



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 24, 2014

**Via Electronic Filing**

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  
**Motion to Compel**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Motion to Compel the Response of Lyft, Inc. to the Bureau of Investigation and Enforcement's Interrogatories and Request for Production of Documents- Set II in the above-captioned matter.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie M. Wimer".

Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. No. 207522

Enclosure

cc: ALJ Mary D. Long and ALJ Jeffrey A. Watson  
As per certificate of service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**NOTICE TO PLEAD**

*To: James P. Dougherty, Esq., Barbara A. Darkes, Esq., and Adeolu A. Bakare, Esq.,  
Counsel for Lyft, Inc.*

You are hereby notified to file a written response to the attached Motion to Compel of the Bureau of Investigation and Enforcement (I&E) within five (5) days from the date of service of this notice. If you do not file a written response denying the enclosed Motion to Compel within five (5) days of service, the presiding officers may rule in favor of I&E on the attached Motion without a hearing. Failure to respond to this Motion could result in an order directing responses to I&E's Interrogatories and Request for Production of Documents.

All pleadings, such as answers to motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned prosecutors.



Stephanie M. Wimer, Prosecutor  
PA Attorney ID No. 207522

Michael L. Swindler, Prosecutor  
PA Attorney ID No. 43319

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Dated: October 24, 2014

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant,	:	
	:	
v.	:	C-2014-2422713
	:	
Lyft, Inc.,	:	
Respondent	:	

**MOTION TO COMPEL THE RESPONSE OF LYFT, INC.  
TO THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS-  
SET II**

TO ADMINISTRATIVE LAW JUDGES MARY D. LONG AND JEFFREY A. WATSON:

Pursuant to 52 Pa. Code § 5.342(g), the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), Complainant in the above-docketed matter, by and through its prosecuting attorneys, hereby requests that the presiding Administrative Law Judges dismiss the objections to discovery by Lyft, Inc. (Lyft or Company) and direct Lyft to provide the information requested in I&E's Interrogatories and Request for Production of Documents – Set II. In support thereof, I&E avers as follows:

**I. INTRODUCTION**

1. On October 3, 2014, I&E propounded Interrogatories and Requests for Production of Documents – Set II upon Lyft. A full copy of these interrogatories is attached as Appendix A.

2. Two of six of these interrogatories and production requests reference Lyft's continued operations while subject to an order directing it to cease and desist from utilizing a digital platform to facilitate transportation for compensation to passengers in Pennsylvania using non-certificated drivers in their personal vehicles.<sup>1</sup> Three of six of the interrogatories and production requests ask Lyft to provide information regarding other jurisdictions in which it may have been subject to a cease and desist order.

3. On October 14, 2014, Lyft served objections to I&E. Lyft objected to five of six of I&E's interrogatories and production requests, which are described above. A full copy of Lyft's Objections to I&E's Interrogatories and Request for Production of Documents – Set II is attached hereto as Appendix B.

4. Lyft did not discuss its objections to I&E Set II with I&E prior to filing.<sup>2</sup>

5. Each of the objected-to interrogatories and discovery requests are crafted so that I&E may gather information about the extent of Lyft's operations while it was subject to the Cease and Desist Order and its regulatory compliance history in other jurisdictions. I&E's discovery is directly related to I&E's Amended Complaint regarding Lyft's alleged unlawful brokering of transportation through the use of its software (the

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<sup>1</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 on Interim Emergency Relief entered July 1, 2014) (hereinafter referred to as "Cease and Desist Order"). This order was ratified by the Commission on July 24, 2014.

<sup>2</sup> For this reason and due to the fact that Lyft accuses I&E of acting in bad faith, I&E did not attempt to informally resolve Lyft's objections prior to seeking judicial resolution of the matter and believes that such an effort would be futile, especially given that I&E was unable to informally resolve Lyft's Objections to I&E Interrogatory Set I.

Lyft app). I&E's discovery is propounded to obtain information necessary for I&E to meet its burden of proving the allegations and justifying the requested civil penalty.

6. In fact, a significant reason for I&E's discovery request is to gather the necessary information in compliance with the express directive of the Commission in its July 28, 2014 Secretarial Letter to seek additional information to aid in the formulation of a Final Order in this Complaint proceeding.<sup>3</sup> The Commission's July 28, 2014 Secretarial Letter provides the following direction:

Accordingly, in order to create a complete record in the Complaint proceeding at Docket No. C-2014-2422713, the Parties are directed to address the following questions:

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

*Id.* I&E's discovery merely seeks, in large part, the very information that the Commission directed the parties to address in its Question No. 1 as set forth in the Secretarial Letter.<sup>4</sup> It certainly appears that Lyft's objections here are just another example of this Company's willingness to ignore the Commission's authority.

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<sup>3</sup> *Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Lyft, Inc.*, Docket No. C-2014-2422713 (Secretarial Letter dated July 28, 2014).

<sup>4</sup> Questions 2 and 3 from the Secretarial Letter were not posed in discovery since I&E already anticipated addressing those issues as directed by the Commission and did not require information within the control of Lyft to do so.

7. Lyft objects to I&E's interrogatories and production requests on various grounds, which are addressed below.

## **II. THE OBJECTIONS SHOULD BE DISMISSED**

### **Objection to I&E Interrogatory Set II, No. 1**

8. Lyft first objects to providing the number of transactions or rides provided between August 8, 2014 and August 13, 2014, while it was subject to the Cease and Desist Order, despite the Commission's clear direction in the July 28, 2014 Secretarial Letter that such information be disclosed in this proceeding. Lyft argues that this information is sought in bad faith because it could be used by I&E to increase the civil penalty and deny Lyft's due process rights. There is no discovery rule, in any forum, which allows a party to avoid answering an interrogatory merely because it is against its interest to do so. That is one of the purposes of discovery.

9. As mentioned above, Lyft's unlawful operations are central to I&E's Complaint. Section 3301(a) of the Public Utility Code (Code), 66 Pa.C.S. § 3301(a), authorizes the Commission to impose a civil penalty of \$1,000 on any public utility or any other person or corporation subject to the Commission's authority for each violation of the Code, Commission regulations and/or orders.

10. The number of transactions or rides provided between August 8, 2014 and August 13, 2014 through the use of Lyft's app while Lyft was subject to the Cease and Desist Order constitute separate and distinct violations. As such, I&E is well within its right to request the number of violations that occurred and, if necessary, to request the imposition of a "per violation" civil penalty.

11. In addition, the Company has already supplied the number of rides provided through its App during designated time periods to the Commission in its Application proceeding, pursuant to the presiding ALJs' directive.<sup>5</sup> The Commission recently concluded that this number is not proprietary and ordered that the record of the Application proceeding be unsealed.<sup>6</sup> Significantly, the Commission stated: "The information at issue, the aggregate number of trips Lyft provided prior to receiving authority to operate in Pennsylvania, is of obvious concern to the public and would only be protected from disclosure for extraordinary reasons. Lyft has failed to provide such reasons." *Id.* at 17. Therefore, Lyft has no legitimate basis to withhold the number of transactions or rides provided between August 8, 2014 and August 13, 2014, through the Lyft App, in this proceeding.

12. Further, while I&E sought to preserve the original Initial Hearing date in this matter by moving to shorten Lyft's answer period to I&E's Amended Complaint by five (5) days, this does not constitute a "bad faith" attempt to deny Lyft's due process rights, as Lyft claims. Due process is satisfied when the parties are afforded notice and the opportunity to appear and be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Cmwlth. Ct. 1984). Although I&E requested to expedite the time frame in which to provide an answer, which is a moot point since it was denied, Lyft was nevertheless provided with notice and an opportunity to be heard both with respect to answering the

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<sup>5</sup> See *Application of Lyft, Inc., a corporation of the State of Delaware, for the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Company for passenger trips between points in Allegheny County*, Docket No. A-2014-2415045 (Interim Order entered on July 31, 2014).

<sup>6</sup> *Petition of Kim Lyons and PG Publishing, Inc. d/b/a The Pittsburgh Post-Gazette for an Interim Emergency Order*, Docket No. P-2014-2442001 (Order entered October 23, 2014).

Amended Complaint and I&E's request to modify the time period for filing an answer. Lyft was not deprived of due process nor did I&E attempt to do so. Therefore, I&E's discovery is not sought in bad faith.

13. Lyft also argues that providing the number of transactions or rides that occurred between August 8, 2014 and August 13, 2014, while it was subject to the Cease and Desist Order, violates the Fifth Amendment of the United States Constitution and therefore is inadmissible at hearing. Lyft asserts that the Fifth Amendment is applicable because Section 3310 of the Code, 66 Pa.C.S. § 3310, allows for the criminal prosecution of persons or corporations operating as motor carriers or brokers without authority.

14. The pertinent part of the Fifth Amendment provides: "*No person . . . shall be compelled in any criminal case to be a witness against himself.*" U.S. Const. amend. V (emphasis added).

15. It is well settled that the privilege of self-incrimination guaranteed by the Fifth Amendment cannot be used by a corporation. *Bell v. Maryland*, 378 U.S. 226, 263 (U.S. 1964); *Hale v. Henkel*, 201 U.S. 43, 69-70, 74-75 (U.S. 1906). The Fifth Amendment privilege is personal and protects "*an individual* from compelled production of his *personal* papers and effects . . ." *Bellis v. United States*, 417 U.S. 85, 87 (U.S. 1975) (emphasis added). [T]here is a clear distinction . . . between an individual and a corporation, and . . . the latter has no right to refuse to submit its books and papers for an examination at the suit of the State." *Braswell v. United States*, 487 U.S. 99, 105 (U.S. 1988) (citing *Hale v. Henkel*, 201 U.S. at 74) (explaining that since the corporation is a creature of the State, with powers limited by the State, the State may exercise its right to



oversee the corporation and demand the production of corporate records). Therefore, as a corporation, Lyft has no self-incrimination protection pursuant to the Fifth Amendment.

16. In addition, Section 312 of the Code expressly states that:

No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation or inquiry by, or hearing before, the commission or its representative, when ordered to do so, upon the ground that the testimony or evidence, book, document, paper or account required may tend to incriminate him or subject him to penalty or forfeiture. No person shall be prosecuted, punished, or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which he shall have been compelled, under objection to testify or produce documentary evidence.

66 Pa.C.S. § 312. Section 102 of the Code defines “person” as “individuals, partnerships or associations **other than corporations**, and includes their lessees, assignees, trustees, receivers, executors, administrators, or other successors in interest.” 66 Pa.C.S. § 102 (emphasis added).

17. Section 312 of the Code, 66 Pa.C.S. § 312, demonstrates that even natural persons who are protected by the self-incrimination privilege of the Fifth Amendment must produce information requested by Commission representatives, in exchange for personal immunity from further prosecution or penalty related to the information provided. No protection from prosecution or penalty, in exchange for furnishing requested information, exists for corporations pursuant to the Code.

18. Therefore, as a corporation, Lyft is not protected by the self-incrimination privilege of the Fifth Amendment. The number of rides that I&E seeks to discover is admissible at hearing.

## Objection to I&E Interrogatory Set II, No. 2

19. I&E's Interrogatory No. 2 requests the production of documents to substantiate the number of rides provided by Lyft between August 8, 2014 and August 13, 2014, and to corroborate Lyft's response to I&E's Interrogatory Set II - No. 1. Previously, Lyft objected to providing documentation regarding trip information for other periods of time in response to I&E's Interrogatories and Requests for Production of Documents – Set I. Its objection was overruled. *See Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Lyft, Inc.*, Docket No. C-2014-2422713 (Interim Order on Motion to Compel entered October 3, 2014). Despite the prior Order's cogent explanation of the denial of Lyft's identical objection, Lyft nevertheless raises the same arguments again regarding the additional six days.

20. Lyft objects to I&E's Interrogatory No. 2 under the claim that the material sought constitutes privileged information. In support of its assertion of a privilege that it claims would foreclose the disclosure of this information, Lyft states that the responses would reveal personal information of Lyft customers, such as email addresses, telephone numbers and payment information, as well as travel patterns, including transportation routes, destinations and potentially residential addresses. Lyft asserts that the release of this information poses dangers for the public and liability concerns for Lyft.

21. It is important to note that I&E's Interrogatories Nos. 1 and 2 of Set II do not request information beyond the number of rides provided and supporting documentation for those time periods wherein Lyft was not authorized to operate.

Documentation supporting each trip is not privileged as the Commission has a duty to

know who is offering or furnishing transportation for compensation, and when and where such transportation is being provided. For example, 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. *See* 52 Pa. Code § 29.313(c). Trip sheet requirements also pertain to limousine service and the sheets contain similar information, such as the rate being charged, and the origin and intended destination of each trip. *See* 52 Pa. Code § 29.335.

22. The supporting documentation requested in I&E's Interrogatories is precisely the same information that the Commission routinely receives and examines from other entities that provide transportation for compensation. Even if the information contained in the supporting documents is deemed to be confidential, this classification does not absolve Lyft from its duty to provide the information. Simply, Lyft could easily designate its responses as "Confidential" and provide the information pursuant to a Protective Order that limits the availability and public disclosure of such information. To date, Lyft has not requested a Protective Order in this proceeding. Therefore, the fact that the information sought may be confidential is not a valid basis for objection.

23. Lyft next claims that providing responses to I&E's Interrogatory No. 2 – Set II would cause an unreasonable burden, expense and investigation because the information is voluminous and would require the Company to compile every communication to passengers regarding rides offered in Pennsylvania. Lyft further asserts that it would have to remove or redact privileged information from the documents

before they were to be produced and that this review would be an undue burden, expense and investigation.

24. Under the Commission's regulations, the scope of permissible discovery is broad. Section 5.321(c) of the Commission's regulation states:

**Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter.**

52 Pa. Code § 5.321(c) (emphasis added).

25. The Commission has applied a liberal standard with respect to discoverable information and all doubts should be resolved in favor of permitting discovery. *See Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468, 477, Docket No. R-860315 (Order entered May 16, 1986); *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. Ct. 2006). Further, The Commonwealth Court of Pennsylvania has stated that “[d]iscovery itself is designed to promote free sharing of information so as to narrow the issues and limit unfair surprise. It is a tool which serves each litigant and promotes judicial economy. *Pittsburgh Bd. Of Public Educ. V. M.J.N. by N.J.*, 524 A.2d 1385, 1388 (Pa. Cmwlth. Ct. 1987).

26. The information requested in I&E Interrogatory Set II - 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. *See Application of Lyft, Inc. for Emergency Temporary Authority to Offer Experimental*

*Transportation Network Service Between Points in Allegheny County, PA*, Docket No. A-2014-2432304 (Order entered July 24, 2014). The information sought is entirely relevant to I&E's Amended Complaint, which pertains to Lyft's unlawful operations. Production of the requested documents in I&E Interrogatory No. 2- Set II is an important step for I&E to advance its case.

27. Most importantly, all of Lyft's arguments were raised and summarily rejected by the presiding ALJs regarding Lyft's Objection to I&E's Interrogatory Set I - No. 2. *See Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Lyft, Inc.*, Docket No. C-2014-2422713 (Interim Order on Motion to Compel entered October 3, 2014).

28. Additionally, the production of the requested documents in I&E Interrogatory Set II – No. can be made subject to a Protective Order that limits the availability and public disclosure of such information. Releasing the documents subject to a Protective Order would negate any burden, expense or investigation associated with the removal or redaction of confidential information. Curiously, Lyft has not sought a Protective Order in this case.

29. Lyft also argues that providing documentation regarding trip data violates the Fifth Amendment of the United States Constitution. I&E disagrees for the same reasons stated in response to Lyft's Objection to I&E Interrogatory Set II - No. 1 and I&E's response thereto should be incorporated herein by reference.

**Objection to I&E Interrogatory Set II, Nos. 3-5**

30. Lyft objects to I&E's request for information regarding other jurisdictions

in which Lyft may have been directed to cease and desist from utilizing its website, mobile application or digital software to facilitate transportation to persons. Lyft objects on the basis that such information is irrelevant, burdensome and would require the making of an unreasonable investigation.

31. The information sought by I&E's Interrogatories- Set II will be admissible at hearing. However, even if this information is found inadmissible, such information is still discoverable. Section 5.321(c) of the Commission's Regulations provides that "[i]t is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." 52 Pa. Code § 5.321(c).

32. The information sought by I&E will assist the Court in determining the appropriate civil penalty. Lyft has argued that the civil penalty in I&E's Amended Complaint is "patently unreasonable." *See Lyft, Inc.'s Answer to Motion to Modify Answer Periods of the Bureau of Investigation and Enforcement*, p. 2. However, the requested civil penalty in I&E's Amended Complaint is based, in part, on Lyft's continued operations while it was under the express directive to cease and desist from facilitating transportation through the Lyft app. Therefore, I&E seeks information pertaining to whether Lyft operated in defiance of a cease and desist order that may have been issued in other jurisdictions. This information is relevant to the "reasonableness" of the requested civil penalty, as well as Lyft's propensity to comply with the regulations of the jurisdiction within which it operates or seeks to operate.

33. Lyft also asserts that identifying and producing such cease and desist

orders, should any exist, is burdensome and would require the making of an unreasonable investigation because Lyft operates in over 65 jurisdictions and there is no time limitation to I&E's request.

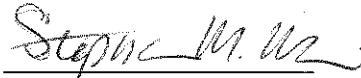
34. I&E submits that searching for a cease and desist order issued by one of the 65 jurisdictions in which it operates is not overly burdensome. Further, I&E believes that Lyft employs public policy personnel who handle such issues and would easily be aware of other cease and desist orders, should any exist.

35. Moreover, I&E notes that Lyft is a start-up company that began operating in 2012. Therefore, the timeframe applicable to Lyft of only two years to investigate the existence of cease and desist orders is neither burdensome nor unreasonable.

### III. CONCLUSION

WHEREFORE, for the reasons set forth above, I&E respectfully requests that the Objections of Lyft, Inc. be dismissed and that Lyft, Inc. be compelled to provide responses to the Bureau of Investigation and Enforcement's Interrogatories and Request for Production of Documents – Set II.

Respectfully submitted,



Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

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

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Dated: October 24, 2014



# **APPENDIX A**



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 3, 2014

Via First Class Mail and Electronic Mail

James P. Dougherty, Esq.  
Barbara A. Darkes, Esq.  
Adeolu A. Bakare, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

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

Dear Messrs. Dougherty and Bakare and Ms. Darkes:

Enclosed please find the Interrogatories and Requests for Production of Documents – Set II of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above referenced matter.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Stephanie M. Wimer  
Prosecutor

Enclosure

cc: Certificate of Service  
Secretary Chiavetta (Certificate of Service Only)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO LYFT, INC. – SET II**

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E"), through its prosecuting attorneys, hereby propounds the following Interrogatories and Requests for Production of Documents – Set II upon Lyft, Inc. ("Lyft" or "Respondent") to be answered by those employees or agents of Respondent as may be cognizant of the requested information and who are authorized to answer on behalf of Respondent. I&E reserves the right to propound additional Interrogatories and to request additional documents as and if additional information is required. In accordance with 52 Pa. Code §§ 5.342(d) and 5.349(d), the Interrogatories and Requests are to be answered in writing and be verified, and are to be furnished and served in-hand upon the undersigned within twenty (20) days.

## INSTRUCTIONS

1. These Interrogatories and Requests for Production of Documents shall be construed as a continuing request. Respondent is obliged to change, supplement and correct all answers to these Interrogatories and Requests for Production of Documents to conform to available information, including such information as first becomes available to Respondent after the answers hereto are filed and/or submitted.
2. If after exercising due diligence to secure the information requested by any one of the following Interrogatories or Requests for Production of Documents the Respondent cannot answer or provide the information requested, so state and answer to the extent possible specifying Respondent's inability to answer the remainder, providing whatever information or knowledge Respondent has concerning the unanswered portion and detailing what attempts Respondent made to secure the unknown information.
3. Restate the Interrogatory or Request for Production immediately preceding each response and begin each response on a new page.
4. Identify the name, title and business address of each person(s) providing each response.
5. Provide the date on which the response was created.
6. Divulge all information that is within the knowledge, possession, control or custody of Respondent or may be reasonably ascertained thereby. The term "Lyft, Inc." or "Lyft" or "you" as used herein includes Lyft, Inc., its attorneys, agents,

employees, contractors, or other representatives, to the extent that Respondent has the right to compel the action requested herein.

7. Provide verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness' knowledge, information and belief.
8. As used herein, but only to the extent not protected by 52 Pa. Code Section 5.323, the word "document" or "workpaper" includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium including computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:
  - a. Notations of any sort concerning conversations, telephone calls, meetings or other communications;
  - b. Bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
  - c. Worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.
9. If Respondent claims any information requested herein is protected pursuant to 52 Pa. Code Section 5.323 or pursuant to any other rule of discovery, provide a general description of the information sought to be protected and the exact nature of the protection claimed.

10. The singular of any word used herein shall be deemed to include the plural of such word, and the plural shall include the singular.

## **DEFINITIONS**

1. In answering these Interrogatories and Requests for Production of Documents, assume that all words used have their ordinary meanings in normal English usage, except as provided below or where context requires other interpretation.
2. "Document" or "documents" mean(s) all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, summaries, pamphlets, books, inter-office and intra-office communication, notation of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, fax, work sheets, all drafts, alterations, modifications, changes and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, records) and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, records, and computer memories) now in the possession, custody or control of Respondent, its agents, employees, attorneys and all other persons acting on their behalf.

3. "Communication" means any transmission or exchange of information or meaning between two or more persons in any form.
4. "You" or "Your" shall refer to Lyft, Inc., and all other names under which Lyft, Inc. does business or trades, any subsidiaries, agents, employees, representatives, attorneys and all other persons acting on their behalf.
5. The term "date" means the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.
6. The term "person" or "persons" means and includes any individual, committee, task force, company, contractor, passenger or corporation.
7. The terms "identify" and "identity" with respect to a document mean to state the name or title of the document, the type of document (e.g. letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in possession of Respondent or subject to their control, state what disposition was made of it and explain the circumstances surrounding, and the authorization for such disposition, and state the date or approximate date thereof.
8. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and requests for any information or documents that might otherwise be construed to be outside their scope; "all" and "any" mean both "each" and "every."

## INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

### - SET II

1. Identify the number of transactions and/or rides provided to persons 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 dates:
  - a. From August 8, 2014 up to and including August 13, 2014.
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 dates:
  - a. From August 8, 2014 up to and including August 13, 2014.
3. Identify each jurisdiction, regulatory agency or other legal authority within the United States that issued an order directing Lyft and its affiliates to cease and desist from utilizing its website, mobile application or digital software to facilitate transportation to persons.
4. Indicate the effective dates of each cease and desist order provided in response to Interrogatory No. 3.
5. Provide a copy of each cease and desist order referenced in response to Interrogatory No. 3.



6. Identify the name of each witness that Lyft intends to present at the Initial Hearing in this matter and provide each witness' contact information and subject matter of his or her testimony.

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the enclosed Interrogatories and Requests for Production of Documents – Set II 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.  
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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

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Bureau of Investigation and Enforcement  
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[stwimer@pa.gov](mailto:stwimer@pa.gov)

Date: October 3, 2014

## **APPENDIX B**



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October 14, 2014

Stephanie M. Wimer, Esq.  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

**VIA OVERNIGHT DELIVERY**

**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 II, 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.

mas

Enclosures

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

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OBJECTIONS OF LYFT, INC. TO  
THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET II

I&E to Lyft, Set II, Question No. 1

- Q.1. Identify the number of transactions and/or rides provided to persons 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 dates::
- a. From August 8, 2014, up to and including August 13, 2014.

Objection

1. The Commission prohibits discovery sought in bad faith. See 52 Pa. Code § 5.361. I&E has demonstrated bad faith intentions by filing an Amended Complaint increasing the proposed civil penalty in this proceeding from \$130,000 to \$6,896,000 (allegedly based on the number of rides provided through Lyft's platform during certain time periods) and then filing a Motion to Modify Answer Periods seeking to compel an expedited response to the Amended Complaint and preserve the originally scheduled October 23, 2014 hearing date. This result would have provided Lyft with 15 days to respond to a Complaint seeking \$7 million in civil penalties. Although the presiding ALJs denied I&E's Motion in this instance, I&E has demonstrated that any further information will be used towards similar bad faith attempts to deny Lyft's due process rights.
2. Following issuance of I&E's Amended Complaint on October 8, 2014, it is now evident that any disclosures regarding the number of rides provided through Lyft's platform will be used in a manner that may result in criminal prosecution pursuant to Section 3310 of the Public Utility Code. 66 Pa. C.S. § 3310. As the 5<sup>th</sup> Amendment of the United States Constitution protects Lyft against disclosing such information, the discovery sought by I&E is not admissible at hearing or calculated to lead to discovery of admissible evidence.

I&E to Lyft, Set II, 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 August 8, 2014, up to and including August 13, 2014.

Objection

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

OBJECTIONS OF LYFT, INC. TO  
THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET II

discoverable.<sup>1</sup> 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").

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 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 II, No. 2 as necessary to remove or redact privileged information from the voluminous documents requested by I&E. This unreasonable burden cannot be cured by a Protective Order.
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 II, No. 2 as necessary to remove or redact privileged information from the voluminous documents requested by I&E. This unreasonable burden cannot be cured by a Protective Order.
4. As the documents requested in response to I&E Set II, Question No. 2 would allow a recipient to deduce the information sought by I&E Set II, Question No. 1, the Objection to this question are equally applicable to I&E Set II, Question No. 2 and are hereby incorporated by reference.

**I&E to Lyft, Set II, Question No. 3**

- Q.3. Identify each jurisdiction, regulatory agency or other legal authority within the United States that issued an order directing Lyft and its affiliates to cease and desist from utilizing its website, mobile application or digital software to facilitate transportation to persons:

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<sup>1</sup> 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 II

**Objection**

Lyft objects to Interrogatory No. 3 on the basis that the request is irrelevant to whether Lyft has violated any provision of the Pennsylvania Public Utility Code. Additionally, the request is unduly burdensome and would require the making of an unreasonable investigation. The request would require Lyft to review its entire history of regulatory compliance in over 65 jurisdictions. The request is also overbroad, with no limitation to a specific timeframe.

**I&E to Lyft, Set II, Question No. 4**

Q.4. Indicate the effective dates of each cease and desist order provider in response to Interrogatory No. 3:

**Objection**

Lyft objects to Interrogatory No. 4 on the basis that the request is irrelevant to whether Lyft has violated any provision of the Pennsylvania Public Utility Code. Additionally, the request is unduly burdensome and would require the making of an unreasonable investigation. The request would require Lyft to review its entire history of regulatory compliance in over 65 jurisdictions. The request is also overbroad, with no limitation to a specific timeframe.

**I&E to Lyft, Set II, Question No. 5**

Q.5. Provide a copy of each cease and desist order provider in response to Interrogatory No. 3:

**Objection**

Lyft objects to Interrogatory No. 5 on the basis that the request is irrelevant to whether Lyft has violated any provision of the Pennsylvania Public Utility Code. Additionally, the request is unduly burdensome and would require the making of an unreasonable investigation. The request would require Lyft to review its entire history of regulatory compliance in over 65 jurisdictions. The request is also overbroad, with no limitation to a specific timeframe.



OBJECTIONS OF LYFT, INC. TO  
THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS – SET II

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



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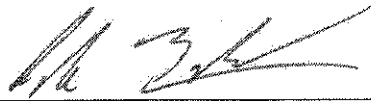
Dated: October 14, 2014

**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 OVERNIGHT DELIVERY**

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Adeolu A. Bakare  
Counsel to Lyft, Inc.

Dated this 14<sup>th</sup> day of October, 2014, in Harrisburg, Pennsylvania.

## 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:

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Dated: October 24, 2014