulating the transportation and utility industry. The CPUC has one agenda, consumer safety, and the Proposed Decision provides the clarity and protections needed to accomplish that objective.

Dated: July 7, 2014

Respectfully Submitted;

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