



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 28, 2014

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Uber Technologies, Inc.
Docket No. C-2014- 2422723
Motion to Compel

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Motion to Compel the Response of Uber Technologies, Inc. to the Bureau of Investigation and Enforcement's Interrogatories and Request for Production of Documents- Set I in the above-captioned matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink that reads "Step M. Wimer".

Stephanie M. Wimer
Prosecutor
PA Attorney I.D. No. 207522

Enclosure

cc: ALJ Mary D. Long and ALJ Jeffrey Watson
As per certificate of service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2014-2422723
	:	
Uber Technologies, Inc.,	:	
Respondent	:	

NOTICE TO PLEAD

To: Karen O. Moury, Esq. Counsel for Uber Technologies, Inc.

You are hereby notified to file a written response to the attached Motion to Compel of the Bureau of Investigation and Enforcement (I&E) within five (5) days from the date of service of this notice. If you do not file a written response denying the enclosed Motion to Compel within five (5) days of service, the presiding officers may rule in favor of I&E on the attached Motion without a hearing. Failure to respond to this Motion could result in an order directing responses to I&E's Interrogatories and Request for Production of Documents.

All pleadings, such as answers to motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned prosecutors.



Stephanie M. Wimer, Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler, Prosecutor
PA Attorney ID No. 43319

Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: August 28, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant,	:	
	:	
v.	:	C-2014-2422723
	:	
Uber Technologies, Inc.,	:	
Respondent	:	

**MOTION TO COMPEL THE RESPONSE OF UBER TECHNOLOGIES, INC.
TO THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS-
SET I**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.342(g), the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), Complainant in the above-docketed matter, by and through its prosecuting attorneys, hereby requests that the presiding Administrative Law Judges dismiss the objections to discovery by Uber Technologies, Inc. (Uber or Company) and direct Uber to provide the information requested in I&E’s Interrogatories and Request for Production of Documents – Set I. In support thereof, I&E avers as follows:

Background

1. On July 1, 2014, Administrative Law Judges Mary D. Long and Jeffrey A. Watson (ALJs) issued an Order granting I&E’s Petition for Interim Emergency Relief at Docket No. P-2014-2426846 directing Uber to cease and desist its operations in

Pennsylvania utilizing a digital platform to facilitate transportation for compensation to passengers using non-certificated drivers in their personal vehicles.

2. Pursuant to 52 Pa. Code § 3.10(b), the granting of relief by Interim Emergency Order was certified as a material question to the Commission.

3. By Order entered July 24, 2014, the Commission determined that I&E successfully met the requirements for obtaining interim emergency relief and returned the matter to the ALJs for further proceedings under the above Complaint docket.

4. The Commission's Order entered July 24, 2014, was accompanied by a Statement of Commissioner James H. Cawley, directing that a Secretarial Letter be issued seeking additional information to aid in the formulation of a Final Order in the Complaint proceeding at the above docket.

5. By Secretarial Letter dated July 28, 2014, and served upon all parties at the above docket, the Commission concluded:

Accordingly, in order to create a complete record in the Complaint proceeding at Docket No. C-2014-2422723, the Parties are directed to address the following questions:

- (1) The number of transactions/rides provided to passengers in Pennsylvania via the connections made with drivers through Internet, mobile application, or digital software during the following periods:
 - (a) From the initiation of Uber's service in Pennsylvania to June 5, 2014 (the date I&E filed the Complaint against Uber);
 - (b) From the receipt of the cease and desist letter from the Commission's Bureau of Technical Utility Services dated July 6, 2012 to June 5, 2014;
 - (c) From June 5, 2014 to July 1, 2014 (the date the *Cease and Desist Order* became effective); and
 - (d) From July 1, 2014 to the date on which the record in this Complaint proceeding is closed.

(2) Should there be a finding that Uber's conduct in any one or all of the periods in question (1), above, was a violation of the Public Utility Code, whether refunds or credits to customers would be an appropriate remedy.

(3) Whether either evidence of prior unlawful operations or contumacious refusal to obey Commission orders negates the need for the proposed service and/or the fitness of the applicant as a common carrier such that no certificate of public convenience can be issued by the Commission.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v.

Uber Technologies, Inc., Docket No. C-2014-2422723 (Secretarial Letter dated July 28, 2014).

6. On August 8, 2014, pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, I&E served upon Uber its Interrogatories and Requests for Production of Documents-Set I.

7. A purpose of I&E's discovery request was to gather the necessary information in compliance with the express directive of the Commission in its July 28, 2014 Secretarial Letter to seek additional information to aid in the formulation of a Final Order in the Complaint proceeding at the above docket. I&E's discovery merely seeks the very information that the Commission directed the parties to address in its Question No. 1 as set forth in the Secretarial Letter.¹

8. On August 18, 2014, Uber filed Objections to I&E's Interrogatories and Request for Production of Documents – Set I. Uber objects on the grounds that (i) the information sought is privileged; (ii) calls for information that is not relevant to the

¹ As a result of previous positions taken by Uber regarding its involvement or lack thereof in providing ride sharing services, I&E couched its discovery in two parts, recognizing that Uber may respond that Uber itself had not provided such services. Questions 2 and 3 from the Secretarial Letter were not posed in discovery since I&E already anticipated addressing those issues as directed by the Commission and did not require information within the control of Uber to do so.

subject matter of the action; (iii) seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the discovery of admissible evidence; and (iv) would cause unreasonable annoyance and burden to Uber.

9. A full copy of I&E's Interrogatories and Request for Production of Documents Set I is attached hereto as Exhibit A.

10. A full copy of Uber's Objections to I&E's Interrogatories and Request for Production of Documents – Set I is attached hereto as Exhibit B.

Uber's Claim That The Information Sought Constitutes Privileged Material Is Not Valid

11. I&E's Interrogatory No. 1 requests the number of rides provided by Uber within specific time periods that were largely delineated in the July 28, 2014 Secretarial Letter. I&E's Interrogatory No. 3 requests the production of documents to substantiate the number of rides provided by Uber during these time periods and to corroborate its Answers to I&E Interrogatory No. 1. In anticipation that Uber may respond that it has not provided the aforementioned ride sharing service, I&E's Interrogatory Nos. 2 and 4 alternatively request the name of the entity that provided rides to persons through connections made with Uber's digital software and the name of the entity that sent invoices, e-mails, receipts and records in relation to transportation facilitated by Uber's digital software, respectively, and the production of related documents.

12. Uber objects to each one of I&E's interrogatories in Set I under the claim that, among other things, the material sought constitutes privileged information. In support of its assertion of a privilege that would foreclose the disclosure of this

information, Uber states that the responses to each Interrogatory constitute highly proprietary and commercially sensitive information, the disclosure of which would be harmful to its business and would result in the sharing of private customer information.

13. It is puzzling how the disclosure of the name of the entity responsible for facilitating transportation through Uber's technology constitutes privileged information. Further, I&E's Interrogatories do not request information beyond the name of the entity responsible for facilitating such transportation, the number of rides provided and supporting documentation for those time periods wherein Uber was not authorized to operate. Documentation supporting each trip is not privileged as the Commission has a duty to know who is offering or furnishing transportation for compensation, and when and where such transportation is being provided. For example, call and demand carriers are required to complete daily log sheets that provide information specific to each trip, including the places of origin and destination, the name of the driver and the meter reading at the beginning and end of each trip. *See* 52 Pa. Code § 29.313(c). Trip sheet requirements also pertain to limousine service and the sheets contain similar information, such as the rate being charged, and the origin and intended destination of each trip. *See* 52 Pa. Code § 29.335. The supporting documentation requested in I&E's Interrogatories is precisely the same information that the Commission routinely receives and examines for other entities that provide transportation for compensation. Even if the number of rides and associated documents are deemed proprietary or highly proprietary by Uber, such classification does not absolve Uber from its duty to provide the information. Simply, Uber could easily designate its responses as "Confidential" or "Highly

Confidential” and provide them pursuant to a Protective Order that limits the availability and disclosure of such information. To date, Uber has not requested a Protective Order in this proceeding. Therefore, the fact that the information sought may be confidential or proprietary, to which I&E disagrees, is not a valid basis for objection.

The Requested Information Is Relevant To The Instant Proceeding

14. Uber objects to I&E’s Interrogatories on the grounds that it calls for information that is not relevant to the subject matter of this action.

15. The scope of discovery is very broad. *Petition for Appeal from Action of Staff Filed by the Pennsylvania Telephone Association*, Docket No. M-00031772 (Order entered December 6, 2005). In fact, the relevancy standard during discovery is necessarily broader than it is for admission at trial. *George v. Schirra*, 814 A.2d 202, 205 (Pa. Super. Ct. 2002). The purpose of allowing a broader standard is to ensure that a party has in its possession all relevant and admissible evidence before the start of trial and by allowing such broad discovery, the parties may avoid surprise and unfairness at trial. *Id.*

16. I&E’s Interrogatories are relevant and within the scope of this proceeding because they are reasonably tailored to lead to admissible information regarding Uber’s unlawful operations, which are the subject matter of the Complaint. Contrary to Uber’s assertion that I&E’s Complaint solely focuses on the alleged launch of Uber on March 13, 2014 and the eleven occasions in which Officer Bowser was allegedly transported by drivers he requested using Uber’s software, I&E’s Complaint pertains to all of Uber’s unlawful operations. In the Complaint, I&E seeks a civil penalty in the

amount of \$1,000 for each and every day Uber operated since its launch on March 13, 2014, *and each and every day that Uber continues to operate* after the date of the filing of the Complaint. Therefore, information about transactions other than the eleven trips taken by Officer Bowser is entirely relevant.

17. Moreover, Uber's claim that I&E's Interrogatories are irrelevant is ludicrous given that the Commission directed this information be provided in order to develop a complete record in this very proceeding. I&E's Interrogatories are designed to discover the extent of Uber's unlawful operations, which is precisely the subject matter of I&E's Complaint. Therefore, I&E's discovery request is reasonable and certainly relevant to the pending action.

I&E's Interrogatories Lead To The Discovery Of Admissible Evidence

18. I&E's Interrogatories lead to the discovery of admissible evidence in that they seek information regarding Uber's unlawful operations, which are the subject matter of the Complaint. Further, the Commission directed that the information set forth in I&E's Interrogatories be available for use in developing a complete record of this proceeding.

19. As noted above, the scope of discovery is broad. The Commonwealth Court of Pennsylvania has stated that "[d]iscovery itself is designed to promote free sharing of information so as to narrow the issues and limit unfair surprise. It is a tool which serves each litigant and promotes judicial economy. *Pittsburgh Bd. Of Public Educ. V. M.J.N. by N.J.*, 524 A.2d 1385, 1388 (Pa. Cmwlth. Ct. 1987). At the outset, I&E submits that the information obtained through I&E's Interrogatories will be

admissible at hearing. However, even if this information is found in admissible, such information is still discoverable. Section 5.321(c) of the Commission's Regulations provides that "[i]t is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." 52 Pa. Code § 5.321(c).

20. Uber baldly asserts that the information sought by I&E is protected under the Fifth Amendment of the United States Constitution and therefore is inadmissible at hearing. The pertinent part of the Fifth Amendment provides: "No person . . . shall be compelled in *any criminal case* to be a witness against himself." U.S. Const. amend. V (emphasis added). Uber's assertion is flawed for several reasons.

21. Most obviously, I&E's Complaint is before the Pennsylvania Public Utility Commission, an administrative agency of the Commonwealth of Pennsylvania. The matter is a proceeding in administrative law as opposed to a criminal case. The outcome of I&E's proceeding may only result in administrative civil penalties. No Fifth Amendment privilege exists in this proceeding.

22. Moreover, Uber Technologies, Inc. is a corporation. A corporation does not have a Fifth Amendment privilege against self-incrimination. *Braswell v. United States*, 487 U.S. 99, 105 (1988). The Fifth Amendment privilege is "limited to its historical function of protecting *only* the natural individual from compulsory incrimination." *Bellis v. United States*, 417 U.S. 85, 89-90 (1974).

23. Furthermore, the Fifth Amendment privilege "protects a person only against being incriminated by his own compelled testimonial communications" and does

not protect against the compelled production of documents, especially during discovery. *Fisher v. United States*, 425 U.S. 391, 410 (U.S. 1976). Therefore, I&E's discovery request seeks information that is admissible and reasonably calculated to lead to the discovery of admissible evidence.

I&E's Interrogatories Do Not Cause Unreasonable Annoyance or Burden

24. Uber claims that providing responses to I&E's Interrogatories would cause "unreasonable annoyance" and "burden" because the Commission already directed that the information be provided. As stated previously, this very same information, if requested, is required to be provided by any common carrier under Commission jurisdiction. Once again, Uber appears to be attempting to skirt the Commission's authority.

25. Uber misses the point. By Secretarial Letter at this docket, the Commission directed that the information set forth in I&E's Interrogatories be provided so that the information would be made available for use in developing a complete record of this proceeding. It is I&E's position that, during discovery, I&E should be provided with this information. This is especially true in this case since I&E's Interrogatories are also intended to be the vehicle by which the Company complies with the Commission's own directive that this information be developed for the evidentiary record of this proceeding. To I&E's knowledge, Uber has not previously provided this information in any proceeding before the Commission and, in fact, it defiantly refused to submit this information into the evidentiary record of the hearing regarding its permanent application for authority on August 18 and 19, 2014. *See Application of Rasier-PA LLC, a limited*

liability company of the State of Delaware, for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in Allegheny County, Docket No. A-2014-2416127. Therefore, I&E's request does not duplicate any prior production of information. It is not surprising that Uber asserts that I&E's Interrogatories create an "unreasonable annoyance" or "burden." It would seem that Uber has treated much of what the Commission requires as an "unreasonable annoyance." This appears to be no more than an attempt on Uber's part to dodge a legitimate discovery request and, once again, ignore the Commission's authority. This is readily apparent since the production of the information is not duplicative and is a direct result of the Commission's own directive.

26. Further, the Commission's approval of Rasier-PA, LLC's application for emergency temporary authority does not excuse Uber's prior unlawful operations. *Application of Rasier-PA LLC, a Wholly Owned Subsidiary of Uber Technologies, Inc., for Emergency Temporary Authority to Operate an Experimental Ride-Sharing Network Service Between Points in Allegheny County, PA, Docket No. A-2014-2429993. Thus, the information that will be gathered through discovery is necessary and does not result in an unreasonable annoyance and burden to Uber.*

WHEREFORE, for the reasons set forth above, I&E respectfully requests that the Objections of Uber Technologies, Inc. be dismissed and that Uber Technologies, Inc. be compelled to provide responses to the Bureau of Investigation and Enforcement's Interrogatories and Request for Production of Documents – Set I.

Respectfully submitted,



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Prosecutor
PA Attorney ID No. 43319

Wayne T. Scott
First Deputy Chief Prosecutor
PA Attorney ID No. 29133

Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
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stwimer@pa.gov
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wascott@pa.gov

Dated: August 28, 2014

EXHIBIT A



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 8, 2014

Via First Class Mail and Electronic Mail

Karen O. Moury, Esq.
Buchanan Ingersoll Rooney P.C.
409 North Second Street
Suite 500
Harrisburg, PA 17101

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. Uber Technologies, Inc.
Docket No. C-2014-2422723

Dear Ms. Moury:

Enclosed please find the Interrogatories and Requests for Production of Documents – Set I of the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement in the above referenced matter. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Wimer", is written over a horizontal line.

Stephanie M. Wimer
Prosecutor

Enclosure

cc: Certificate of Service
Secretary Chiavetta (Certificate of Service Only)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2014-2422723
	:	
Uber Technologies, Inc.	:	

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO UBER TECHNOLOGIES, INC. – SET I**

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), through its prosecuting attorneys, hereby propounds the following Interrogatories and Requests for Production of Documents upon Uber Technologies, Inc. (“Uber” or “Respondent”) to be answered by those employees or agents of Respondent as may be cognizant of the requested information and who are authorized to answer on behalf of Respondent. I&E reserves the right to propound additional Interrogatories and to request additional documents as and if additional information is required. In accordance with 52 Pa. Code §§ 5.342(d) and 5.349(d), the Interrogatories and Requests are to be answered in writing and be verified, and are to be furnished and served in-hand upon the undersigned within twenty (20) days.

ADDITIONAL INSTRUCTIONS

1. If you object to any part of an interrogatory or request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.
2. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, contained in a non-written communication, state the following with respect to the non-written communication:
 - a. The nature of your claim of non-discoverability (e.g. attorney-client privilege); and
 - b. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit I&E to make a full determination as to whether your claim is valid.
3. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request or any part thereof, contained in a document, set forth with respect to the document:
 - a. The nature of your claim of non-discoverability (e.g. attorney-client privilege); and
 - b. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit I&E to make a full determination as to whether your claim is valid.

4. If you claim any form of privilege or other protection from disclosure, otherwise than as set forth in Instructions 2 and 3, as a ground for not answering any interrogatory or request or any part thereof, set forth:
 - a. The nature of your claim as to non-discoverability; and
 - b. Each and every fact on which you rest your claim or privilege or other protection from disclosure, stating such facts with sufficient specificity to permit I&E to make a full determination as to whether your claim is valid.
5. If you know of any document, communication or information but cannot give the specific information or the full information called for by a particular interrogatory or request, so state and give the best information you have on the subject and identify every person you believe to have the required information.
6. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neutral forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.
7. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.

8. On each Interrogatory response, list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

DEFINITIONS

As used in these Interrogatories and Requests for Production of Documents, the following terms have the meaning as set forth below:

1. The terms “document” or “documents” as used herein has the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and includes, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of

any oral communications whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- a. Are now or were formerly in your possession, custody or control; or
 - b. Are known or believed to be responsive to these Interrogatories, regardless of who has or formerly had custody, possession or control.
2. The term “date” means the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.
3. The term “person” or “persons” means and includes any individual, committee, task force, company, contractor, passenger or corporation.
4. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g. letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in possession of Respondent or subject to their control, state what disposition was made of it and explain the circumstances surrounding, and the authorization for such disposition, and state the date or approximate date thereof.
5. The terms “and” and “or” have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and requests for any

information or documents that might otherwise be construed to be outside their scope; “all” and “any” mean both “each” and “every.”

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

– SET I

1. Referencing the Secretarial Letter issued by the Commission on July 28, 2014 at this Docket, identify the number of transactions and/or rides provided to persons between points within the Commonwealth of Pennsylvania via connections made with drivers through Respondent’s website on the Internet, Respondent’s mobile application or Respondent’s digital software during the following periods:
 - a. From the initiation of Respondent’s service in Pennsylvania up to and including June 5, 2014;
 - b. From the receipt of the cease and desist letter from the Commission’s Bureau of Technical Utility Services dated July 6, 2012 up to and including June 5, 2014;
 - c. From June 6, 2014 up to and including July 1, 2014;
 - d. From July 2, 2014 up to and including July 24, 2014; and
 - e. From July 25, 2014 up to and including the date of receipt of I&E’s Interrogatories and Requests for Production of Documents – Set I.
2. If Uber Technologies, Inc. is not the entity that provided rides to persons between points within the Commonwealth of Pennsylvania via connections made with

drivers through Respondent's website on the Internet, Respondent's mobile application or Respondent's digital software, then:

- a. Identify the affiliate or entity responsible for the provision of such transportation; and
 - b. Provide the information requested in I&E Interrogatory – Set I 1(a)-(d).
3. Identify and produce any and all invoices, receipts, e-mails, records and documents that Respondent sent to individuals in relation to rides they received between points within the Commonwealth of Pennsylvania via connections made with drivers through Respondent's website on the Internet, Respondent's mobile application or Respondent's digital software during the following periods:
- a. From the initiation of Respondent's service in Pennsylvania up to and including June 5, 2014;
 - b. From the receipt of the cease and desist letter from the Commission's Bureau of Technical Utility Services dated July 6, 2012 up to and including June 5, 2014;
 - c. From June 6, 2014 up to and including July 1, 2014;
 - d. From July 2, 2014 up to and including July 24, 2014; and
 - e. From July 25, 2014 up to and including the date of receipt of I&E's Interrogatories and Requests for Production of Documents – Set I.
4. If Uber Technologies, Inc. is not the entity that sent invoices, receipts, e-mails, records and documents to individuals in relation to rides they received between points within the Commonwealth of Pennsylvania via connections made with

drivers through Respondent's website on the Internet, Respondent's mobile application or Respondent's digital software, then

- a. Identify the affiliate or entity responsible for the distribution of the invoices, receipts, e-mails and documents related to said rides; and
- b. Provide the information requested in I&E Interrogatory – Set I 3(a)-(d).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the enclosed Interrogatories and Requests for Production of Documents – Set I upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail and Email:

Karen O. Moury, Esq.
Buchanan Ingersoll Rooney P.C.
409 North Second Street
Suite 500
Harrisburg, PA 17101
karen.moury@bipc.com



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 772-8839
stwimer@pa.gov

Date: August 8, 2014

EXHIBIT B

Karen O. Moury
717 237 4820
karen.moury@bipc.com

409 North Second Street
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T 717 237 4800
F 717 233 0852
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August 18, 2014

VIA E-FILING

Michael L. Swindler, Esquire
Stephanie M. Wimer, Esquire
Wayne T. Scott, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement
v. Uber Technologies, Inc.
Docket No. C-2014-2422723

Dear Counsel:

On behalf of Uber Technologies, Inc., I am providing the Objections of Uber Technologies, Inc. to Bureau of Investigation and Enforcement's Interrogatories and Requests for Production – Set I in the above-captioned matter.

Copies have been served on all parties as indicated in the attached certificate of service.

Sincerely,



Karen O. Moury

KOM/tlg
Enclosure
cc: Rosemary Chiavetta, Secretary (*letter only*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT	:	
	:	Docket No. C-2014-2422723
v.	:	
	:	
UBER TECHNOLOGIES, INC.	:	

**OBJECTIONS OF UBER TECHNOLOGIES, INC.
TO BUREAU OF INVESTIGATION AND ENFORCEMENT'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION – SET I**

Pursuant to 66 Pa.C.S. § 333(d) and 52 Pa. Code § 5.342, Uber Technologies, Inc. (“UTI”) hereby objects to the Interrogatories and Requests for Production – Set I (“Interrogatories”) propounded by the Bureau of Investigation and Enforcement on August 8, 2014. The specific objections, along with a description of the facts and circumstances justifying the objections, are set forth below.

Interrogatory No. 1:

Referencing the Secretarial Letter issued by the Commission on July 28, 2014 at this Docket, identify the number of transactions and/or rides provided to persons between points within the Commonwealth of Pennsylvania via connections made with drivers through Respondent’s website on the Internet, Respondent’s mobile application or Respondent’s digital software during the following periods:

- a. From the initiation of Respondent’s service in Pennsylvania up to and including June 5, 2014;
- b. From the receipt of the cease and desist letter from the Commission’s Bureau of Technical Utility Services dated July 6, 2012 up to and including June 5, 2014;
- c. From June 6, 2014 up to and including July 1, 2014;
- d. From July 2, 2014 up to and including July 24, 2014; and
- e. From July 25, 2014 up to and including the date of receipt of I&E’s Interrogatories and Requests for Production of Documents – Set I.

Objection: UTI objects to Interrogatory No. 1 on grounds that (i) it seeks privileged material; (ii) it calls for information that is not relevant to the subject matter of this action; (iii) it seeks

information that is not admissible at hearing nor would be reasonably calculated to lead to the discovery of admissible evidence; and (iv) it would cause unreasonable annoyance and burden to UTI.

The Commission's rules on discovery provide that a party may obtain information regarding any matter, which is not privileged, and which is relevant to the subject matter involved in the pending action and appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The rules further provide that discovery is not permitted which is sought in bad faith, would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the party, relates to a matter that is privileged, and would require the making of an unreasonable investigation by the party. 52 Pa. Code § 5.361.

The number of transactions and/or rides provided to persons between points within Pennsylvania using UTI's website, mobile application or digital software ("App") is highly proprietary and commercially sensitive. As disclosure of this confidential information would be harmful to UTI's business, it constitutes privileged material.

In addition, data about any other transactions and/or rides goes well beyond the scope of the Complaint, which focuses on the alleged launch of UberX on March 13, 2014 and the eleven occasions on which Officer Bowser was allegedly transported by drivers that he requested using the UTI App. Information about any other transactions is not relevant to these specific allegations, and the interrogatory is an impermissible fishing expedition.

Further, this interrogatory seeks information that is protected under the Fifth Amendment of the United States Constitution. As such, it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the discovery of admissible evidence..

Finally, given that the information has already been requested by the Commission, this interrogatory causes unreasonable annoyance and burden to UTI. This is particularly true in light of compliance by Rasier-PA LLC, a wholly-owned subsidiary of UTI, with the Commission's Order adopted on July 24, 2014 at Docket No. A-2014-2429993 granting emergency temporary authority to provide ridesharing network services between points in Allegheny County. Additionally, Rasier-PA LLC has two applications pending at Docket Nos. A-2014-2416127 and A-2014-2424608 for experimental authority to operate ridesharing network services in Allegheny County and throughout the Commonwealth. If compliance with the Commission's regulatory and statutory requirements was the goal of the complaint, that has been achieved, and efforts to gather additional information through discovery in this proceeding about past practices cause unreasonable annoyance and burden to UTI.

Interrogatory No. 2:

If Uber Technologies, Inc. is not the entity that provided rides to persons between points within the Commonwealth of Pennsylvania via connections made with drivers through Respondent's website on the Internet, Respondent's mobile application or Respondent's digital software, then:

- a. Identify the affiliate or entity responsible for the provision of such transportation;
and
- b. Provide the information requested in I&E Interrogatory – Set I 1(a)-(d).

Objection: UTI objects to Interrogatory No. 2 on grounds that (i) it seeks privileged material; (ii) it calls for information that is not relevant to the subject matter of this action; (iii) it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the

discovery of admissible evidence; and (iv) it would cause unreasonable annoyance and burden to UTI.

The Commission's rules on discovery provide that a party may obtain information regarding any matter, which is not privileged, and which is relevant to the subject matter involved in the pending action and appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The rules further provide that discovery is not permitted which is sought in bad faith, would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the party, relates to a matter that is privileged, and would require the making of an unreasonable investigation by the party. 52 Pa. Code § 5.361.

The number of transactions and/or rides provided to persons between points within Pennsylvania using UTI's website, mobile application or digital software ("App") is highly proprietary and commercially sensitive. As disclosure of this confidential information would be harmful to UTI's business, it constitutes privileged material.

In addition, data about any other transactions and/or rides goes well beyond the scope of the Complaint, which focuses on the alleged launch of UberX on March 13, 2014 and the eleven occasions on which Officer Bowser was allegedly transported by drivers that he requested using the UTI App. Information about any other transactions is not relevant to these specific allegations, and the interrogatory is an impermissible fishing expedition.

Further, this interrogatory seeks information that is protected under the Fifth Amendment of the United States Constitution. As such, it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the discovery of admissible evidence.

Finally, given that the information has already been requested by the Commission, this interrogatory causes unreasonable annoyance and burden to UTI. This is particularly true in light of compliance by Rasier-PA LLC, a wholly-owned subsidiary of UTI, with the Commission's Order adopted on July 24, 2014 at Docket No. A-2014-2429993 granting emergency temporary authority to provide ridesharing network services between points in Allegheny County. Additionally, Rasier-PA LLC has two applications pending at Docket Nos. A-2014-2416127 and A-2014-2424608 for experimental authority to operate ridesharing network services in Allegheny County and throughout the Commonwealth. If compliance with the Commission's regulatory and statutory requirements was the goal of the complaint, that has been achieved, and efforts to gather additional information through discovery in this proceeding about past practices cause unreasonable annoyance and burden to UTI.

Interrogatory No. 3:

Identify and produce any and all invoices, receipts, e-mails, records and documents that Respondent sent to individuals in relation to rides they received between points within the Commonwealth of Pennsylvania via connections made with drivers through Respondent's website on the Internet, Respondent's mobile application or Respondent's digital software during the following periods:

- a. From the initiation of Respondent's service in Pennsylvania up to and including June 5, 2014;
- b. From the receipt of the cease and desist letter from the Commission's Bureau of Technical Utility Services dated July 6, 2012 up to and including June 5, 2014;
- c. From June 6, 2014 up to and including July 1, 2014;
- d. From July 2, 2014 up to and including July 24, 2014; and
- e. From July 25, 2014 up to and including the date of receipt of I&E's Interrogatories and Requests for Production of Documents – Set I.

Objection: UTI objects to Interrogatory No. 3 on grounds that (i) it seeks privileged material; (ii) it calls for information that is not relevant to the subject matter of this action; (iii) it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the

discovery of admissible evidence; and (iv) it would cause unreasonable annoyance and burden to UTI.

The Commission's rules on discovery provide that a party may obtain information regarding any matter, which is not privileged, and which is relevant to the subject matter involved in the pending action and appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The rules further provide that discovery is not permitted which is sought in bad faith, would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the party, relates to a matter that is privileged, and would require the making of an unreasonable investigation by the party. 52 Pa. Code § 5.361.

Invoices, receipts, e-mails, records and documents sent to riders who secured transportation through the UTI App are highly proprietary and commercially sensitive. As disclosure of this confidential information would be harmful to UTI's business and result in the sharing of private customer information, it constitutes privileged material.

In addition, invoices, receipts, e-mails, records and documents sent to riders who secured transportation through the UTI App go well beyond the scope of the Complaint, which focuses on the alleged launch of UberX on March 13, 2014 and the eleven occasions on which Officer Bowser was allegedly transported by drivers that he requested using the UTI App. Information about any other transactions is not relevant to these specific allegations, and the interrogatory is an impermissible fishing expedition.

Further, this interrogatory seeks information that is protected under the Fifth Amendment of the United States Constitution. As such, it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the discovery of admissible evidence..

Finally, this interrogatory causes unreasonable annoyance and burden to UTI. This is particularly true in light of compliance by Rasier-PA LLC, a wholly-owned subsidiary of UTI, with the Commission's Order adopted on July 24, 2014 at Docket No. A-2014-2429993 granting emergency temporary authority to provide ridesharing network services between points in Allegheny County. Additionally, Rasier-PA LLC has two applications pending at Docket Nos. A-2014-2416127 and A-2014-2424608 for experimental authority to operate ridesharing network services in Allegheny County and throughout the Commonwealth. If compliance with the Commission's regulatory and statutory requirements was the goal of the complaint, that has been achieved, and efforts to gather additional information through discovery in this proceeding about past practices cause unreasonable annoyance and burden to UTI.

Interrogatory No. 4

If Uber Technologies, Inc. is not the entity that sent invoices, receipts, e-mails, records and documents to individuals in relation to rides they received between points within the Commonwealth of Pennsylvania via connections made with drivers through Respondent's website on the Internet, Respondent's mobile application or Respondent's digital software, then

- a. Identify the affiliate or entity responsible for the distribution of the invoices, receipts, e-mails and documents related to said rides; and
- b. Provide the information requested in I&E Interrogatory – Set I 3(a)-(d).

Objection: UTI objects to Interrogatory No. 4 on grounds that (i) it seeks privileged material; (ii) it calls for information that is not relevant to the subject matter of this action; (iii) it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the

discovery of admissible evidence; and (iv) it would cause unreasonable annoyance and burden to UTI.

The Commission's rules on discovery provide that a party may obtain information regarding any matter, which is not privileged, and which is relevant to the subject matter involved in the pending action and appears reasonably calculated to lead to the discovery of admissible evidence. 52 Pa. Code § 5.321(c). The rules further provide that discovery is not permitted which is sought in bad faith, would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the party, relates to a matter that is privileged, and would require the making of an unreasonable investigation by the party. 52 Pa. Code § 5.361.

Invoices, receipts, e-mails, records and documents sent to riders who secured transportation through the UTI App are highly proprietary and commercially sensitive. As disclosure of this confidential information would be harmful to UTI's business and result in the sharing of private customer information, it constitutes privileged material.

In addition, invoices, receipts, e-mails, records and documents sent to riders who secured transportation through the UTI App go well beyond the scope of the Complaint, which focuses on the alleged launch of UberX on March 13, 2014 and the eleven occasions on which Officer Bowser was allegedly transported by drivers that he requested using the UTI App. Information about any other transactions is not relevant to these specific allegations, and the interrogatory is an impermissible fishing expedition.

Further, this interrogatory seeks information that is protected under the Fifth Amendment of the United States Constitution. As such, it seeks information that is not admissible at hearing nor would be reasonably calculated to lead to the discovery of admissible evidence.

Finally, this interrogatory causes unreasonable annoyance and burden to UTI. This is particularly true in light of compliance by Rasier-PA LLC, a wholly-owned subsidiary of UTI, with the Commission's Order adopted on July 24, 2014 at Docket No. A-2014-2429993 granting emergency temporary authority to provide ridesharing network services between points in Allegheny County. Additionally, Rasier-PA LLC has two applications pending at Docket Nos. A-2014-2416127 and A-2014-2424608 for experimental authority to operate ridesharing network services in Allegheny County and throughout the Commonwealth. If compliance with the Commission's regulatory and statutory requirements was the goal of the complaint, that has been achieved, and efforts to gather additional information through discovery in this proceeding about past practices cause unreasonable annoyance and burden to UTI.

August 18, 2014

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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