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November 17, 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 Brief in Support of Petition for Interlocutory Review, 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.

/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).

**VIA E-MAIL AND FIRST CLASS MAIL**

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Adeolu A. Bakare  
Counsel to Lyft, Inc.

Dated this 17<sup>th</sup> day of November, 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	:	

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**BRIEF IN SUPPORT OF PETITION FOR INTERLOCUTORY REVIEW AND  
ANSWER TO MATERIAL QUESTION**

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1. Pursuant to 52 Pa. Code § 5.302, Lyft, Inc. (“Lyft”) 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 Mary D. Long and Jeffrey A. Watson (“ALJs”) on November 7, 2014 (“Interim Order”) and answer the Material Question regarding information sought in Request Nos. 1 and 2 of the Bureau of Investigation and Enforcement’s (“I&E”) Interrogatories and Requests for Production of Documents – Set II, as set forth below.

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.

## BACKGROUND

4. On August 8, 2014, I&E propounded Interrogatories and Requests for Production of Documents – Set I (“Set I”). Set I consisted of two requests. Set I-Request No. 1 requested that Lyft “identify the number of transactions and/or rides provided to persons between points within the Commonwealth of Pennsylvania via connections made with drivers through [Lyft]’s website on the Internet, [Lyft]’s mobile application or [Lyft]’s digital software” during various periods. Set I-Request No. 2 sought “invoices, receipt, e-mails, records and documents” sent by Lyft to individuals in connection with those trips. On October 3, 2014, I&E propounded Interrogatories and Requests for Production of Documents – Set II (“Set I”). Except for the dates covered, Request Nos. 1 and 2 in Sets I and II are identical.

5. On August 18, 2014, Lyft filed objections to Set I-Request No. 2.<sup>1</sup> On August 29, 2014, I&E filed an Amended Motion to Compel Lyft’s Response to Set I, and on September 3, 2014, Lyft opposed that motion. On October 3, 2014, the Commission granted I&E’s Motion to Compel with respect to Set I-Request No. 2 (“October 3 Order”).

6. On October 24, 2014, I&E filed a motion to compel a response to Set II. Lyft opposed that motion on October 29. In its opposition, Lyft acknowledged that the issues it had with regard to Set II had already been addressed by the ALJs when they ruled on the motion to compel Set I. To avoid repeating those same arguments, Lyft incorporated by reference its opposition to Set I into its opposition to Set II. On November 7, the motion to compel Set II was granted in part and denied in part (“November 7 Order”). Lyft now seeks interlocutory review of the November 7 Order.

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<sup>1</sup> Lyft did not object to Set I-Request No. 1, and has produced the information requested.

7. Also relevant, Lyft and I&E completed the meet and confer process today for the Petition for Protective Order and Stay of Discovery that Lyft intends to file on November 18, 2014.

### **ARGUMENT**

8. Interlocutory review is warranted, at this time, pending resolution of Lyft's Petition for Protective Order. If Lyft is denied a protective order, then the November 7 Order will effectively require it to produce highly confidential information absent the protection from disclosure it deserves under Pennsylvania law. While Lyft would obviously seek further review of any decision to not enter a protective order, pending a resolution of that effort, the November 7 Order should effectively be held in abeyance through the granting of this Petition. The harm to Lyft of disclosing highly confidential information based on an erroneous decision would be irreparable.

### **CONCLUSION**

9. For the foregoing reasons, Lyft respectfully requests that the Petition for Interlocutory Review and Answer to a Material Question be granted.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

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Dated: November 17, 2014