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October 10, 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 Lyft, Inc.'s Answer to the Motion to Modify Answer Periods of the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission 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

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', is written over a horizontal line. The signature is fluid and cursive.

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 10th day of October, 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 OF LYFT, INC.
TO MOTION TO MODIFY ANSWER PERIODS**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Lyft, Inc. ("Lyft") hereby files, pursuant to 52 Pa. Code § 5.61, this Answer to the Bureau of Investigation and Enforcement's ("I&E") Motion to Modify Answer Periods filed on October 8, 2014, in the above-referenced proceeding. In support thereof, Lyft avers and argues as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied. The Complaint filed by I&E represents a substantial modification to the Complaint previously filed on June 5, 2014 ("Original Complaint"). In addition to modifying the calculated civil penalty, I&E modified the alleged activity as well. The Original Complaint alleged a penalty for brokering transportation of persons. *See* Original Complaint, ¶ 12. The

Amended Complaint now seeks a civil penalty for both brokering and "providing" for the transportation of persons. *See* Amended Complaint, ¶ 31. Although the meaning of the additional allegation is presently unclear, the ramifications could be significant. Lyft must be afforded sufficient time to the necessary research and discovery to fully address I&E modified allegation.

7. It is admitted that Lyft provided ride information to I&E on a confidential basis on September 11, 2014. Lyft is without sufficient information to form a belief as to whether such information formed the "subject" of the Amended Complaint.

8. Admitted.

9. The averments in this paragraph constitute a plea for relief to which no response is required.

10. Denied. Proceeding with the October 23, 2014 evidentiary hearings would impose substantial prejudice on Lyft, particularly in light of the minimal administrative impact at issue. Conducting hearings 15 days after I&E amends the Original Complaint to increase a proposed civil penalty from \$130,000 to approximately \$7,000,000 is patently unreasonable. Lyft has a right to propound discovery addressing the empirical basis for the proposed penalty and conduct a diligent examination of the legal justifications for what would appear to be the largest civil penalty ever imposed by the Commission and would certainly be the largest in recent history. The necessity for due process far outweighs the minimal administrative burden of cancelling an evidentiary hearing involving only two parties, particularly where the ALJs and the Commission are not burdened by a statutory deadline to resolve the subject Complaints. Therefore, the October 23, 2014 hearings should be cancelled so that Lyft has an appropriate opportunity to address I&E's amended claims for relief.

11. The averments in this paragraph constitute a plea for relief to which no response is required. However, Lyft avers that I&E has provided no basis for expediting discovery. The referenced discovery request involves a significant amount of data that would require review and redacting before any distribution. In light of Lyft's request to cancel the October 23, 2014 evidentiary hearing to allow for additional time to respond to the Amended Complaint and the numerous related dockets currently before the Commission (for example, Exceptions to the Application proceedings at Docket Nos. A-2014-2415045 and A-2014-2415047 are due on October 24, 2014), I&E's request would unreasonably prejudice Lyft and should be denied on such basis.¹

12. The averments in this paragraph constitute a plea for relief to which no response is required. By way of further response, Lyft avers that I&E has provided no basis for expediting the response period for the Answer. For the reasons set forth in Paragraph 10 *supra*, this request is unreasonable and must be denied.

¹ While the Application proceedings are separately docketed matters, consideration of the parallel proceedings in the context of scheduling matters in the instant Complaint docket is consistent with the ALJs' discretion to conduct proceedings as necessary to "serve the ends of justice." *See* 52 Pa. Code § 5.223(b).

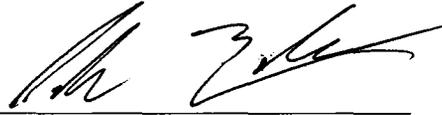
III. CONCLUSION

WHEREFORE, Lyft, Inc. respectfully requests that the Pennsylvania Public Utility Commission deny I&E's Motion to Modify Answer Periods and cancel the evidentiary hearings currently scheduled for October 23, 2014.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



James P. Dougherty (Pa. I.D. 59454)

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Barbara A. Darkes (Pa. I.D. 77419)

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Dated: October 10, 2014