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August 29, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**VIA ELECTRONIC FILING**

**Re: Application of Lyft, Inc. (Experimental Service in Allegheny County); A-2014-2415045  
Application of Lyft, Inc. (Experimental Service in Pennsylvania); A-2014-2415047**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Petition for Protective Order of Lyft, Inc. in the above-captioned proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By   
Adeolu A. Bakare

Counsel to Lyft, Inc.

/lmc  
Enclosure

c:c: Administrative Law Judge Mary D. Long (via e-mail and First-Class Mail)  
Administrative Law Judge Jeffrey A. Watson (via e-mail and First-Class Mail)  
Certificate of Service

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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

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### VIA FIRST-CLASS MAIL

Dennis G. Weldon Jr, Esq.  
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Philadelphia Parking Authority  
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Philadelphia, PA 19106

  
\_\_\_\_\_  
Adeolu A. Bakare

Counsel to Lyft, Inc.

Dated this 29<sup>th</sup> day of August, 2014, in Harrisburg, Pennsylvania.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Lyft, Inc., a corporation of the State of : A-2014-2415045  
Delaware, for the right to begin to transport, by motor :  
vehicle, persons in the experimental service of :  
Transportation Network Company for passenger trips :  
between points in Allegheny County :

Application of Lyft, Inc., a corporation of the State of : A-2014-2415047  
Delaware, for the right to begin to transport, by motor vehicle :  
persons in the experimental service of Transportation Network :  
Company for passenger trips between points in :  
Pennsylvania :

**PETITION FOR PROTECTIVE ORDER**

Lyft, Inc. ("Lyft"), by its attorneys, hereby files this Petition for Protective Order pursuant to 52 Pa. Code § 5.423 and requests that the Pennsylvania Public Utility Commission ("Commission") grant protective or confidential treatment of certain proprietary information involved in the above-captioned matter. In support thereof, Lyft submits as follows.

1. On July 31, 2014 Administrative Law Judges Mary D. Long and Jeffrey A. Watson issued an Interim Order at Docket No. A-2014-2415045 directing Lyft to furnish data relating to the rides provided to passengers via Lyft's mobile application platform. Lyft has also received additional discovery requests for Lyft's insurance policies any proposed Form E.

2. Lyft requests that the responses to the data requests set forth in the Interim Order be subject to the proposed Protective Order. Lyft participates in a highly competitive industry, as evidenced by the rapid expansion of Transportation Network Company ("TNC") service

across the country and the number of TNC applications filed with the Commission in 2014 alone.<sup>1</sup>

3. Public disclosure of the data requested by the Interim Order would reveal operational information that would not otherwise be provided to the public and could be used by competitors to extrapolate the data and model Lyft's existing and potential activities in other markets. As such, the potential harm to Lyft is substantial, and the need for proprietary protection of this information outweighs any need for public disclosure at this time. 52 Pa. Code § 5.423.

4. Lyft additionally requests that its insurance policies and proposed Form E be subject to the Protective Order. As stated above, Lyft is engaged in a highly competitive industry. To ensure public safety, the Company has worked with its insurer to develop a policy specifically tailored to its unique service. Public disclosure of the insurance policy would provide a competitive advantage to competitors interesting in duplicating the Company's efforts. Therefore, each of Lyft's insurance policies, the Primary Coverage/Commercial Auto Liability, Contingent Comprehensive & Collision, Uninsured/Underinsured Motorist, Contingent Liability policies, and any proposed Form E, are properly subject to the attached Protective Order.

5. Lyft submits that the request for proprietary treatment of its insurance policies is further justified by the irrelevance of the requested disclosure. The Commission requires applicants for common carrier authority, including experimental common carrier service, to demonstrate compliance with the Commission's insurance requirements by submission of a Form E Certificate of Insurance. *See* 52 Pa. Code § 3.381. The Commission does not review

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<sup>1</sup> The Commission has received applications to offer experimental TNC service from no less than 6 separate entities, including Applications for Experimental Service filed by: (1) Uber/Rasier-PA LLC (Docket No. A-2014-2416127, April 14, 2014; and Docket No. A-2014-2424608, June 2, 2014); (2) The Yellow Cab Company of Pittsburgh. (Docket No. A-2014-2410269, March 13, 2014); (3) Cranberry Taxi, Inc., d/b/a Veterans Taxi (Docket No. A-2014-2418206, April 14, 2014); (4) MTR Transportation, Inc. (Docket No. A-2014-2428671, June 3, 2014); (5) Billtown

insurance policies obtained by applicants. This is consistent with Pennsylvania law establishing that the Form E controls any contrary provisions in an insurance policy. *See Insurance Corporation of New York v. Antrom*, 2008 Pa. Super. LEXIS 5616 (stating that by filing the Form E certification, “the insurer certifies to the Commission that it is providing coverage in accordance with the law, notwithstanding any potentially contrary terms contained in an individual policy of insurance”). Therefore, while compliance with the Commission's insurance requirements is of paramount importance, production of the insurance policies is not required. Additionally, the Commission will not issue a Certificate of Public Convenience without receipt of a Form E evidencing compliance with its insurance regulations. Notwithstanding the irrelevance of the request, Lyft is willing to furnish copies of any proposed Form E and its insurance policies disclosing the proprietary terms and conditions, but redacting certain rates. Weighing the potential competitive harm to Lyft against the irrelevance of the request supports approving disclosure of the requested information

6. Accordingly, Lyft seeks a Commission Order granting protective status with respect to the proprietary information requested by the Interim Order, insurance policies, and any proposed Form E. Lyft requests that the proprietary information be sealed and not be made available for public inspection.

7. As established above, good cause exists for the entry of a Protective Order in the form attached hereto. Therefore, entry of a Protective Order is necessary to protect the business of Lyft.

**WHEREFORE**, Lyft, Inc. respectfully requests that the Commission enter the attached Protective Order.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By   
James P. Dougherty (Pa. I.D. 59454)  
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Counsel to Lyft, Inc.

Dated: August 29, 2014

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Lyft, Inc., a corporation of the State of : A-2014-2415045  
Delaware, for the right to begin to transport, by motor :  
vehicle, persons in the experimental service of :  
Transportation Network Company for passenger trips :  
between points in Allegheny County :

Application of Lyft, Inc., a corporation of the State of : A-2014-2415047  
Delaware, for the right to begin to transport, by motor vehicle :  
persons in the experimental service of Transportation Network :  
Company for passenger trips between points in :  
Pennsylvania :

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**PROTECTIVE ORDER**

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IT IS ORDERED THAT:

1. This Protective Order is hereby granted with respect to all materials and information identified in Paragraph 2 of this Protective Order which are filed with the Commission, produced in discovery, or otherwise presented during this proceeding. Lyft, Inc., Billtown Cab Co., Inc., MTR Transportation, Inc., JB Taxi LLC, the Insurance Federation of Pennsylvania, Aceone Trans Co., AF Taxi, Inc., AG Cab, Inc., AGB Trans, Inc., Almar Taxi, Inc., ATS Cab, Inc., BAG Trans, Inc., BNA Cab Co., BNG Cab Co., BNJ Cab Co., Inc., Bond Taxi, Inc., BSP Trans, Inc., Double A Cab Co., FAD Trans, Inc., GA Cab, Inc., GD Cab, Inc., GN Trans, Inc., God Bless America Trans, Inc., Grace Trans, Inc., IA Trans, Inc., Jarnail Taxi, Inc., Jaydan, Inc., LAN Trans Co., Inc., LMB Taxi, Inc., MAF Trans, Inc., MDS Trans, Inc., MG Trans Co., Inc., Noble Cab, Inc., Odessa Taxi, Inc., RAV Trans, Inc., S&S Taxi Cab, Inc., Saba Trans, Inc., SAJ Trans, Inc., SF Taxi, Inc., Society Taxi, Inc., Steele Taxi, Inc., TGIF Trans, Inc., V&S Taxi, Inc., Valtrans, Inc., VB Trans, Inc., VSM Trans, Inc., BM Enterprises, Inc., Bucks County Services, Inc., Dee Dee Cab Company, Executive Transportation Co., Germantown Cab

Company, Ronald Cab Company, Rosemont Taxicab Co., Inc., Sawink, Inc., Shawn Cab, Inc., and all other parties who may subsequently appear in this proceeding are collectively referred to herein as "Parties" or individually as a "Party." All persons now and hereafter granted access to the materials and information identified in Paragraph 2 of this Protective Order shall use and disclose such information only in accordance with this Order.

2. The information subject to this Order include: (1) data relating to the rides provided to passengers via Lyft's mobile application platform to be furnished in response to the Interim Order issued by Administrative Law Judges Mary D. Long and Jeffrey A. Watson at Docket No. A-2014-2415045; and (2) insurance policies<sup>1</sup> and any proposed Form E furnished in response to interrogatories propounded by protestants which are designated "HIGHLY CONFIDENTIAL AND PROPRIETARY INFORMATION" and/or "TRADE SECRET" (hereinafter collectively referred to as "Highly Confidential Information"). A Party may subsequently petition the Commission or the Administrative Law Judge to include additional types of items in the designation of Highly Confidential Information.

3. Highly Confidential Information shall be made available to the Commission and its Staff for use in this proceeding. For purposes of filing, to the extent that Highly Confidential Information is placed in the Commission's report folders, such information shall be handled in accordance with routine Commission procedures inasmuch as the report folders are not subject to public disclosure. To the extent that Highly Confidential Information is placed in the Commission's testimony or document folders, such information shall be separately bound, conspicuously marked, and accompanied by a copy of this Order. Public inspection of Highly

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<sup>1</sup> The reference insurance policies include Lyft's Primary Coverage/Commercial Auto Liability, Contingent Comprehensive & Collision, Uninsured/Underinsured Motorist, and Contingent Liability policies.

Confidential Information shall be permitted or prohibited only as set forth in this Protective Order.

4. Highly Confidential Information shall be made available to counsel of record in this proceeding pursuant to the following procedures.

a. Highly Confidential Information. Highly Confidential Information shall be produced for inspection by a Party's counsel of record only. No person who may be entitled to receive, or who is afforded access to any Highly Confidential Information shall use or disclose such information for the purposes of business or competition, or any purpose other than the preparation for and conduct of this proceeding or any administrative or judicial review thereof.

b. No other persons may have access to the Proprietary or Highly Confidential Information except as authorized by order of the Commission or of the presiding Administrative Law Judge. No person who may be entitled to receive, or who is afforded access to any Proprietary or Highly Confidential Information shall use or disclose such information for the purposes of business or competition, or any purpose other than the preparation for and conduct of this proceeding or any administrative or judicial review thereof.

5. Prior to making Highly Confidential Information available to any person as provided in paragraph 4 of this Protective Order, counsel for the Producing Party must receive a written acknowledgment from that person in the form attached to this Order and designated as Appendix A.

6. A Producing Party shall designate data or documents as constituting or containing Highly Confidential Information by affixing an appropriate "confidential" or proprietary stamp or typewritten designation on such data or documents. To the extent feasible, where only part of data compilations or multi-page documents constitutes or contains Highly Confidential

Information, the Producing Party shall designate only the specific data or pages of documents which constitute or contain Highly Confidential Information.

7. Any public reference to Highly Confidential Information by counsel or persons afforded access thereto shall be to the title or exhibit reference in sufficient detail to permit persons with access to the Highly Confidential Information to understand fully the reference and not more. The Highly Confidential Information shall remain a part of the record, to the extent admitted, for all purposes of administrative or judicial review.

8. Parts of any record in this proceeding containing Highly Confidential Information, including but not limited to all exhibits, writings, testimony, cross examination, argument and responses to discovery, and including reference thereto as mentioned in ordering Paragraph 7 above, shall be sealed for all purposes, including administrative and judicial review, unless such Highly Confidential Information is released from the restrictions of this Order, either through the agreement of the Parties or pursuant to order of the Administrative Law Judge or the Commission. Unresolved challenges arising under Paragraph 7 shall be decided, on motion or petition, by the presiding officer or the Commission as provided by 52 Pa. Code § 5.423(a). All such challenges will be resolved in conformity with existing rules, regulations, orders, statutes, precedent, etc., to the extent that such guidance is available.

9. The Parties affected by the terms of this Order shall retain the right to question or challenge the confidential or proprietary nature of Highly Confidential Information; to question or challenge the admissibility of Highly Confidential Information; to refuse or object to the production of Highly Confidential Information on any proper ground, including but not limited to irrelevance, immateriality or undue burden; to seek an order permitting disclosure of Highly Confidential Information beyond that allowed in this Order; and to seek additional measures of

protection of Highly Confidential Information beyond those provided in this Order. If a challenge is made to the designation of a document or information as Highly Confidential, the Party claiming that the information is Highly Confidential retains the burden of demonstrating that the designation is necessary and appropriate.

10. Upon completion of this proceeding, including any administrative or judicial review, all copies of all documents and other materials, including notes, which contain any Highly Confidential Information shall be immediately returned upon request to the Party furnishing such Highly Confidential Information. In the alternative, Parties may provide an affidavit of counsel affirming that the materials containing or reflecting Highly Confidential Information have been destroyed.

11. A Party shall use commercially reasonable efforts, including restrictions in engagement letters and employment policies and the filing of appropriate legal actions, to prevent its employees, former employees, counsel, expert witnesses, and consultants who were involved in this proceeding from unlawfully disclosing or otherwise misusing, both during and after this proceeding, Highly Confidential Information furnished during the course of this proceeding.

Dated: August 29, 2014

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Mary D. Long  
Administrative Law Judge

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Jeffrey A. Watson  
Administrative Law Judge

APPENDIX A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Administrative Law Judges  
Mary D. Long and Jeffrey A. Watson

Application of Lyft, Inc., a corporation of the State of : A-2014-2415045  
Delaware, for the right to begin to transport, by motor :  
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Delaware, for the right to begin to transport, by motor vehicle :  
persons in the experimental service of Transportation Network :  
Company for passenger trips between points in :  
Pennsylvania :

TO WHOM IT MAY CONCERN

The undersigned is the \_\_\_\_\_ of \_\_\_\_\_ (the retaining Receiving Party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of \_\_\_\_\_ (the "Producing Party") or an employee of any competitor of the Producing Participant who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the Producing Participant; or (2) an officer, board member, stockholder, partner, or owner other than stock of any affiliate of a Competitor of the Producing Participant.

The undersigned has read and understands the Protective Order that deals with the treatment of Proprietary and Highly Confidential Information. The undersigned agrees to be bound by, and comply with, the terms and conditions of said Order. In the case of an independent expert, the undersigned represents that he/she has complied with the provisions of paragraph 4 (a)(ii) of the Order prior to submitting this Affidavit.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYER