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November 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 Certification of 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

A handwritten signature in black ink, appearing to read 'Adeolu A. Bakare', written over a horizontal line.

Adeolu A. Bakare

Counsel to Lyft, Inc.

AAB/sar
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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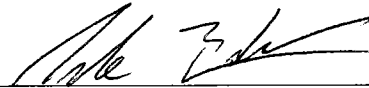
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CERTIFICATE OF SERVICE

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 November, 2014, in Harrisburg, Pennsylvania.

**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	:	
	:	

**PETITION OF LYFT, INC.
FOR CERTIFICATION OF A MATERIAL QUESTION**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. Pursuant to 52 Pa. Code § 5.302, Lyft, Inc. ("Lyft") respectfully submits this Petition for Certification of a Material Question ("Petition") requesting that Administrative Law Judges ("ALJs") Mary D. Long and Jeffrey A. Watson certify the below Material Question, regarding information sought in Questions No. 1 and No. 2 of the Bureau of Investigation and Enforcement's ("I&E") Interrogatories and Requests for Production of Documents – Set 2 ("Interrogatories"), to the Pennsylvania Public Utility Commission ("Commission" or "PUC") for review.

2. The proposed Material Question is as follows:

Should Lyft be required to furnish highly confidential information in response to I&E's discovery requests where Lyft is currently engaged in emergency litigation to protect that information before this Commission and the Commonwealth Court of Pennsylvania, neither of which has issued a final order, and where I&E refuses to enter into a protective order or to honor its existing agreement as to a protective order with Lyft?

3. Proposed Answer: No.

4. An answer to this Material Question is necessary to prevent irreparable harm and substantial prejudice to Lyft from the Interim Order issued by the ALJs on November 7, 2014 ("Interim Order"), which cannot be cured during the ordinary course of Commission review.

5. On October 3, 2014, I&E submitted its Interrogatories to Lyft.

6. On October 14, 2014, Lyft submitted Objections to Questions 1–5 of I&E's Interrogatories ("Objections").

7. On October 24, 2014, I&E filed a Motion to Compel responses to Questions 1–5. It featured prominently an argument that the information sought could be kept confidential through a protective order. And, at that time, I&E and Lyft had an agreement as to a protective order that would have alleviated Lyft's primary concerns with producing documents responsive to I&E's discovery requests.

8. But, as Lyft was preparing its production, on October 28, 2014, I&E disclosed to Lyft that it did not intend to honor that agreement, citing an October 23, 2014 PUC Order, which found that information regarding the number of rides provided in connection with Lyft during a given time period was not proprietary. *Order Regarding Proprietary Claims* at Docket Nos. A-2014-2415045, P-2014-2442001, and A-2014-2415047 (Oct. 23, 2014) (the "October 23 Order").

9. On October 31, 2014, Lyft filed a Petition for Stay, seeking to prohibit disclosure of its confidential information pending review of a petition for reconsideration of the October 23 Order. On November 3, 2014, Lyft filed its Petition for Reconsideration of the October 23 Order. Both of these filings are pending before the Commission.

10. Additionally, on November 3, 2014, Lyft filed a Petition for Review of the October 23 Order in the Commonwealth Court of Pennsylvania, along with an Emergency Application for a Stay of the October 23 Order, pending review of that judgment.

11. On November 7, 2014, ALJs Long and Watson issued the Interim Order granting I&E's Motion to Compel as to Questions 1 and 2, but denying it as to Questions 3–5. The Interim

Order sets a 15-day deadline for Lyft to provide answers to Questions 1 and 2. Because I&E no longer intends to honor its agreement to keep such answers confidential, the Interim Order would effectively undo Lyft's currently pending attempts to protect its highly confidential information before this Commission and the Commonwealth Court.

12. The information at issue in these other jurisdictions is Lyft's "trip data," *i.e.*, the number of rides given during a certain time period in connection with the Lyft App. Such information is captured in both I&E's Questions 1 and 2, because Question 1 seeks it directly, and Question 2 seeks documents to substantiate it. Thus, Lyft cannot respond to either Question 1 *or* 2 without negating its efforts to protect its trip data.

13. Accordingly, to preserve Lyft's meaningful access to such judicial review, Lyft respectfully requests that the ALJs certify the Material Question to the Commission such that the Commission may answer the question and stay proceedings in this case pending resolution of Lyft's Petitions for Stay and Reconsideration before this Commission and the Petition for Review and Emergency Application for Stay before the Commonwealth Court.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

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Dated: November 10, 2014

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