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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 the Petition of Lyft, Inc. for Interlocutory Review and Answer to a Material Question 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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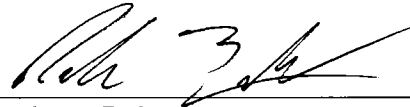
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CERTIFICATE OF SERVICE

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	:	

**PETITION OF LYFT, INC.
FOR INTERLOCUTORY REVIEW AND ANSWER TO A MATERIAL QUESTION**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Lyft, Inc. ("Lyft"), by undersigned counsel and pursuant to 52 Pa. Code § 5.302, respectfully submits this Petition for Interlocutory Review and Answer to a Material Question ("Petition") requesting that the Pennsylvania Public Utility Commission ("PUC" or "Commission") review the Interim Order issued by Administrative Law Judges ("ALJ") Mary D. Long and Jeffrey A. Watson on October 3, 2014 ("Interim Order") and answer the Material Question set forth below.

2. The proposed Material Question is as follows:

Should Lyft be required to furnish the information requested in Question No. 2 of the Bureau of Investigation and Enforcement's Interrogatories and Requests for Production of Documents – Set 1, in the above-captioned proceeding where such information is burdensome and irrelevant to the proceeding?

3. Proposed Answer: No.

4. An answer to this Material Question is necessary to expedite the conduct of the above-docketed proceeding and prevent irreparable harm and substantial prejudice to Lyft that

would otherwise result from the Interim Order and cannot be cured during the ordinary course of Commission review.¹

5. On August 8, 2014, I&E submitted its Interrogatories and Requests for Production of Documents – Set 1 ("Interrogatories") to Lyft. On August 18, 2014, Lyft submitted Objections to Question No. 2 of I&E's Interrogatories ("Objections"), which requested that Lyft identify and produce "invoices, receipts, e-mails, records and documents" sent by Lyft to individuals in connection with riders obtained by passengers using Lyft's platform.

6. I&E filed a Motion to Compel the response to Question No. 2 on August 29, 2014, and Lyft submitted an Answer on September 3, 2014.

7. The Interim Order granted I&E's Motion to Compel, stating that "the potential confidential status of information is not a basis for objecting to the discovery of the information," and that Lyft has not "adequately demonstrated that it is unduly burdensome for Lyft to redact credit card numbers, social security numbers, e-mail address, telephone numbers or other personal identifying information for the trip-related documents." Interim Order, p. 3. The Interim Order also stated that Lyft is not precluded from filing a protective order. *Id.*, pp. 3-4.

8. As set forth in Lyft's Objections and Answer to the Amended Motion to Compel, Question No. 2 of I&E's Interrogatories is objectionable on no less than three grounds. First, Question No. 2 would cause an unreasonable burden and 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." In this case, the information requested by I&E would be voluminous and would unnecessarily require Lyft to commit significant resources to compile all invoices, receipts, e-mails, records, etc., related to rides in

¹ While this Petition would affect discovery, Lyft submits that the extreme breadth of the subject response merits consideration by the Commission and respectfully requests review of the matter under 52 Pa. Code § 5.302 with a waiver of 52 Pa. Code § 5.304. See *Keystone Alliance v. Philadelphia Electric Co.*, 45 P.U.R.4th 156, 157, (1981).

Pennsylvania. Furthermore, Lyft would be unduly burdened by removing or redacting privileged information from the voluminous documents requested by I&E.


9. Second, Question No. 2 "would require the making of an unreasonable investigation" by Lyft in violation of 52 Pa. Code § 5.361(a)(4). The discovery sought by I&E is impermissibly broad and would require an unreasonable investigation by Lyft, as Lyft would be required to expend significant time and resources compiling the discovery responses sought by I&E. The investigation is further unreasonable because any probative value of the information requested in Question No. 2 is duplicative of the information already furnished in Response to Question No. 1, which provided the ride information consistent with the Secretarial Letter issued by the Commission's Secretarial Letter issued on July 28, 2014 .

10. Third, Question No. 2 requests information that is privileged and therefore, undiscoverable in its entirety. Pursuant to 52 Pa. Code §§ 5.361(a)(2) and 5.321(c), a party may not ask interrogatories that "relates to a matter which is privileged."

WHEREFORE, for all of the foregoing reasons, the Commission should answer the Material Question, reverse the Interim Order, dismiss the Motion to Compel filed by Bureau of Investigation and Enforcement, and take any other action deemed necessary.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

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Dated: October 10, 2014

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