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September 3, 2014

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

VIA ELECTRONIC FILING

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

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Answer to the Amended Motion to Compel the Response of Lyft, Inc. to the Bureau of Investigation and Enforcement's Interrogatories and Request For Production of Documents – Set 1 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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Adeolu A. Bakare
Counsel to Lyft, Inc.

Dated this 3rd day of September, 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	:	

**ANSWER TO THE AMENDED MOTION TO COMPEL THE RESPONSE OF LYFT,
INC. TO THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS – SET 1**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Lyft, Inc. ("Lyft") files, pursuant to 52 Pa. Code § 5.342(g)(1), this Answer to the Bureau of Investigation and Enforcement's ("I&E") Amended Motion to Compel submitted on August 29, 2014, in the above-referenced proceeding. In support thereof, Lyft avers and argues as follows:

I. BACKGROUND

On August 8, 2014, I&E submitted its Interrogatories and Requests for Production of Documents – Set 1 to Lyft. On August 18, 2014, Lyft submitted Objections to Question No. 2 of I&E's Interrogatories and Requests for Production of Documents – Set 1.

As initially set forth in Lyft's Objections, attached hereto as **Appendix A**, Question No. 2 of I&E's interrogatories is objectionable on three grounds. First, Question No. 2 of Set 1 of I&E's interrogatories requests information that would cause an unreasonable burden and expense to Lyft. Second, Question No. 2 of Set 1 of I&E's interrogatories requests information that

would require the making of an unreasonable investigation by Lyft. Third, Question No. 2 of Set 1 of I&E's interrogatories requests information that is privileged. For the additional reasons addressed herein, Lyft requests that the Pennsylvania Public Utility Commission ("Commission") deny I&E's Amended Motion to Compel.

II. ANSWER

A. *Question No. 2 of Set 1 of I&E's Interrogatories Requesting that Lyft Provide Documents, Including Invoices, Receipts, E-mails, and Records, that Were Sent to Lyft's Customers, Would Cause an Unreasonable Burden and Expense to Lyft.*

Question No. 2 of Set 1 of I&E's interrogatories seeks "any and all invoices, receipts, e-mails, records and documents that [Lyft] sent to individuals in relation to rides they received between points within the Commonwealth of Pennsylvania via connections made with drivers..." *See Appendix A.* Complying with this interrogatory request would be unduly burdensome and would cause unreasonable expense to Lyft. Pursuant to 52 Pa. Code § 5.361(a)(2), a party may not ask interrogatories that "would cause unreasonable annoyance, embarrassment, oppression, *burden or expense* to the deponent, a person, or party." (Emphasis added). In this case, the information requested by I&E would be voluminous and would unnecessarily require Lyft to commit significant resources to compile every single communication, *i.e.*, invoices, receipts, e-mails, records, etc., delivered to Lyft customers who received rides in Pennsylvania.

In its Amended Motion to Compel, I&E fails to provide a reasonable justification for its overly burdensome request. I&E claims that "[t]he 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," which is the purpose of I&E's Complaint in the instant proceeding. Amended Motion to Compel at P 18.

This assertion is incorrect. As I&E concedes in its Amended Motion to Compel, the Commission concluded in a Secretarial Letter dated July 28, 2014 that:

... in order to create a complete record in the Complaint proceeding... Parties are directed to address the following question[]:

- (1) The number of transactions/rides provided to passengers in Pennsylvania via the connections made with drivers through the 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.

Question No. 1 of Set 1 of I&E's interrogatories adequately addresses this question. Lyft is in the process of formulating an answer to this question and will certify that its response is accurate. Providing this information is sufficient to address the allegations in the Complaint filed by I&E on June 5, 2014. As a result, there is no reason to require Lyft to go through the unreasonably burdensome and expensive process of producing every communication delivered to Lyft customers who received rides in Pennsylvania, particularly when the only purpose of such production is to further certify the accuracy of Lyft's responses to Question No. 1 of Set 1 of I&E's interrogatories.

Further, I&E's assertion that "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" is untrue. *Id.* at P 19. Lyft is able to provide the number of transactions/rides provided in Pennsylvania during the applicable time periods through a much less burdensome process, which does not require compilation and review of the documents requested in Question No. 2 of Set 1 of I&E's interrogatories. As a result, Lyft's compilation of the documents sought by I&E through

Question No. 2 of its interrogatories would cause Lyft both unnecessary and unreasonable burden and expense.

Finally, I&E's assertion that "[r]eleasing the documents subject to a Protective Order will negate any burden, expense or investigation associated with the removal or redaction of confidential information" is incorrect. *Id.* at P 20. Lyft would be unduly burdened by an obligation to proactively compile and review each document provided to every Lyft customer in order to determine whether the information is privileged and subject to a protective order. Lyft would also be unduly burdened and would incur unnecessary expenses as a result of redacting significant privileged information from the documents in order to file public versions of the documents. This process is wholly unnecessary and unreasonable, particularly as responses to Question No. 1 of Set 1 of I&E's interrogatories are sufficient to address the allegations in I&E's Complaint.

B. Question No. 2 of Set 1 of I&E's Interrogatories Requesting that Lyft Provide Documents, Including Invoices, Receipts, E-mails, and Records, that Were Sent to Lyft's Customers Would Require the Making of an Unreasonable Investigation by Lyft.

For the same reasons discussed in II.A., *supra*, Question No. 2 of I&E's interrogatories "would require the making of an *unreasonable investigation*" by Lyft in violation of 52 Pa. Code § 5.361(a)(4). (Emphasis added). Lyft would be required to expend significant time and resources compiling the discovery responses sought by I&E. These responses are unnecessary to address the allegations in I&E's Complaint. By providing an answer to Question No. 1 of Set 1 of I&E's interrogatories, Lyft can efficiently and cost-effectively provide information regarding the number of transactions/rides provided in Pennsylvania during the applicable time periods. This information is all that is necessary to address the allegations in I&E's complaint, which

renders the production of additional documents that would need to be compiled, reviewed, and possibly redacted, an unreasonable investigation by Lyft.

C. Question No. 2 of Set 1 of I&E's Interrogatories Requesting that Lyft Provide Documents, Including Invoices, Receipts, E-mails, and Records, that Were Sent to Lyft's Customers Requests Information that Is Privileged.

Finally, in addition to placing an unreasonable burden, expense, and investigation on Lyft, Question No. 2 of Set 1 of I&E's interrogatories seeks information that is privileged and therefore, undiscoverable in its entirety. Importantly, a party may not ask interrogatories that "relate[] to a matter which is privileged." *See* 52 Pa. Code § 5.361(a)(2); *see also* 52 Pa. Code § 5.321(c). The discovery sought by I&E could disclose extensive personal information of Lyft customers, including their personal email addresses, telephone numbers, payment information and other privileged personal information.¹ Many Lyft customers use Lyft's service with such regularity that disclosure of their transportation routes and destinations could unreasonably reveal privileged information, such as their residential addresses. The release of this type of personal information poses serious dangers for the public and liability concerns for Lyft.² *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").

¹ By way of clarification, Lyft submits that the Verified Statements submitted to the Commission 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. Under no other circumstances does Lyft release any customer-specific information.

² I&E's claim that Lyft could designate its responses as Confidential or submit the information pursuant to a Protective Order does not solve the problems associated with production of the documents sought by I&E. As demonstrated in the foregoing sections, the production of these documents even with redacted information or pursuant to a protective order would be unreasonably burdensome, would create an unreasonable expense to Lyft, and would require Lyft to make an unreasonable investigation.

I&E's claim that the supporting documentation requested in Question No. 2 of Set 1 of I&E's interrogatories "is precisely the same information that the Commission routinely receives and examines from other entities that provide transportation for compensation" is incorrect. Amended Motion to Compel at P 14. As I&E acknowledges, "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." *Id.* (citing 52 Pa. Code § 29.313(c)). This information is far less invasive to a customer's privacy than that requested by I&E. As explained above, the information that I&E seeks from Lyft would likely require the disclosure of customer names, email addresses, telephone numbers, payment information, and possibly even residential addresses. Such information is clearly in excess of that logged by call and demand carriers and instead is privileged information that is not properly discoverable. Further, Lyft's responses to Question No. 1 of Set 1 of I&E's interrogatories will properly address the allegations in I&E's Complaint, rendering the release of privileged information under any circumstances wholly unreasonable.

III. CONCLUSION

WHEREFORE, Lyft, Inc. respectfully requests that the Pennsylvania Public Utility Commission deny I&E's Amended Motion to Compel the Response of Lyft, Inc. to the Bureau of Investigation and Enforcement's Interrogatories and Request for Production of Documents – Set 1 addressed herein.

Respectfully submitted,

McNEES WALLACE & NURICK LLC



By _____
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Counsel to Lyft, Inc.

Dated: September 3, 2014

Appendix A



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August 18, 2014

Stephanie M. Wimer, Esq.
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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 
Adeolu A. Bakare

Counsel to Lyft, Inc.

/lmc

Enclosures

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

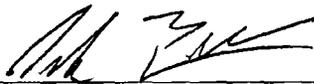
Importantly, Lyft's Objection is limited to I&E's Set I, No. 2. Lyft will provide the total number of rides taken based on driver/passenger connections through Lyft's platform, as requested by I&E's Set I, No. 1. This information is sufficient to address the allegations in I&E's Complaint, rendering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

Dated: August 18, 2014