



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

October 8, 2014

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

Dear Secretary Chiavetta:

Enclosed for filing is the original copy of the **Non-Proprietary Version** of the Amended Complaint of the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission in the above-captioned matter. The purpose of I&E's Amended Complaint is to update and quantify the violations alleged and to recalculate the appropriate civil penalty as the relief requested.

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

Should you have any questions, please contact me at (717) 783-6369.

Sincerely,

Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

Enclosure

cc: Honorable Mary D. Long  
Honorable Jeffrey A. Watson  
As per Certificate of Service

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SECRETARY'S BUREAU

Pennsylvania Public Utility Commission, :  
Bureau of Investigation and Enforcement :

v. :

Lyft, Inc. :

Docket No. C-2014-2422713

**Non-Proprietary Amended Complaint**

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility  
Commission, Bureau of  
Investigation and Enforcement

v.

Lyft, Inc.

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Docket No. C-2014-2422713

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**AMENDED COMPLAINT  
OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT  
(NON-PROPRIETARY VERSION)**

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NOW COMES the Pennsylvania Public Utility Commission (Commission), Bureau of Investigation and Enforcement (I&E), by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and Sections 5.21 and 5.91 of the Commission's regulations, 52 Pa. Code §§ 5.21 and 5.91, and files this Amended Formal Complaint against Lyft, Inc. (Lyft or Company or Respondent) alleging violations of the Public Utility Code, as set forth herein. The purpose of I&E's Amended Complaint is to update and quantify the violations alleged by including a "per ride" violation component and to recalculate the appropriate civil penalty as the relief requested.<sup>1</sup> In support of its Amended Formal Complaint, I&E respectfully represents the following:

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<sup>1</sup> This Amended Complaint is intended to replace the original complaint filed at this docket on June 5, 2014.

**I. Commission Jurisdiction and Authority**

1. The Pennsylvania Public Utility Commission (Commission), with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities.

*Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities,*

Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S. § 308.2(a)(11). Complainant's attorneys are as follows:

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Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
[wascott@pa.gov](mailto:wascott@pa.gov)

3. Respondent Lyft, Inc. maintains a principal place of business at 548 Market Street #68514 San Francisco, CA 94104.

4. Respondent provides a transportation network that uses digital software (the Lyft app) to connect passengers with individuals who have registered with Lyft as driver operators (Lyft drivers) in select cities throughout the United States. The Lyft app permits a passenger's mobile phone to locate the nearest available Lyft driver, and then alerts the Lyft driver of the passenger's ride request.

5. Lyft drivers use their personal vehicles to respond to ride requests.

6. The Commission is obligated to regulate the intrastate transportation of passengers for compensation, including passenger transportation service provided by common carriers by motor vehicle and passenger transportation service sold, furnished or offered by brokers. 66 Pa.C.S. §§ 102, 2501.

7. On August 14, 2014, pursuant to the Commission's regulations at 52 Pa. Code §§ 3.383-3.385 and 29.352, Respondent received emergency temporary authority from the Commission to operate its transportation network service using the Lyft app.

*Application of Lyft, Inc., For Emergency Temporary Authority to Operate An Experimental Transportation Network Service Between Points in Allegheny County, PA,*  
Docket No. A-2014-2432304 (Order entered July 24, 2014).

8. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.
9. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to *impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code or Commission regulations or both.* Section 3301 further allows for the imposition of a separate fine for each violation and each day's continuance of such violation(s).
10. Accordingly, pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of Lyft in its provision and/or facilitation of passenger transportation service for compensation in Pennsylvania.

## **II. Background**

11. Prior to August 14, 2014, Lyft did not hold authority from the Commission to operate its transportation network service in the Commonwealth of Pennsylvania.
12. On February 7, 2014, Respondent announced the "kick-off" of Lyft in Pittsburgh. Starting on February 7, 2014, passengers could use the Lyft app to obtain "outrageously affordable rides on demand all around Pittsburgh." A link to the announcement follows: <https://www.eventbrite.com/c/lyft-pittsburgh-launch-party-registration-10036313885>. A copy of this announcement is attached as Exhibit 1.

13. I&E Motor Carrier Enforcement Manager Charles Bowser (Officer Bowser), who is a duly authorized officer of this Commission, downloaded the Lyft app to a mobile phone.

14. Between March 31, 2014 and April 21, 2014, Officer Bowser used the Lyft app to request passenger transportation service in Pittsburgh on eleven (11) separate occasions.<sup>2</sup> On all eleven (11) occasions, Officer Bowser was transported by Lyft drivers using their personal vehicles and a fare for each trip was billed to his credit card:

- (a) On March 31, 2014, with a ride ending at 4:03 PM, from the Smithfield Street Bridge, Pittsburgh, PA 15219 to 1875-1899 East Carson Street, Pittsburgh, PA 15203. The fare charged by Lyft was \$9.00.
- (b) On April 2, 2014, with a ride ending at 2:56 PM, from 1628-1642 Penn Avenue, Pittsburgh, PA 15222 to 300 Liberty Avenue, Pittsburgh, PA 15222. The fare charged by Lyft was \$7.00.
- (c) On April 2, 2014, with a ride ending at 4:00 PM, from 777 Casino Drive, Pittsburgh, PA 15212 to 300 Liberty Avenue, Pittsburgh, PA 15222. The fare charged by Lyft was \$8.00.
- (d) On April 3, 2014, with a ride ending at 1:50 PM, from 58-78 Market Square, Pittsburgh, PA 15222 to 2-48 17<sup>th</sup> Street, Pittsburgh, PA 15222. The fare charged by Lyft was \$6.00.
- (e) On April 14, 2014, with a ride ending at 7:31 PM, from 235-319 Commonwealth Place, Pittsburgh, PA 15222 to 242 West Station Square Drive, Pittsburgh, PA 15219. The fare charged by Lyft was \$5.00.

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<sup>2</sup> In the original complaint filed at this docket on June 5, 2014, I&E alleged that Officer Bowser obtained twelve (12) rides using the Lyft app. I&E further alleged that it had initiated twelve (12) enforcement proceedings against the individual Lyft drivers who provided Officer Bowser with transportation for compensation. Since June 5, 2014, I&E has withdrawn one of the twelve (12) complaints filed against Lyft drivers and, accordingly, is now pursuing violations in connection with eleven (11) rides.

- (f) On April 14, 2014, with a ride ending at 8:37 PM, from 85-93 South 18<sup>th</sup> Street, Pittsburgh, PA 15203 to U.S. 30, Pittsburgh, PA 15222. The fare charged by Lyft was \$7.00.
- (g) On April 16, 2014, with a ride ending at 3:53 PM, from 501-523 Liberty Avenue, Pittsburgh, PA 15222 to 7-300 West Station Square Drive, Pittsburgh, PA 15219. The fare charged by Lyft was \$9.00.
- (h) On April 16, 2014, with a ride ending at 4:45 PM, from 235-319 Commonwealth Place, Pittsburgh, PA 15222 to 777 Casino Drive, Pittsburgh, PA 15212. The fare charged by Lyft was \$7.00.
- (i) On April 16, 2014, with a ride ending at 6:40 PM, from 777 Casino Drive, Pittsburgh, PA 15212 to 451-467 Liberty Avenue, Pittsburgh, PA 15222. The fare charged by Lyft was \$6.00.
- (j) On April 16, 2014, with a ride ending at 7:27 PM, from 50-98 20<sup>th</sup> Street, Pittsburgh, PA 15222 to 300 Liberty Avenue, Pittsburgh, PA 15222. The fare charged by Lyft was \$6.00.
- (k) On April 21, 2014, with a ride ending at 9:01 PM, from 7-300 West Station Square Drive, Pittsburgh, PA 15219 to 2001-2099 Wharton Street, Pittsburgh, PA 15203. The fare charged by Lyft was \$8.00.

15. The Lyft drivers who responded to Officer Bowser's requests and provided transportation did not have proper Commission authority to transport persons for compensation within Pennsylvania.<sup>3</sup>

16. On June 5, 2014, I&E filed a Formal Complaint against Respondent in the above matter alleging, *inter alia*, that Respondent acts as a broker of transportation for compensation between points within the Commonwealth through the Lyft app, which connects passengers to Lyft drivers, without appropriate authority from the Commission.

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<sup>3</sup> Separate enforcement proceedings have been initiated against those individuals as docketed with this Commission at: C-2014-2418173, C-2014-2418174, C-2014-2418175, C-2014-2418176, C-2014-2418177, C-2014-2418178, C-2014-2418179, C-2014-2418180, C-2014-2418281, C-2014-2418282 and C-2014-2418284.



17. In the initial Complaint, I&E sought relief including civil penalties in the amount of \$130,000, that Respondent cease offering passenger transportation service until its service conforms to the laws and regulations of the Commonwealth and to order such other remedies as may be appropriate, including the addition of a \$1,000 civil penalty for each and every day that Respondent continues to operate without authority after the filing of the Complaint.

18. On June 16, 2014, I&E filed a Petition for Interim Emergency Relief seeking an order from the Commission directing Respondent to immediately cease and desist from operating its passenger transportation service until it receives the requisite authority to do so.<sup>4</sup>

19. A hearing on I&E's Petition was conducted on June 26, 2014 before the presiding Administrative Law Judges (ALJs).

20. By Order entered on July 1, 2014, the ALJs granted I&E's interim emergency relief and directed Respondent to immediately cease and desist from utilizing its digital platform to facilitate transportation to passengers using non-certificated drivers in their personal vehicles until Respondent secures appropriate authority from the Commission.<sup>5</sup>

21. The Order also certified as a material question to the Commission the issue of granting or denying I&E's requested relief by an interim emergency order.

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<sup>4</sup> *Petition of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission for an Interim Emergency Order requiring Lyft, Inc. to immediately cease and desist from brokering transportation service for compensation between points within the Commonwealth of Pennsylvania*, Docket No. P-2014-2426847.

<sup>5</sup> *Petition of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission for an Interim Emergency Order requiring Lyft, Inc. to immediately cease and desist from brokering transportation service for compensation between points within the Commonwealth of Pennsylvania*, Docket No. P-2014-2426847 (Order entered July 1, 2014).

22. By Order entered on July 24, 2014, the Commission determined that I&E met the requirements for obtaining interim emergency relief.<sup>6</sup> The Commission directed Respondent to immediately cease and desist from facilitating transportation through its digital platform until it secures appropriate authority from the Commission or I&E's Complaint is dismissed by a final and unappealable order.

23. Also on July 24, 2014, Commissioner James H. Cawley issued a Combined Statement in the Petition for Interim Emergency Relief proceeding at Docket No. P-2014-2426847, which also applied to I&E's Complaint proceeding. Commissioner Cawley stated as follows:

In order to aid in the formulation of a final order in these proceedings, I will request by subsequent Secretarial Letter that . . . Lyft provide the number of transactions/rides provided to passengers in Pennsylvania via the connections made to drivers through Internet, mobile application, or digital software during the following periods:

- a. From the initiation of such service in Pennsylvania to the date on which complaints were first filed by the Commission's Bureau of Investigation and Enforcement against . . . Lyft drivers.
- b. From the date that the same complaints were filed to the date on which a cease and desist order was entered against . . . Lyft.
- c. From the date of entry of the cease and desist order to the date on which the record in these proceedings are closed.

24. On July 28, 2014, a Secretarial Letter was issued that incorporated Commissioner Cawley's Combined Statement.

25. In defiance of the July 1, 2014 and July 24, 2014 Orders, Respondent continued to facilitate passenger transportation service through the Lyft app.

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<sup>6</sup> *Petition of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission for an Interim Emergency Order requiring Lyft, Inc. to immediately cease and desist from brokering transportation service for compensation between points within the Commonwealth of Pennsylvania, Docket No. P-2014-2426847 (Order entered July 24, 2014).*

26. Consistent with the direction set forth in the Secretarial Letter and in response to I&E's discovery requests issued on August 8, 2014, Respondent provided to I&E the number of trips provided using its digital software between certain points in time in which Respondent lacked authority to facilitate or provide passenger transportation service for compensation. Respondent deems this information to be highly confidential and a trade secret.

27. Based on the highly confidential response provided by Lyft, Respondent provided [ ] passenger trips via connections made through the Lyft app between July 2, 2014 (the first full date that the direction to cease and desist was in effect) to August 8, 2014.

28. Based on the highly confidential response provided by Lyft, Respondent provided a total of [ ] passenger trips via connections made through the Lyft app between the initiation of Respondent's service in Pennsylvania to August 8, 2014.

29. Respondent continued to provide passenger trips via connections made through the Lyft app from August 9, 2014 to August 14, 2014 (the date that Lyft was granted emergency temporary operating authority). Additional unauthorized trips may be identified in the future.

### **III. Violations**

30. All allegations in paragraphs 1-29 are incorporated as if fully set forth herein.

Respondent brokered and provided for the transportation of persons for compensation in the Commonwealth of Pennsylvania without holding authority to do so in that Respondent initiated the Lyft app on February 7, 2014 and continued to facilitate passenger transportation through its software up to and including July 1, 2014 without Commission approval and blatantly defying the Commission's Order.

This is a violation of 66 Pa. C.S. §§ 1101 and 2505(a).

I&E's requested civil penalty for this violation is \$1,000 per day or \$144,000.

31. All allegations in paragraphs 1-30 are incorporated as if fully set forth herein.

Respondent brokered and provided for the transportation of persons for compensation in the Commonwealth of Pennsylvania without holding authority to do so and in direct defiance of orders directing Respondent to cease and desist in that [ ] passenger rides were taken via connections made with drivers through Respondent's digital software from July 2, 2014 to August 8, 2014.

This is a violation of 66 Pa.C.S. §§ 1101 and 2505(a).

I&E's requested civil penalty for this violation is [ ] per trip or \$6,842,500.

#### **IV. Requested Relief**

32. I&E proposes that Respondent pay a civil penalty of Six Million, Nine Hundred Eighty-Six Thousand, Five Hundred Dollars (\$6,986,500) for brokering and providing for the transportation of passengers for compensation without first holding authority from the Commission and blatantly defying the Commission's Order.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find Respondent to be in violation of the Public Utility Code, for the violations set forth herein; (2) impose a civil penalty upon Respondent in the amount of Six Million, Nine Hundred Eighty-Six Thousand, Five Hundred Dollars (\$6,986,500); and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,



Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

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

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

Dated: October 8, 2014

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# EXHIBIT 1

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Discover

Sign up

Log in

Help

Create Event

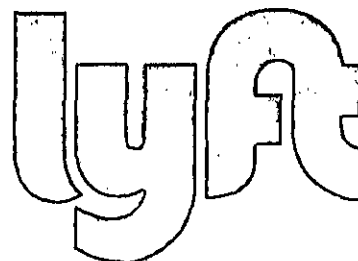
Check out these upcoming events



Find events in your area this weekend

Check out events

This event has ended



### Lyft Pittsburgh Launch Party

Lyft  
Friday, February 7, 2014 from 6:00 PM to 10:00 PM (EST)  
Pittsburgh, PA

Registration Information			
TYPE	END		QUANTITY
Friend of Lyft	Ended	Free	Sold Out

**Who's Going**

Connect to see which of your Facebook friends are going to Lyft Pittsburgh Launch Party.

Connect with Facebook

Share Lyft Pittsburgh Launch Party



Like Sign Up to see what your friends like.

**Event Details**

**When & Where**

**Clear Story**  
1931 Sidney St  
Pittsburgh, PA 15203

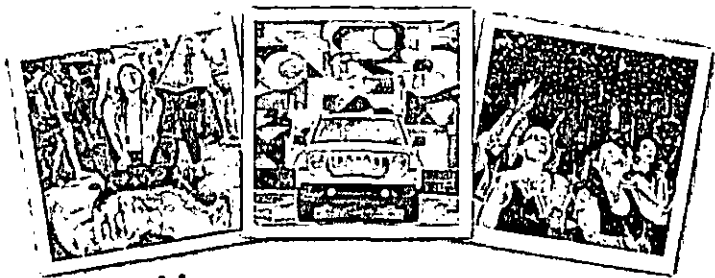
Friday, February 7, 2014 from 6:00 PM to 10:00 PM (EST)

Add to my calendar

**Organizer**

**Lyft**

Check out [lyft.me](#)  
Follow [@lyft](#) on Twitter  
Like Lyft on Facebook



# Hey, Pittsburgh

CAN'T WAIT TO MEET YOU

Come celebrate the kick-off of our Pittsburgh community Friday, February 7 from 6-10pm at Clear Story, on the South Side. Expect bumping beats, delectable eats and a few drinks on us!

Just download the Lyft app to get in at the door. We'll send you off with loads of Lyft credit to pioneer our Pittsburgh community.

What is Lyft, you ask? We're your new best friend with a car. You can use the Lyft app to get outrageously affordable rides on demand all around Pittsburgh, starting February 7th.

#LyftOffPittsburgh

*You must be 21+ years old to attend*

Have questions about Lyft Pittsburgh Launch Party? Contact Lyft

Contact the Organizer

View organizer profile

facebook.com/lyft

lyft

52 past events on Eventbrite

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Already registered? Get your tickets  
Questions? Contact the organizer



**VERIFICATION**

I, Charles S. Bowser, Western Regional Manager of the Motor Carrier Division of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that Complainant will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: October 8, 2014

*Charles S. Bowser*

Charles S. Bowser,  
Western Regional Manager  
Public Utility Commission  
245 William Pitt Way  
Pittsburgh, PA 15238

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**NOTICE**

A. You must file an Answer within twenty (20) days of the date of service of this Complaint unless otherwise directed. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original **shall be mailed to:**

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

**Or may be sent by overnight delivery to:**  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

**Additionally, please serve a copy on:**

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

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B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

## 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:

James P. Dougherty, Esq.  
Barbara A. Darkes, Esq.  
Adeolu A. Bakare, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
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Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
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Date: October 8, 2014

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