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November 3, 2014

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

**Re: Application of Lyft, Inc. (Experimental Service in Allegheny County); A-2014-2415045
Application of Lyft, Inc. (Experimental Service in Pennsylvania); A-2014-2415047**

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission are the Reply Exceptions of Lyft, Inc. in the above-referenced proceedings.

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', written over a horizontal line.

Adeolu A. Bakare

Counsel to Lyft, Inc.

/lmc
Enclosure

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).

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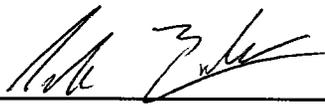
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Adeolu A. Bakare

Counsel to Lyft, Inc.

Dated this 3rd day of November, 2014, in Harrisburg, Pennsylvania.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Lyft, Inc., a corporation of the State of : A-2014-2415047
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 Pennsylvania :

Application of Lyft, Inc., a corporation of the State of : A-2014-2415045
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 :

REPLY EXCEPTION OF LYFT, INC.

Lyft, Inc. ("Lyft") hereby responds to the Exceptions that were filed by numerous Protestants in the above-referenced proceeding, with respect to the October 9, 2014 Recommended Decision (the "Recommended Decision") of the Administrative Law Judges ("ALJs").¹ As explained below, the Exceptions misconstrue the available facts, law, and plain English, and are is no impediment to this Commission's adoption of Conclusions Four and Five of the Recommended Decision.

¹ Specifically, the Protestants consist of Concord Limousine, Inc.; Executive Transportation Company, Inc. (both Applications); Aceone Trans Co.; AF Taxi, Inc.; AG Taxi, Inc.; AGB Trans, Inc.; Almar Taxi, Inc.; ATS Cab, Inc.; BAG Trans, Inc.; BNG Cab Co.; BNA Cab Co.; BNJ Cab, Inc.; Bond Taxi, Inc.; BSP Trans, Inc.; Double A Cab Co.; FAD Trans, Inc.; GA Cab, Inc.; GD Cab, Inc.; GN Trans, Inc.; God Bless America Trans, Inc.; Grace Trans, Inc.; IA Trans, Inc.; Jarnail Taxi, Inc.; Jaydan, Inc.; LAN Trans, Inc.; LMB Taxi, Inc.; MAF Trans, Inc.; MDS Cab, Inc.; MG Trans Co.; Noble Cab, Inc.; Odessa Taxi, Inc.; RAV Trans, Inc.; Rosemont Taxicab Co., Inc.; S&S Taxi Cab, Inc.; SAJ Trans, Inc.; Saba Trans, Inc.; SF Taxi, Inc.; Society Taxi, Inc.; Steele Taxi, Inc.; TGIF Trans, Inc.; V&S Taxi, Inc.; VAL Trans, Inc.; VB Trans, Inc.; VSM Trans, Inc.; BM Enterprises, Inc., t/a A.G. Taxi; Bucks County Services, Inc.; Dee Dee Cab Company; Germantown Cab Company; Ronald Cab, Inc., t/a Community Cab; Shawn Cab, Inc., t/a Delaware County Cab; and Sawink, Inc., t/a County Cab (Statewide Application only) (collectively, "Protestants").

INTRODUCTION

Fearing an idea whose time has come, and seeking to bar an underserved public from the transportation service of its choice, Protestants have filed Exceptions to two conclusions of law from the ALJs' Recommended Decision permitting Lyft to operate as a motor carrier under the Commission's experimental authority. The contested conclusions of law are:

4. It is appropriate to consider the transportation service proposed by the Applicant under the Commission's experimental service regulation as a motor carrier, and
5. The Commission has jurisdiction over this matter as the application seeks authorization to provide 'experimental service,' which is a class of motor carrier service defined under 52 Pa. Code § 29.13.

Protestants' Exceptions boil down to a single premise: that a Transportation Network Company ("TNC") like Lyft cannot be a "motor carrier" under the relevant regulations. The relevant regulations say otherwise.

ARGUMENT

Protestants' Exceptions to the ALJs' Fourth and Fifth Conclusions of Law are most efficiently dispatched in reverse order. Conclusion Five—that the Commission has jurisdiction over this matter because it involves an application to provide "experimental service" as a motor carrier—is a true factual statement. The Commission has jurisdiction over applications to provide experimental service. 52 Pa. Code § 29.352 ("In order to advance and promote the public necessity, safety and convenience, the Commission may, upon application, grant a new certificate . . . to allow to be provided a new, innovative or experimental type or class of common carrier service."). This language is perfectly attuned to Lyft's service. *See Application of Yellow Cab Co. of Pittsburgh, Inc. t/a Yellow X*, Docket No. A-2014-2410269 (Order entered May 22, 2014) (classifying another TNC's service as an "experimental service"). And it shows Conclusion of Law Five to be an unobjectionable factual statement that can be readily adopted.

This leaves Conclusion of Law Four. It again states that "[i]t is appropriate to consider the transportation service proposed by the Applicant under the Commission's experimental service regulation as a motor carrier." Protestants claim that this conclusion fails because Lyft—which "does not own or operate any motor vehicles nor . . . propose to transport any passengers or property"—is not a "motor carrier" as that term is defined in the regulations. Exception ¶ 9. Looking at the relevant rule and facts, however, it is Protestants' exception that fails.

Lyft is a mobile-based platform that offers information and a method to connect persons who seek transportation to certain destinations to connect with persons driving to or through those destinations. Lyft does not own or operate vehicles, but under the applicable rule, neither is required to be a "motor carrier." Pennsylvania defines a "motor carrier" as "[a] common carrier by motor vehicle." 66 Pa. Cons. Stat. Ann. § 102. It then defines a "common carrier by motor vehicle" as "any common carrier who or which holds out or undertakes the transportation of passengers or property, or both, or any class of passengers or property, between points within this Commonwealth by motor vehicle for compensation, *whether or not the owner* or operator of such motor vehicle." *Id.* (emphasis added).

As to "the transportation of passengers or property," Pennsylvania law has defined it as well: "any and all service in connection with the transportation or carrying of passengers." *Id.* And, while not binding on these proceedings, this Commission has preliminarily spoken on the subject. In granting Lyft's application for Emergency Temporary Authority, the Commission declared "that [Lyft's] proposed experimental service incorporates innovative technology does not change the fundamental character of the service – transportation for compensation." *Application of Lyft, Inc. for Emergency Temporary Authority* at 11, Docket No. A-2014-2432304 (Order entered July 24, 2014).

Thus, Lyft easily qualifies as a "motor carrier," and Conclusion of Law Four can and should be adopted.

CONCLUSION

For these reasons, Lyft respectfully requests that the Commission deny Protestants' Exceptions.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By  _____

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Dated: November 3, 2014