



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. Lyft, Inc.
Docket No. C-2014- 2422713
Motion to Compel

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Motion to Compel the Response of Lyft, 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-2014-2422713
	:	
Lyft, Inc.,	:	
Respondent	:	

NOTICE TO PLEAD

*To: James P. Dougherty, Esq., Barbara A. Darkes, Esq., and Adeolu A. Bakare, Esq.,
Counsel for Lyft, 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-2014-2422713
	:	
Lyft, Inc.,	:	
Respondent	:	

**MOTION TO COMPEL THE RESPONSE OF LYFT, 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 Lyft, Inc. (Lyft or Company) and direct Lyft 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-2014-2426847 directing Lyft 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-2014-2422713, 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 Lyft's service in Pennsylvania to June 5, 2014 (the date I&E filed the Complaint against Lyft);
 - (b) From June 5, 2014 to July 1, 2014 (the date the *Cease and Desist Order* became effective); and
 - (c) From July 1, 2014 to the date on which the record in this Complaint proceeding is closed.
- (2) Should there be a finding that Lyft'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. Lyft, Inc., Docket No. C-2014-2422713 (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 Lyft 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 this Complaint proceeding. 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, Lyft filed Objections to I&E's Interrogatories and Request for Production of Documents – Set I. Lyft objects to I&E's Interrogatory No. 2 of Set I, which requests that Lyft provide documents, including invoices, receipts, e-mails and records, that were sent to individuals in relation to the rides that they received via connections made with drivers through Lyft's digital software during the periods that were largely identified in the Commission's July 28, 2014 Secretarial Letter. Lyft objects

¹ 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 Lyft to do so.

on the grounds that (i) the information sought is privileged; (ii) production of the information would cause an unreasonable burden and expense to Lyft; and (iii) the discovery sought would require an unreasonable investigation by Lyft.

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 Lyft's Objections to I&E's Interrogatories and Request for Production of Documents – Set I is attached hereto as Exhibit B.

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

11. I&E's Interrogatory No. 2 requests the production of documents to substantiate the number of rides provided by Lyft during the time periods that were largely delineated in the July 28, 2014 Secretarial Letter and to corroborate Lyft's response to I&E's Interrogatory No. 1.

12. Lyft objects to I&E's Interrogatory No. 2 under the claim that the material sought constitutes privileged information. In support of its assertion of a privilege that it claims would foreclose the disclosure of this information, Lyft states that the responses would reveal personal information of Lyft customers, such as email addresses, telephone numbers and payment information, as well as travel patterns, including transportation routes, destinations and potentially residential addresses. Lyft asserts that the release of this information poses dangers for the public and liability concerns for Lyft.

13. It is important to note that I&E's Interrogatories and Requests for Production of Documents – Set I do not request information beyond the number of rides

provided and supporting documentation for those time periods wherein Lyft 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 from other entities that provide transportation for compensation. Even if the information contained in the supporting documents be deemed to be confidential, this classification does not absolve Lyft from its duty to provide the information. Simply, Lyft could easily designate its responses as "Confidential" or and provide the information pursuant to a Protective Order that limits the availability and public disclosure of such information. To date, Lyft has not requested a Protective Order in this proceeding. Therefore, the fact that the information sought may be confidential is not a valid basis for objection.

I&E's Interrogatories Do Not Cause An Unreasonable Burden, Expense or Investigation

14. Lyft claims that providing responses to I&E's Interrogatories would cause an unreasonable burden, expense and investigation because the information is voluminous and would require the Company to compile every communication to passengers regarding rides offered in Pennsylvania. Lyft further asserts that it would have to remove or redact privileged information from the documents before they were to be produced and that this review would be an undue burden, expense and investigation.

15. Under the Commission's regulations, the scope of permissible discovery is broad. Section 5.321(c) of the Commission's regulation states:

Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter.

52 Pa. Code § 5.321(c) (emphasis added).

16. The Commission has applied a liberal standard with respect to discoverable information and all doubts should be resolved in favor of permitting discovery. *See Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468, 477, Docket No. R-860315 (Order entered May 16, 1986); *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. Ct. 2006). Further, 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).

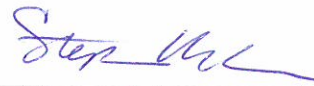
17. The information requested in I&E Interrogatory No. 2 is necessary for I&E to properly evaluate the extent of Lyft's transportation activities that occurred prior to the granting of its application for emergency temporary authority. *Application of Lyft, Inc. for Emergency Temporary Authority to Offer Experimental Transportation Network Service Between Points in Allegheny County, PA*, Docket No. A-2014-2432304. The information sought is entirely relevant to I&E's Complaint, which pertains to Lyft's unlawful operations. In the Complaint, I&E seeks a civil penalty in the amount of \$1,000 for each and every day Lyft operated since its launch on February 7, 2014, and each and every day that Lyft continues to operate after the date of the filing of the Complaint. Production of the requested documents in I&E Interrogatory No. 2 is an important step for I&E to advance its case.

18. Further, in order to develop an answer to Question 1 of the Commission's July 28, 2014 Secretarial Letter, Lyft, in all probability, has to review the same documents that I&E requests in Interrogatory No. 2 in order to provide the number of trips furnished in Pennsylvania via connections made using its digital software between the dates specified. Releasing the same documents that Lyft is already reviewing in order to comply with the Commission's July 28, 2014 Secretarial Letter does not pose an unreasonable burden, expense or investigation. As previously stated, this very same information, if requested, is required to be provided by any common carrier under the Commission's jurisdiction.

19. Additionally, the production of the requested documents in I&E Interrogatory No. 2 can be made subject to a Protective Order that limits the availability and public disclosure of such information. Releasing the documents subject to a Protective Order will negate any burden, expense or investigation associated with the removal or redaction of confidential information. This appears to be no more than an attempt on Lyft'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. Therefore, I&E's Interrogatory No. 2 does not cause an unreasonable burden, expense or investigation.

WHEREFORE, for the reasons set forth above, I&E respectfully requests that the Objections of Lyft, Inc. be dismissed and that Lyft, 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
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Harrisburg, PA 17105-3265
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stwimer@pa.gov
mwindler@pa.gov
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

James P. Dougherty, Esq.
Barbara A. Darkes, Esq.
Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. Lyft, Inc.
Docket No. C-2014-2422713

Dear Messrs. Dougherty and Bakare and Ms. Darkes:

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,

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-2014-2422713
	:	
Lyft, Inc.	:	

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO LYFT, 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 Lyft, Inc. (“Lyft” 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 Lyft’s service in Pennsylvania up to and including June 5, 2014;
 - b. From June 6, 2014 up to and including July 1, 2014;
 - c. From July 2, 2014 up to and including July 24, 2014; and
 - d. 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. 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 Lyft's service in Pennsylvania up to and including June 5, 2014;
- b. From June 6, 2014 up to and including July 1, 2014;
- c. From July 2, 2014 up to and including July 24, 2014; and
- d. 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.

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:

James P. Dougherty, Esq.
Barbara A. Darkes, Esq.
Adeolu A. Bakare, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
jdougherty@mwn.com
bdarkes@mwn.com
abakare@mwn.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



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

Adeolu A. Bakare
Direct Dial: 717.237.5290
Direct Fax: 717.260.1744
abakare@mwn.com

August 18, 2014

Stephanie M. Wimer, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

VIA E-MAIL AND FIRST CLASS MAIL

**RE: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement
v. Lyft, Inc.; C-2014-2422713**

Dear Ms. Wimer:

Enclosed please find Objections of Lyft, Inc. to Bureau of Investigation and Enforcement's Interrogatories and Requests for Production of Documents – Set I, in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, a copy of the objections has been served on all parties of record in this proceeding.

McNEES WALLACE & NURICK LLC

By

A handwritten signature in black ink, appearing to read 'A. Bakare', is written over the printed name Adeolu A. Bakare.

Adeolu A. Bakare

Counsel to Lyft, Inc.

/lmc

Enclosures

c: Rosemary Chiavetta, Secretary (via eFiling - Letter and Certificate of Service only)
Certificate of Service

www.mwn.com

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST-CLASS MAIL

Michael L. Swindler, Esq.
Stephanie M. Wimer, Esq.
Wayne T. Scott, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
mwindler@pa.gov
stwimer@pa.gov
wascott@pa.gov



Adeolu A. Bakare
Counsel to Lyft, Inc.

Dated this 18th day of August, 2014, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT	:	
Complainant	:	
	:	Docket No. C-2014-2422713
v.	:	
	:	
LYFT, INC.	:	
Respondent	:	

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

Pursuant to 52 Pa. Code §§ 5.342(c) and (e), Lyft, Inc. ("Lyft") hereby objects to the Interrogatories served by the Bureau of Investigation and Enforcement ("I&E") on August 8, 2014 ("I&E to Lyft, Set I") as follows:

OBJECTIONS OF LYFT, INC. TO
THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET I

I&E to Lyft, Set I, Question No. 2

- Q.2. 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 Lyft's service in Pennsylvania up to and including June 5, 2014;
 - b. From June 6, 2014 up to and including July 1, 2014;
 - c. From July 2, 2014 up to and including July 24, 2014; and
 - d. 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.

Objections

1. A party may not ask interrogatories that "relates to matter which is privileged." *See* 52 Pa. Code § 5.361(a)(2) (Emphasis added); *see also* 52 Pa. Code § 5.321(c). The discovery sought by I&E could disclose extensive personal information of Lyft customers, including email addresses, telephone numbers, payment information, and other privileged personal information that is not properly discoverable.¹ Additionally, many individuals obtaining transportation service through the Lyft platform do so with such regularity that disclosure of their transportation routes and destinations could unreasonably reveal privileged personal information, including a residential address. The release of such personal information poses serious dangers for the public and liability concerns for Lyft. *See Interim Guidelines For Eligible Customer Lists PPL Electric Utilities Corporation Retail Markets Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2011 through May 31, 2013*, 2011 WL 6764217 (Penn.P.U.C., 2011) (observing that "victims of domestic violence or customers that are similarly endangered should have the unfettered ability to restrict all of their customer information").

Importantly, Lyft's Objection is limited to I&E's Set I, No. 2. Lyft will provide the total number of rides taken based on driver/passenger connections through Lyft's platform, as requested by I&E's Set I, No 1. This information is sufficient to address the allegations in I&E's Complaint, rendering the release of privileged information requested by I&E's Set I, No. 2 plainly unreasonable.

2. A party may not ask interrogatories that "would cause unreasonable annoyance, embarrassment, oppression, *burden or expense* to the deponent, a person, or party." *See* 52 Pa. Code § 5.361(a)(2) (Emphasis added). The discovery sought by I&E would impose an unreasonable burden on Lyft and require the company to incur unreasonable expense. The documentation requested by I&E would be voluminous and would require the company to unnecessarily commit significant resources to compile every single communication to passengers regarding rides offered in Pennsylvania. Further, in light

¹ By way of clarification, Lyft submits that the Verified Statements submitted to the PUC in support of Lyft's Application for Emergency Temporary Authority filed on July 16, 2014 at Docket No. A-2014-2432304, were submitted by willing members of the public, each of which consented to publication of their statement.

OBJECTIONS OF LYFT, INC. TO
THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET I

of Objection No. 1 above, Lyft may be unduly burdened by an obligation to proactively review any document to be produced in response to I&E's Set I, No. 2 as necessary to remove or redact privileged information from the voluminous documents requested by I&E.

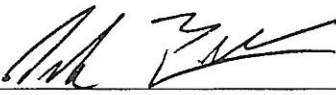
Importantly, Lyft's Objection is limited to I&E's Set I, No. 2. Lyft will provide the total number of rides taken based on driver/passenger connections through Lyft's platform, as requested by I&E's Set I, No. 1. This information is sufficient to address the allegations in I&E's Complaint, rendering the burden and expense of responding to I&E's Set I, No. 2 plainly unreasonable.

3. Similarly, a party may not ask interrogatories that "would require the making of an *unreasonable investigation* by the deponent, a party or witness." *See* 52 Pa. Code § 5.361(a)(4) (Emphasis added). The discovery sought by I&E is impermissibly broad and would require an unreasonable investigation by Lyft. Further, in light of Objection No. 1 above, Lyft may be required to perform an unreasonable investigation by proactively reviewing any document to be produced in response to I&E's Set I, No. 2 as necessary to remove or redact privileged information from the voluminous documents requested by I&E.

Importantly, Lyft's Objection is limited to I&E's Set I, No. 2. Lyft will provide the total number of rides taken based on driver/passenger connections through Lyft's platform as requested by I&E's Set I, No. 1. This information is sufficient to address the allegations in I&E's Complaint, rendering further investigation to respond to I&E's Set I, No. 2 plainly unreasonable.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 
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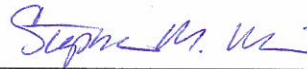
Dated: August 18, 2014

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).

Service by First Class Mail and Email:

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Dated: August 28, 2014