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November 26, 2014

VIA ELECTRONIC FILING

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

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

A-2014-2415047

Application of Lyft, Inc. (Experimental Service in Pennsylvania) (A-20140241-5047)

Petition of Kim Lyons and PG Publishing, Inc. d/b/a The Pittsburgh Post-Gazette for an Interim Emergency Order (P-2014-2442001)

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is an Answer to Motion to Strike Petition for Reconsideration by Kim Lyons and PG Publishing, Inc. d/b/a The Pittsburgh Post-Gazette on behalf of Lyft, Inc., in the above-captioned proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served.

Sincerely,



Richard P. Sobiecki
Counsel for Lyft, Inc.
PA Attorney ID # 94366

Enclosures

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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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

KIM LYONS & PG PUBLISHING INC.
d/b/a THE PITTSBURGH POST-GAZETTE
Petitioners

v.

LYFT, INC.
Respondent

Docket No. A-2014-2415045

**LYFT'S ANSWER TO MOTION TO STRIKE PETITION FOR RECONSIDERATION
OF KIM LYONS AND PG PUBLISHING, INC. D/B/A THE PITTSBURGH POST-
GAZETTE**

Pursuant to Section 5.61(a)(1) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, Lyft, Inc. ("Lyft" or "Respondent") submits this Answer to Kim Lyons & PG Publishing Inc. d/b/a the Pittsburgh Post-Gazette's ("PPG") Motion to Strike the Petition of Lyft for Reconsideration of the Commission's October 23 Order. Although the Commission granted Lyft's Petition for Reconsideration on November 13, 2014, thus presumably mooted PPG's Motion to Strike, Lyft submits this Answer in an abundance of caution and to ensure that the record is complete and accurate.

BACKGROUND

1. On July 31, 2014, Administrative Law Judges Mary D. Long and Jeffrey A. Watson issued an Interim Order at Docket No. A-2014-2415045 directing Lyft to furnish data relating to rides provided using Lyft's mobile application platform. Because such information constitutes Lyft's highly confidential trade secrets, on August 29, 2014, Lyft sought a protective order to prevent its disclosure.

2. On September 2, 2014, ALJs Long and Watson issued an Interim Order denying Lyft's motion for a protective order. Lyft sought interlocutory review of the Interim Order on September 23, 2014.

3. On October 23, 2014, the Commission denied Lyft's petition for interlocutory review, ordering that the record be unsealed in 10 days (i.e., on November 3, 2014).

4. On November 3, 2014, Lyft filed a Petition for Reconsideration of the Commission's October 23 Order (the "Petition for Reconsideration").

5. On November 13, 2014, the Commission granted Lyft's Petition for Reconsideration pending further review and consideration of the merits.

ARGUMENT

6. PPG raises two objections to Lyft's Petition for Reconsideration. First, it claims that the Petition was due "before" November 3, 2014 (the day it was filed), because the Commission's October 23 Order became final on that date. Second, it objects to Lyft's use of an affidavit to support its Petition. To the extent these objections were not mooted by the Commission's November 13, 2014 Order granting Lyft's Petition for Reconsideration, both can be easily rejected.

7. First, as PPG correctly notes, the Pennsylvania Code provides that "[p]etitions for reconsideration . . . shall be filed within 15 days *after* the Commission order involved is entered or *otherwise becomes final*." 52 Pa. Code § 5.572 (emphasis added). PPG appears to have overlooked the word "after" in this provision, however. Because November 3 was the date on which the October 23 Order became final, under Section 5.572, Lyft had to file its Petition "within 15 days *after*" that date. Lyft therefore had until November 18 to file its Petition.

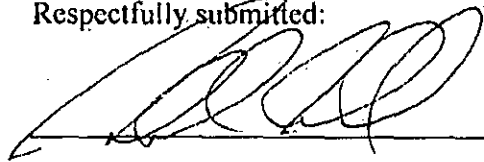
8. Second, as to PPG's uncited proposition that Lyft was not permitted to support its Petition with an affidavit, it overlooks the fact that the Petition for Reconsideration was filed

under Section 703(g) of the Public Utility Code, which permits a reopening of the record. *In Re Penn Estates Utilities, Inc.*, 248 P.U.R.4th 60, 2006 WL 1070907 (Mar. 31, 2006) (Commission reopened record *sua sponte* under Section 703(g)). The record here should be reopened because, at the relevant evidentiary hearing, the ALJs declined to hear testimony regarding the proprietary nature of trip data. Hr'g Tr. at 241:11-242:13 (Sept. 3, 2014).

CONCLUSION

9. For these reasons, Lyft respectfully requests that the Commission deny PPG's Motion to Strike Lyft's Petition for Reconsideration.

Respectfully submitted:



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Dated: November 26, 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).

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SECRETARY'S BUREAU



Richard P. Sobiecki
Counsel for Lyft, Inc.

Dated this 26th day of November 2014 in Washington, D.C.