

PLEASE REPLY TO
412.331.8998

September 26, 2014

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

Docket Nos. A-2014-2415045, Application of Lyft, Inc.
A-2014-2415047, Application of Lyft, Inc.

Dear Secretary Chiavetta:

Please find attached for filing in these proceedings, Protestant's Motion to Strike.

Very truly yours,

/s/ electronically filed

David W. Donley
Attorney for Protestant
412.331.8998

DAVID W. DONLEY ATTORNEY AT LAW
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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET A-2014-2415045
APPLICATION OF LYFT, INC

DOCKET A-2014-2415047
APPLICATION OF LYFT, INC

PROTESTANT J.B. TAXI LLC's
MOTION TO STRIKE

Protestant files this motion consistent with 52 Pa. Code §1.38, Rejection of Filings. In support of its Motion to Strike, Protestant requests that the Commission reject Applicant's petition and avers as follows:

1. At the public hearing convened on August 27, 2014, the Presiding Officers directed Applicant to file any request it might have related to a protective order in these proceedings no later than Noon on August 29, 2014.
2. Applicant filed its request consistent with the instructions of the Presiding Officers, raising all of the matters believed salient to support protection of the trip data.
3. Applicant now follows with its Petition of Lyft, Inc. for Interlocutory Review and Answer to a Material Question, (hereinafter Petition) wherein Applicant seeks, *inter alia*, to place before the Commission additional evidence in the form of an Affidavit of Joseph Okpaku, a witness who previously testified in these proceedings.
4. Protestant moves to strike and reject the Petition for failure to comply with the requirements of the Rules of Administrative Practice and for failure to observe the Commission's Interim Order entered September 17, 2014, closing the record.
5. The Petition fails to comply with the procedural requirements both as to time and as to conciseness, the latter to be measured as not more than three pages. 52 Pa.Code §5.302(a)
6. Were the Petition to be considered, Protestant will be substantially prejudiced because it does not have an opportunity to rebut the contentions raised in the

affidavit, to cross-examine the affiant, or otherwise to supplement a record which has been closed.

7. All or substantially all of the contentions and arguments included in the affidavit were known to the Applicant at the time the affiant offered testimony on September 3, 2014, as well as at the time a Protective Order was requested. Applicant has previously enjoyed a full and complete opportunity in the course of the hearings to provide the evidence and argument it now seeks to introduce.
8. Absent a request for relief and a showing of good cause pursuant to 52 Pa. Code 1.91, Applicant should not be permitted to supplement the record because the direct result will be to substantially prejudice the other parties, including Protestant.
9. Absent a showing of good cause, Applicant should not be permitted to disregard the Commission's Interim Order entered September 17, 2014, closing the record in these proceedings.

CONCLUSION

For these reasons, Protestant moves to strike the pleading and requests the Petition of Lyft, Inc. for Interlocutory Review and Answer to a Material Question be rejected, denying all of the relief requested therein.

/s/ electronically filed
David Donley
Attorney for JB Taxi LLC
3361 Stafford Street
Pittsburgh PA 15204-1441
Pa ID # 19727

Certificate of Service

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

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Dated this 26th day of September, 2014

electronically filed

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