

PLEASE REPLY TO
412.331.8998

August 26, 2014

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Docket No. A-2014-2415045, Application of Lyft, Inc.

Dear Secretary Chiavetta:

Transmitted herewith is Protestant JB Taxi LLC's Motion in Limine for filing in this proceedings..

Very truly yours,

/s/ electronically filed

David W. Donley
Attorney for Protestant
412.331.8998

cc: Adeolu A. Bakare, Esquire
Michael S. Henry, Esquire
Mr. Samuel R. Marshall, CEO and President
Lloyd R. Persun, Esquire
Administrative Law Judge Mary D. Long
Administrative Law Judge Jeffery A. Watson

DAVID W. DONLEY ATTORNEY AT LAW
3361 STAFFORD STREET - PITTSBURGH PA 15204-1441
412.331.8998 DWDONLEY@CHASDONLEY.COM

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET A-2014-2415045
APPLICATION OF LYFT, INC

DOCKET A-2014-2415047
APPLICATION OF LYFT, INC

PROTESTANT JB TAXI LLC'S
MOTION IN LIMINE

1. Applicant submitted its prehearing memorandum on July 23, 2014 in accordance with the Commission's directive of July 7, 2014. At part V of its prehearing memorandum, Applicant advises that no special requirements or other issues not previously shared in its memorandum are presented.
2. The Commission issued its Interim Order Rescheduling Hearings on August 6, 2014.
3. Currently pending are discovery requests advanced by protestant, JB Taxi LLC, on August 21, 2014, and the The Insurance Federation of Pennsylvania, Inc. on August 25, 2014. The hearings are to convene on August 27, 2014.
4. Applicant today alerts the parties that some of the evidence to be produced or offered in support of its case may include trade secrets and other information for which a protective order will be requested to restrict and to limit the parties' use or disclosure of testimony and evidence offered in support of the applications. A copy is attached as Attachment A.
5. Applicant's advice extends to information to be offered at a public hearing and in the context of a public service suggested to be in all respects in the public's interests.
6. No witness' name, no information and no document has been identified to protestant as subject to the intended claim of proprietary, confidential or trade secret status.
7. All information to be disclosed by Applicant in the course of these proceedings is suggested to be subject to a future claim of trade-secret or proprietary status to be asserted at an unspecified but future occasion.

8. Protestant's interests will be materially and adversely affected should a condition or restriction be placed upon the receipt of Applicant's evidence or other information in the context of a public hearing. The material and adverse effect will be the creation of an obligation, a regulatory sanction and a prospective private cause of action in Applicant's favor were a protective order extended to include evidence, documents or other information voluntarily disclosed and used by Applicant.
9. But for Applicant's vague and unsupported claims, no obligation, no sanction and no prospective cause of action would exist.
10. Applicant is not obligated to disclose or to use any information that it does not chose to disclose or use.
11. Protestant has no interest in receiving any trade secrets or other proprietary data belonging to Applicant for any reason, and Protestant's interests are limited to receiving and using without qualification information that is a part of the public record in these proceedings.
12. Protestant requests that Applicant be required to obtain a protective order in advance of the disclosure of any evidence or information that is to be the subject of a protective order.
13. Protestant does not consent to a restriction or limitation in the disclosure or the use of any information acquired in these proceedings by lawful means and for a lawful purpose.
14. Protestant requests that the public hearing be conducted in a fashion that will clearly delineate in advance of the time testimony is given or evidence is offered as to which a protective order is to be requested at any time or granted.

WHEREFORE, Protestant moves that Applicant be barred from offering testimony or evidence in the context of the public hearings which Protestant or other parties are not entitled to receive and to use for any lawful purpose and to disclose in any lawful manner without condition or qualification.

Dated: August 26, 2014

electronically filed
David Donley
Attorney for JB Taxi LLC
3361 Stafford Street
Pittsburgh PA 15204-1441

Certificate of Service

I hereby certify that I have this day served a copy of the foregoing Protest upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party)

James P. Dougherty, Esquire
Barbara A. Darkes, Esquire
Adeolu A. Bakare, Esquire
McNees Wallace & Nurick LLC
PO Box 1166
Harrisburg PA 17108-1166

Bryan L. Heulitt Jr, Esquire
Philadelphia Parking Authority
701 Market Street. Suite 5400
Philadelphia PA 19106

Michael S. Henry, Esquire
Michael S. Henry LLC
2336 South Broad Street
Philadelphia PA 19145

Carl W. Hovenstine, Vice President
Pauls Cab Service Inc
735 Market Street
Sunbury PA 17801

Lloyd R. Persun, Esquire
Persun & Heim PC
PO Box 659
Mechanicsburg PA 17055-0659

Mr. Samuel R. Marshall, President
The Insurance Federation of Pennsylvania
1600 Market Street, Suite 1720
Philadelphia PA 19103

Administrative Law Judge Mary D. Long
Pennsylvania Public Utility Commission
Piatt Place - Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place - Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Dated this 26th day of August, 2014

electronically filed
David W. Donley
Attorney for J.B. Taxi t/a County Taxi Cab
3361 Stafford Street
Pittsburgh PA 15204-1441
(412) 331-8998
Pa ID 19727

Attachment A

Counsel,

Please find attached a Petition for Protective Order and Protective Order. We intend to provide the ALJs with copies of the proposed Protective Order at the hearing on Wednesday (8/27). Please contact me with any questions or concerns regarding the attached.

Thank you,

Ade

Adeolu A. Bakare
Energy & Environmental Law Group

McNees Wallace & Nurick LLC
100 Pine Street | Harrisburg, PA 17101
Tel: 717.237.5290 | Fax: 717.260.1744
[Website](#)

The foregoing message may be protected by the attorney-client privilege. If you believe it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error, then delete it. Thank you.