



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

IN REPLY PLEASE
REFER TO OUR FILE

November 13, 2014

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. Uber Technologies, Inc.
Docket No. C-2014- 2422723
Motion to Compel

Dear Secretary Chiavetta:

Enclosed for filing is the Motion to Compel the Response of Uber Technologies, 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.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

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

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

Uber Technologies, Inc.,
Respondent

Docket No. C-2014-2422723

NOTICE TO PLEAD

To: *Karen O. Moury, Esq. Counsel for Uber Technologies, 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: November 13, 2014

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant,	:	
	:	
v.	:	C-2014-2422723
	:	
Uber Technologies, Inc.,	:	
Respondent	:	

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SECRETARY'S BUREAU

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

TO THE HONORABLE MARY D. LONG AND HONORABLE 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 Uber Technologies, Inc. (Uber) and direct Uber to provide the information requested in I&E's Interrogatories and Requests for Production of Documents – Set II. I&E asked relevant, targeted discovery of Uber on October 24, 2014. Uber filed objections on November 3, 2014, refusing to answer all of I&E's twenty-one requests. Uber's objections are a baseless attempt to keep relevant information out of this proceeding and avoid Commission regulation. In support of its Motion to Compel, I&E avers as follows:

BACKGROUND

1. On November 3, 2014, Uber submitted Objections related to I&E's Set II Interrogatories. Just as was the case in I&E's Interrogatories and Requests for Production of Documents - Set I, Uber objected to every single interrogatory and document request that I&E posed.¹

2. On the same day that Uber submitted its Objections, it contacted I&E solely to advise that objections would be forthcoming. Not surprisingly, Uber indicated that it would be futile to negotiate its Objections and "doubted" that a resolution could be reached.

3. As discussed more fully herein, Uber has not proven that the information requested by I&E is privileged, irrelevant, would cause unreasonable annoyance and burden, would require the making of an unreasonable investigation and would violate (unspecified) constitutional protections guaranteed under the Fifth Amendment. Uber's Objections are nothing more than an attempt to delay I&E's Complaint proceeding, evade legitimate discovery requests and avoid Commission regulation.

4. The objected-to interrogatories and production requests were crafted, in large part, to verify the identity of the Uber affiliate that facilitated and provided unauthorized transportation service for compensation in Pennsylvania. Uber has repeatedly argued that it is a software company that licenses a smartphone application and is not a transportation provider. *See* Motion for Judgment on the Pleadings of Uber

¹ In fact, Uber refused to respond and produce documents related to I&E's Set I Interrogatories, despite being ordered to do so. *See* Interim Order on Motion to Compel and Motion for Continuance entered on October 3, 2014. Consequently, I&E filed a Motion for Sanctions on November 7, 2014.

Technologies, Inc. filed at the above docket. *See also* Uber's Answer to I&E's Petition for Interim Emergency Relief, Docket No. P-2014-2426846 at p. 2. While Uber denies providing transportation service, defiantly refused to provide I&E with the Uber affiliate, if not Uber, that facilitated and provided transportation service in response to I&E Set I discovery. Due to Uber's refusal to divulge this highly relevant information, I&E's Set II discovery requests were designed to ascertain the corporate entity, if not Uber, responsible for facilitating and providing unlawful transportation services regarding every aspect of the transportation initiated by the Uber software application.

5. Uber raises a general objection that I&E is "overzealously" continuing to litigate the Complaint when Raiser-PA LLC is currently providing Commission-approved ridesharing services under emergency temporary authority.² However, Uber ignores the fact that its affiliate was not granted emergency temporary authority until August 21, 2014, and transportation arranged through the Uber software application began in Allegheny County by March 13, 2014, at the latest. Moreover, Uber also fails to address the fact that it, or its no affiliate, chose to completely ignore the Commission's emergency. The fact that Raiser-PA LLC has obtained emergency temporary authority does not negate the prior unlawful transportation that was arranged using the Uber smartphone application. It is, obviously, Uber's position that it can come into the Commonwealth and conduct business any way that it wishes without regard to the Office of ALJ and the Commission.

² *Application of Raiser-PA LLC, a Wholly Owned Subsidiary of Uber Technologies, Inc., for Emergency Temporary Authority to Operate an Experimental Ride-Sharing Network Service Between Points in Allegheny County, PA*, Docket No. A-2014-2429993.

6. A full copy of I&E's Interrogatories and Requests for Production of Documents – Set II is attached hereto as Exhibit A.

7. A full copy of Uber's Objections to I&E's Interrogatories and Requests for Production of Documents – Set II is attached hereto as Exhibit B.

MOTION TO COMPEL

A. Uber's Claim that the Information Sought is Irrelevant, Would Cause Unreasonable Annoyance and Burden, and Would Require the Making of an Unreasonable Investigation Is Unfounded

8. Section 5.321(c) of the Commission's regulations provides that "a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action" 52 Pa. Code § 5.321(c). The Commission has applied a liberal standard with respect to relevancy. *See Pa. P.U.C. v. Equitable Gas Co.*, 61 Pa. P.U.C. 468, 477, Docket No. R-860315 (May 16, 1986). Relevancy depends upon the nature and facts of the individual case, and any doubts are to be resolved in favor of relevancy and permitting discovery. *Koken v. One Beacon Ins. Co.*, 911 A.2d 1021, 1025 (Pa. Cmwlth. Ct. 2006). The objector to a discovery request must demonstrate non-discoverability. *Id.*

9. The scope of discovery is very broad. *Petition for Appeal from Action of Staff Filed by the Pennsylvania Telephone Association*, Docket No. M-00031772 (Order entered December 6, 2005). In fact, the relevancy standard during discovery is necessarily broader than it is for admission at trial. *George v. Schirra*, 814 A.2d 202, 205 (Pa. Super. Ct. 2002). The purpose of allowing a broader standard is to ensure that a party has in its possession all relevant and admissible evidence before the start of trial

and by allowing such broad discovery, the parties may avoid surprise and unfairness at trial. *Id.*

10. In its Objections, Uber contends that I&E's Set II Interrogatories, Nos. 1-16 and No. 21, request irrelevant information for the purposes of the instant proceeding.

I&E requests the following information in Set II, Nos. 1-16 and No. 21:

- I&E Interrogatories Set II, No 1. requests the licensing agreements between Uber Technologies, Inc. and any other entity that licenses the technology of Uber Technologies, Inc. for the purposes of providing transportation services to persons in the Commonwealth of Pennsylvania, or any portion thereof, for compensation;
- I&E Interrogatories Set II, Nos. 2-5 request the physical, business address of Uber Technologies, Inc. and any affiliate within the Commonwealth of Pennsylvania, as well as the number of employees of Uber Technologies, Inc. and any affiliate at each location;
- I&E Interrogatories Set II, Nos. 6-7 request the name of the entity, if not Uber Technologies, Inc., that approves or denies the request from an individual who applies to become an Uber driver/partner;
- I&E Interrogatories Set II, No. 8 asks whether the Uber driver/partner downloads the Uber driver software onto the Uber driver/partner's personal smartphone or whether the Uber driver/partner is provided a smartphone with the necessary driver software already downloaded;
- I&E Interrogatories Set II, Nos. 9-10 request that Uber identify the entity, if not Uber Technologies, Inc., which provides the smartphone to the Uber driver/partner that contains the Uber driver software if a smartphone is provided to the Uber driver/partner;
- I&E Interrogatories Set II, Nos. 11-12 ask whether Uber Technologies, Inc. maintains the commercial auto insurance policy with James River Insurance Company or the name of the entity that maintains the commercial auto insurance policy if not Uber Technologies, Inc.;
- I&E Interrogatories Set II, Nos. 13-14 ask whether Uber Technologies, Inc. maintains the credit card information of potential passengers who have

downloaded the Uber software application or the name of the entity that maintains such information if not Uber Technologies, Inc.;

- I&E Interrogatories Set II, Nos. 15-16 ask for the identity of the entity, if not Uber Technologies, Inc., that receives the credit card payment resulting from the credit card transaction at the conclusion of a trip initiated by the use of the Uber software application by a passenger of an Uber driver/partner; and
- I&E Interrogatory Set II, No. 21 requests the identity of the names and business addresses of the individuals who have access to the information requested in I&E Interrogatories Set I, Nos. 1 and 3 regarding 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, mobile application or digital software during the dates specified and the documentation pertaining to those transactions and/or rides.

11. During the hearing regarding I&E's Petition for Interim Emergency Relief, Docket No. P-2014-2426846, Uber repeatedly argued that Uber Technologies, Inc. merely licenses software and does not broker or provide for the transportation of persons for compensation. Upon cross-examination of I&E's witness, Uber's counsel asked the following questions:

- Q: Are you aware that Uber licenses its software products to various entities? N.T. 34 at 14-15.
- Q: Are you aware that Uber's subsidiary, Gegen, LLC, has a statewide brokerage license? N.T. 34 at 17-18.
- Q: Are you aware that when [Gegen, LLC] was approved by the Commission, it was described as using proprietary dispatch software that would enable passengers to connect with carriers? N.T. 34 at 20-23.
- Q: Are you aware of any agreements that Uber has with drivers? N.T. 35 at 4-5.

- Q: Do you know how the compensation - - you said that you paid for the rides that you took by credit card. Do you know where that compensation went? N.T. 35 at 9-11.
- Q: Do you know what Uber's subsidiaries' policies are about driver histories? N.T. 36 at 17-18.
- Q: Are you aware of Uber's subsidiaries' policies regarding criminal history checks of drivers? N.T. 37 at 14-15.
- Q: [W]hat is the basis for saying that Uber provided brokering services to you? N.T. 47 at 16-17.
- Q: Officer Bowser, is it possible that another entity, other than Uber, actually arranged for the transportation service? N.T. 48 at 14-16.
- Q: Is it conceivable that there would have been another entity, such as Gegen, in the middle? N.T. 48 at 23-24.
- Q: Are you aware, Officer Bowser, that a wholly-owned subsidiary of Uber, Gegen, LLC, has a statewide brokerage license? N.T. 49 at 13-15.
- Q: Officer Bowser, given that Gegen has a statewide brokerage license issued by the Commission, is it possible that that was the entity who provided the brokering services? N.T. 50 at 20-23.

12. Most recently, in the Motion for Judgment on the Pleadings that Uber filed at the above docket on November 6, 2014, Uber reiterates the argument that Uber Technologies, Inc. does not broker or provide for the transportation of persons in the Commonwealth for compensation. Specifically, Uber asserts that "I&E's complaint must be dismissed due to the Commission's lack of jurisdiction over the licensing of software by a software company" Uber Motion for Judgment on the Pleadings, ¶ 1.

13. Because Uber argues that Uber Technologies, Inc. purely licenses software and does not broker or provide the transportation of persons for compensation, I&E should be permitted to discover exactly which entity, if in fact such an entity exists under

the Uber corporate umbrella other than Uber, performed the unlawful transportation of persons through the Uber software application. In fact, if there is such an entity, it would seem that Uber would be anxious to provide this information because it may aid it in its defense. I&E's requests are relevant to establish the precise corporate entity responsible for each aspect of the transportation arranged through the Uber software application. In light of the direct and clear relevance of the requested information, which Uber caused to be at issue in this proceeding, Uber should be compelled to provide responsive information.

14. In addition to objecting to the above-referenced Interrogatories on the unsupported claim of irrelevancy, Uber also asserts that these Interrogatories, as well as I&E Interrogatories Set II, Nos. 17-20, would cause unreasonable annoyance and burden to Uber and would require the making of an unreasonable investigation. I&E requests the following information in Set II, Nos. 17-20:

- The date that Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County;
- The document or documents to corroborate the date set forth in response to No. 17;
- The name of the affiliate or entity that launched the uber software application connecting passengers with Uber driver/partners in Allegheny County, if not Uber Technologies, Inc., and the launch date; and
- The document or documents to corroborate the date set forth in response to No. 19.

15. Uber argues that furnishing the above responses would cause an

unreasonable annoyance, be unduly burdensome and would require the making of an unreasonable investigation because Rasier-PA LLC is providing Commission-approved ridesharing services in Allegheny County. However, as previously mentioned, it is alleged that prior to the time that Rasier-PA LLC obtained emergency temporary authority, Uber and/or an Uber affiliate provided unlawful transportation that was arranged using the Uber smartphone application. The fact that an affiliate of Uber subsequently received emergency temporary authority from the Commission does not invalidate I&E's legitimate discovery requests that are designed to gather information about the unlawful transportation that occurred. This position simply makes no sense. To adopt this position would be tantamount to allowing anyone who is not licensed to drive, practice law, medicine, or any other vocation requiring licensure, to practice their profession and claim as a defense that they were going to be licensed someday.

16. Uber's claim that some of the requests cause an annoyance, are burdensome and require the making of an unreasonable investigation is also baseless due to the fact that all the requested information is or should be readily available in Uber's records and, therefore, would not cause unreasonable annoyance or burden. Moreover, the information requested by I&E is doubtless on file with Uber and retrievable with little investigation and it's information that would have to be provided by any company regulated by the Commission if requested.

B. Uber's Claim that I&E Seeks to Discover Privileged Material is Unfounded

17. Uber objects to I&E Interrogatory Set II, No. 1, on the basis that the

requested information constitutes privileged material. I&E Interrogatory Set II, No. 1, states as follows:

I&E Set II, No. 1. Provide a copy of each and every licensing agreement between Uber Technologies, Inc., as licensor, and any other entity, including affiliates of Uber Technologies, Inc., as a licensee, by which licensee licenses the technology of Uber Technologies, Inc. for the purpose of providing transportation services to persons in the Commonwealth of Pennsylvania, or any portion thereof, for compensation.

18. As noted above, Uber has repeatedly argued and continues to represent that Uber Technologies, Inc. merely licenses software and does not broker or provide the transportation of persons for compensation. It cannot now reasonably argue that such licensing agreements are privileged and are not discoverable. It is inconceivable that Uber would argue that information of the mere existence of an affiliate is "privileged". Again, another Uber stall tactic.

19. In addition, Uber claims that the licensing agreements contain commercially sensitive and proprietary information and therefore are not discoverable. However, I&E, as the prosecutory arm of the Commission, is not a competitor of Uber and cannot use the information established in the licensing agreements for a competitive advantage. Further, Uber could easily designate production of the licensing agreements as "Confidential" and provide the information pursuant to a Protective Order that limits the availability and public disclosure of such information, should the licensing agreements contain commercially sensitive and proprietary information. To date, Uber has not requested a Protective Order in this proceeding. Instead, it has apparently made a

corporate decision to simply ignore the Commission. If this is tolerated it sets a *dangerous precedent for every other regulated entity.*

20. Uber also objects to I&E Interrogatory Set II, No. 21, and claims that the requested information constitutes privileged material. I&E Interrogatory Set II, No. 21, states as follows:

I&E Set II, No. 21. Identify the names and business addresses of the individuals who have access to the information requested in I&E Interrogatories and Requests for Production of Documents – Set I, Nos. 1 and 3 regarding 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, mobile application or digital software during the dates specified, and the documentation pertaining to those transactions and/or rides.

21. When serving Interrogatories, it is common for participants of a litigated proceeding to request the identification of the name, title and business address of the individual responsible for sponsoring the response. The names and business addresses of individuals who possess the requested information is not privileged material. Moreover, I&E has a right to know the identity of the above-described individuals should it become necessary to request the issuance of a subpoena seeking their testimony at hearing.

C. Uber Has Not Demonstrated that I&E’s Interrogatories Seek Information that Is Protected Under the Fifth Amendment

22. Uber objects to I&E Interrogatories Set II, Nos. 17-20 on the grounds that I&E’s requests seek information that is protected under the Fifth Amendment of the United States Constitution. I&E requests the following information in Set II, Nos. 17-20:

- The date that Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County;

- The document or documents to corroborate the date set forth in response to No. 17;
- The name of the affiliate or entity that launched the uber software application connecting passengers with Uber driver/partners in Allegheny County, if not Uber Technologies, Inc., and the launch date; and
- The document or documents to corroborate the date set forth in response to No. 19.

23. At the outset, I&E submits that this objection is ludicrous. The Fifth Amendment protection against self-incrimination does not apply to corporate entities. *Bell v. Maryland*, 378 U.S. 226, 263 (U.S. 1964). In addition, Uber fails to explain how the requested information is protected under the Fifth Amendment, let alone specify the applicable protection. The party objecting to discovery bears the burden of establishing that the requested information is not discoverable. *Koken*, 911 A.2d at 1025. Moreover, an objection must include a description of the facts and circumstances purporting to justify it. 52 Pa. Code § 5.342(c)(3). Accordingly, Uber has not met its burden of proving non-discoverability and therefore the objections that assert unspecified Fifth Amendment protections must be dismissed.

24. Finally, it should be mentioned that in California in a recent *en banc* proceeding, a company that is believed to be an affiliate of Uber (UberX) provided aggregated trip and other detailed data as well as total rides provided by zip code to the California Public Utility Commission. This is far more data than is requested here.

25. In sum, Uber's objections to all of I&E's discovery requests appear to be

nothing more than a delay tactic to prevent I&E from using the highly relevant information requested in the hearing in this matter. I&E requests that the presiding ALJs promptly dismiss Uber's objections and compel Uber to provide the responses to I&E's Set II Interrogatories.

WHEREFORE, for the reasons set forth above, I&E respectfully requests that the Objections of Uber Technologies, Inc. be dismissed and that Uber Technologies, 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: November 13, 2014

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EXHIBIT A

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

October 24, 2014

Via Electronic and First-Class Mail

Karen O. Moury, Esquire
Buchanan Ingersoll & Rooney
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357

Re: Bureau of Investigation and Enforcement v. Uber Technologies, Inc.
Docket No. C-2014-2422723

Dear Attorney Moury:

Enclosed please find the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement's Interrogatories and Requests for Production of Documents – Set II directed to Uber Technologies, Inc. in the above-referenced matter. Kindly provide responses within twenty (20) days pursuant to the Commission's regulations.

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

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "M. Swindler".

Michael L. Swindler
Prosecutor

Enclosure

cc: As per 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-2014-2422723
	:	
Uber Technologies, Inc.	:	

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO UBER TECHNOLOGIES, 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 Uber Technologies, Inc. ("Uber" 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.

ADDITIONAL INSTRUCTIONS

If you object to any part of an interrogatory or request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

1. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, contained in a non-written communication, state the following with respect to the non-written communication:
 - a. The nature of your claim of non-discoverability (e.g. attorney-client privilege); and
 - b. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit I&E to make a full determination as to whether your claim is valid.

2. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request or any part thereof, contained in a document, set forth with respect to the document:
 - a. The nature of your claim of non-discoverability (e.g. attorney-client privilege); and
 - b. Each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit I&E to make a full determination as to whether your claim is valid.

3. If you claim any form of privilege or other protection from disclosure, otherwise than as set forth in Instructions 2 and 3, as a ground for not answering any interrogatory or request or any part thereof, set forth:

- a. The nature of your claim as to non-discoverability; and
 - b. Each and every fact on which you rest your claim or privilege or other protection from disclosure, stating such facts with sufficient specificity to permit I&E to make a full determination as to whether your claim is valid.
4. If you know of any document, communication or information but cannot give the specific information or the full information called for by a particular interrogatory or request, so state and give the best information you have on the subject and identify every person you believe to have the required information.
5. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neutral forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.
6. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.

7. On each Interrogatory response, list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

DEFINITIONS

As used in these Interrogatories and Requests for Production of Documents, the following terms have the meaning as set forth below:

1. The terms “document” or “documents” as used herein has the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and includes, without limitation, any writings and documentary material of any kind whatsoever, both *originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto)*, and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any

sort (printed, recorded or otherwise) of any oral communications whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- a. Are now or were formerly in your possession, custody or control; or
- b. Are known or believed to be responsive to these Interrogatories, regardless of who has or formerly had custody, possession or control.

2. The term "date" means the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

3. The term "person" or "persons" means and includes any individual, committee, task force, company, contractor, passenger or corporation.

4. 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.

5. 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. Provide a copy of each and every licensing agreement between Uber Technologies, Inc., as licensor, and any other entity, including affiliates of Uber Technologies, Inc., as licensee, by which licensee licenses the technology of Uber Technologies, Inc. for the purpose of providing transportation services to persons in the Commonwealth of Pennsylvania, or any portion thereof, for compensation.
2. Identify each and every physical address of Uber Technologies, Inc. within the Commonwealth of Pennsylvania.
3. For each physical business location in Pennsylvania of Uber Technologies, Inc. as set forth in response to No. 2, above, provide the number of Uber Technologies, Inc. employees at each location.
4. Identify each and every physical address of any affiliate of Uber Technologies, Inc. within the Commonwealth of Pennsylvania including, but not limited to, Rasier, LLC and Rasier-PA, LLC.

5. For each physical business location in Pennsylvania of an affiliate of Uber Technologies, Inc. as set forth in response to No. 4, above, provide the number of employees at each location for each affiliate identified.
6. Indicate whether Uber Technologies, Inc. is the entity that approves or denies the request from an individual who applies to become an Uber driver/partner.
7. If Uber Technologies, Inc. is not the entity that approves or denies the request from an individual who applies to become an Uber driver/partner, identify the affiliate or other entity that assumes this function.
8. Indicate whether the approved Uber driver/partner downloads the Uber driver software onto the Uber driver/partner's personal smartphone or whether the Uber driver/partner is provided a smartphone with the necessary driver software already downloaded.
9. If the response to No. 8, above, is that the Uber driver/partner is provided a smartphone with the necessary driver software already downloaded, indicate whether Uber Technologies, Inc. is the entity that provides the smartphone that contains the Uber driver software to the approved Uber driver/partner.
10. If Uber Technologies, Inc. is not the entity that provides the smartphone that contains the Uber driver software to the approved Uber driver/partner, identify the affiliate or other entity that assumes this function.
11. Indicate whether Uber Technologies, Inc. is the entity that maintains the commercial auto insurance policy with James River Insurance Company.

12. If Uber Technologies, Inc. is not the entity that maintains the commercial auto insurance policy with James River Insurance Company, identify the affiliate or other entity that assumes this function.

13. Indicate whether Uber Technologies, Inc. is the entity that maintains the credit card information of potential passengers who have downloaded the Uber software application.

14. If Uber Technologies, Inc. is not the entity that maintains the credit card information of potential passengers who have downloaded the Uber software application, identify the affiliate or other entity that assumes this function.

15. Indicate whether Uber Technologies, Inc. is the entity that is the recipient of the credit card payment that results from the automatic credit card transaction at the conclusion of a trip initiated by the use of the Uber software application by a passenger of an Uber driver/partner.

16. If Uber Technologies, Inc. is not the entity that is the recipient of the credit card payment that results from the automatic credit card transaction at the conclusion of a trip initiated by the use of the Uber software application by a passenger of an Uber driver/partner, identify the affiliate or other entity that assumes this function.

17. Indicate the date that Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County.

18. Provide a document or documents which corroborate(s) the date, as set forth in response to No. 17, above, that Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County.

19. If Uber Technologies, Inc. is not the entity that launched the Uber software application connecting passengers with Uber driver/partners, identify the affiliate or entity that launched such software in Allegheny County, and provide the launch date.

20. Provide a document or documents which corroborate(s) the date, as set forth in response to No. 19, above, that an entity other than Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County.

21. Identify the names and business addresses of the individuals who have access to the information requested in I&E Interrogatories and Requests for Production of Documents – Set I, Nos. 1 and 3 regarding 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, mobile application or digital software during the dates specified, and the documentation pertaining to those transactions and/or rides.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the 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 Email and First Class Mail:

Karen O. Moury, Esquire
Buchanan Ingersoll & Rooney
409 North Second Street, Suite 500
Harrisburg, PA 17101-1357



Michael L. Swindler
Prosecutor
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: 717-783-6369
mwindler@pa.gov

Dated: October 24, 2014

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EXHIBIT B

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November 3, 2014

VIA EMAIL AND FIRST-CLASS MAIL

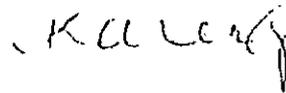
Michael L. Swindler, Esquire
Stephanie M. Wimer, Esquire
Wayne T. Scott, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement
v. Uber Technologies, Inc.
Docket No. C-2014-2422723

Dear Counsel:

On behalf of Uber Technologies, Inc., I am providing the Objections of Uber Technologies, Inc. to Bureau of Investigation and Enforcement's Interrogatories and Requests for Production – Set II in the above-captioned matter.

Sincerely,



Karen O. Moury

KOM/tlg
Enclosure

cc: Rosemary Chiavetta, Secretary (*letter only via e-filing*)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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SECRETARY
Docket No. C-2014-2422723

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION, BUREAU OF :
INVESTIGATION AND ENFORCEMENT :
v. :
UBER TECHNOLOGIES, INC. :

**OBJECTIONS OF UBER TECHNOLOGIES, INC.
TO BUREAU OF INVESTIGATION AND ENFORCEMENT'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION – SET II**

Pursuant to 66 Pa.C.S. § 333(d) and 52 Pa. Code § 5.342, Uber Technologies, Inc. (“UT”) hereby objects to the Interrogatories and Requests for Production – Set II (“Interrogatories”) propounded by the Bureau of Investigation and Enforcement on October 24, 2014. The specific objections, along with a description of the facts and circumstances justifying the objections, are set forth below.

Applicable Legal Standards

The Commission’s regulations provide that “a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 52 Pa. Code § 5.321(e). The regulations further state that while inadmissibility at the hearing is not a ground for objection, the information sought must be “reasonably calculated to lead to the discovery of admissible evidence.” *Id.* Further, discovery is not permitted which is sought in bad faith; would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the party; relates to a matter which is privileged; or would require the making of an unreasonable investigation by the party. 52 Pa. Code § 5.361(a).

General Objection

I&E has served Interrogatories seeking the production by UTI of extensive information, which is privileged and/or irrelevant to the complaint proceeding, three months after the Commission's approval of emergency temporary authority permitting Rasier-PA, LLC, a wholly-owned subsidiary of UTI, to provide experimental ridesharing services between points in Allegheny County, Pennsylvania. *See Application of Rasier-PA LLC*, Docket No. A-2014-2429993 (Order adopted July 24, 2014). It is unclear why I&E is continuing to overzealously litigate the complaint and attempting to expand the scope of this proceeding when UTI's subsidiary is providing Commission-approved ridesharing services for which the public in Allegheny County clamored because the existing transportation options are completely inadequate. As I&E does not need any of the information sought by the Interrogatories to prosecute the complaint it filed on June 5, 2014, the Interrogatories are an improper use of the Commission's discovery process which should not be condoned.

Specific Objections

Interrogatory No. 1:

Provide a copy of each and every licensing agreement between Uber Technologies, Inc., as licensor, and any other entity, including affiliates of Uber Technologies, Inc., as a licensee, by which licensee licenses the technology of Uber Technologies, Inc. for the purpose of providing transportation services to persons in the Commonwealth of Pennsylvania, or any portion thereof, for compensation.

Objection: UTI objects to Interrogatory No. 1 on grounds that (i) it seeks privileged material; (ii) it calls for information that is not relevant to the subject matter of this action, and (iii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. Because the licensing agreements between UTI and its affiliates or subsidiaries are private contacts, which contain commercially sensitive and proprietary

information, they constitute privileged material which is outside the bounds of permissible discovery. The Commission's regulations do not permit discovery relating to any matter that is privileged. *See* 52 Pa. Code § 5.321(c); 52 Pa. Code § 5.361(a).

Moreover, the licensing agreements are irrelevant to the allegations in the complaint. Specifically, nothing in the licensing agreements would have any probative value pertaining to the alleged launch of ridesharing on March 13, 2014 in Allegheny County or to the eleven rides that Officer Bowser allegedly booked through the UTT website, mobile application or digital software ("App"). The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c).

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTT and would require the making of an unreasonable investigation. As such, Interrogatory No. 1 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 2:

Identify each and every physical address of Uber Technologies, Inc. within the Commonwealth of Pennsylvania.

Objection: UTT objects to Interrogatory No. 2 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTT and would require the making of an unreasonable investigation. A physical address or addresses of UTT within the Commonwealth of Pennsylvania has no bearing on the allegations in the complaint. Specifically, UTT's physical address is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTT

App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(e). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 2 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 2 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 3:

For each physical business location in Pennsylvania of Uber Technologies, Inc. as set forth in response to No. 2, above, provide the number of Uber Technologies, Inc. employees at each location.

Objection: UTI objects to Interrogatory No. 3 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. The number of UTI employees at any location has no bearing on the allegations in the complaint. *Specifically, the number of UTI employees at any location is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App.* The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(e). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 3 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses

would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 3 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 4:

Identify each and every physical address of any affiliate of Uber Technologies, Inc. within the Commonwealth of Pennsylvania including, but not limited to, Rasier, LLC and Rasier-PA, LLC.

Objection: UTI objects to Interrogatory No. 4 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. A physical address or addresses of UTI affiliates within the Commonwealth of Pennsylvania has no bearing on the allegations in the complaint. Specifically, the physical address of UTI affiliates is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 4 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 4 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 5:

For each physical business location in Pennsylvania of an affiliate of Uber Technologies, Inc. as set forth in response to No. 4, above, provide the number of employees at each location for each affiliate identified.

Objection: UTI objects to Interrogatory No. 5 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. The number of employees at any affiliate's location has no bearing on the allegations in the complaint. Specifically, the number of employees of UTI affiliates at any location is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 5 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 5 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 6:

Indicate whether Uber Technologies, Inc. is the entity that approves or denies the request from an individual who applies to become an Uber driver/partner.

Objection: UTI objects to Interrogatory No. 6 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance

and burden to UTI and would require the making of an unreasonable investigation. The approval process to become a UTI driver partner has no bearing on the allegations in the complaint. Specifically, how an individual becomes a driver is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 6 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 6 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 7:

If Uber Technologies, Inc. is not the entity that approves or denies the request from an individual who applies to become an Uber driver/partner, identify the affiliate or other entity that assumes this function.

Objection: UTI objects to Interrogatory No. 7 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. The approval process to become a driver partner has no bearing on the allegations in the complaint. Specifically, how an individual becomes a driver is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the

subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 7 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 7 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 8:

Indicate whether the approved Uber driver/partner downloads the Uber driver software onto the Uber driver/partner's personal smartphone or whether the Uber driver/partner is provided a smartphone with the necessary driver software already downloaded.

Objection: UTI objects to Interrogatory No. 8 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. Whether a driver partner downloads software to a personal smartphone or a driver partner is provided with a smartphone with software already downloaded has no bearing on the allegations in the complaint. Specifically, how a driver accesses the software is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 8 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an

unreasonable investigation. As such, Interrogatory No. 8 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 9:

If the response to No. 8, above, is that the Uber driver/partner is provided a smartphone with the necessary driver software already downloaded, indicate whether Uber Technologies, Inc. is the entity that provides the smartphone that contains the Uber driver software to the approved Uber driver/partner.

Objection: UTI objects to Interrogatory No. 9 on the grounds that are explained in the objection to Interrogatory No. 8.

Interrogatory No. 10:

If Uber Technologies, Inc. is not the entity that provides the smartphone that contains the Uber driver software to the approved Uber driver/partner, identify the affiliate or other entity that assumes this function.

Objection: UTI objects to Interrogatory No. 10 on the grounds that are explained in the objection to Interrogatory No. 8.

Interrogatory No. 11:

Indicate whether Uber Technologies, Inc. is the entity that maintains the commercial auto insurance policy with James River Insurance Company.

Objection: UTI objects to Interrogatory No. 11 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. Insurance issues have been addressed in connection with the emergency temporary authority application of Rasier-PA, LLC and are currently pending before the Commission in the context of Rasier-PA's Allegheny County and statewide experimental services applications. The name of the entity that maintains commercial automobile insurance has no bearing on the allegations of the complaint. Specifically, the name of the entity that maintains commercial automobile

insurance is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTT App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(e). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 11 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTT and would require the making of an unreasonable investigation. As such, Interrogatory No. 11 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 12:

If Uber Technologies, Inc. is not the entity that maintains the commercial auto insurance policy with James River Insurance Company, identify the affiliate or other entity that assumes this function.

Objection: UTT objects to Interrogatory No. 12 on the grounds that are explained in the objection to Interrogatory No. 11.

Interrogatory No. 13:

Indicate whether Uber Technologies, Inc. is the entity that maintains the credit card information of potential passengers who have downloaded the Uber software application.

Objection: UTT objects to Interrogatory No. 13 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTT and would require the making of an unreasonable investigation. The identification of the entity that maintains credit card information has no bearing on the allegations in the complaint. Specifically, identification of the entity that maintains credit card

information is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 13 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 13 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 14:

If Uber Technologies, Inc. is not the entity that maintains the credit card information of potential passengers who have downloaded the Uber software application, identify the affiliate or other entity that assumes this function.

Objection: UTI objects to Interrogatory No. 14 on the grounds that are explained in the objection to Interrogatory No. 13.

Interrogatory No. 15:

Indicate whether Uber Technologies, Inc. is the entity that is the recipient of the credit card payment that results from the automatic credit card transaction at the conclusion of a trip initiated by the use of the Uber software application by a passenger of an Uber driver/partner.

Objection: UTI objects to Interrogatory No. 15 on the grounds that (i) it seeks information that is not relevant to the subject matter of this action; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. The identification of the entity that is the recipient of the credit card payment has no bearing on the allegations in the complaint. Specifically, the identification of the entity that is the recipient

of the credit card payment is irrelevant to the alleged launch of ridesharing and the eleven rides allegedly obtained by Officer Bowser using the UTI App. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa. Code § 5.321(c). By seeking information unrelated to the allegations of the complaint, Interrogatory No. 15 is an impermissible fishing expedition.

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 15 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 16:

If Uber Technologies, Inc. is not the entity that is the recipient of the credit card payment that results from the automatic credit card transaction at the conclusion of a trip initiated by the use of the Uber software application by a passenger of an Uber driver/partner, identify the affiliate or other entity that assumes this function.

Objection: UTI objects to Interrogatory No. 16 on the grounds that are explained in the objection to Interrogatory No. 15.

Interrogatory No. 17:

Indicate the date that Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County.

Objection: UTI objects to Interrogatory No. 17 on the grounds that (i) it seeks information that is protected under the Fifth Amendment of the United States Constitution; and (ii) it would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. Therefore, it seeks information that is not admissible at hearing and would not be

reasonably calculated to lead to the discovery of admissible evidence. *See* 52 Pa. Code § 5.321(c).

Further, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 17 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

Interrogatory No. 18:

Provide a document or documents which corroborate(s) the date, as set forth in response to No. 17, above, that Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County.

Objection: UTI objects to Interrogatory No. 18 on the grounds that are explained in the objection to Interrogatory No. 17.

Interrogatory No. 19:

If Uber Technologies, Inc. is not the entity that launched the Uber software application connecting passengers with Uber driver/partners, identify the affiliate or entity that launched such software in Allegheny County, and provide the launch date.

Objection: UTI objects to Interrogatory No. 19 on the grounds that are explained in the objection to Interrogatory No. 17.

Interrogatory No. 20:

Provide a document or documents which corroborate(s) the date, as set forth in response to No. 19, above, that an entity other than Uber Technologies, Inc. launched the Uber software application permitting passengers to connect with Uber driver/partners in Allegheny County.

Objection: UTI objects to Interrogatory No. 20 on the grounds that are explained in the objection to Interrogatory No. 17.

Interrogatory No. 21:

Identify the names and business addresses of the individuals who have access to the information requested in I&E Interrogatories and Requests for Production of Documents — Set 1, Nos. 1 and 3 regarding 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, mobile application or digital software during the dates specified, and the documentation pertaining to those transactions and/or rides.

Objection: UTI objects to Interrogatory No. 21 on the grounds that the number of rides provided to persons between points in Pennsylvania via connections made through the UTI App: (i) is privileged material; (ii) is irrelevant to the subject matter of this action; (iii) would not be admissible at hearing and is not reasonably calculated to lead to the discovery of admissible evidence; and (iv) providing this information would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. Therefore, the identification of individuals who have access to this information exceeds the permissible bounds of discovery.

The number of rides is highly proprietary and commercially sensitive. Disclosure of this confidential information would be harmful to UTI's business, and as such, constitutes privileged material. The Commission's regulations do not permit the discovery of matter that is privileged. *See* 52 Pa. Code § 5.321(c); 52 Pa. Code § 5.361(a). It is pointless to provide the names of individuals with access to confidential information that is not properly discoverable.

In addition, data about any other transactions goes well beyond the scope of the complaint which only alleges the launch of ridesharing on March 13, 2014 and eleven occasions on which Officer Bowser obtained rides using the UTI App. Information about any other transactions is not relevant to these specific allegations. The Commission's regulations do not permit discovery of information that is not relevant to the subject matter of the action. *See* 52 Pa.

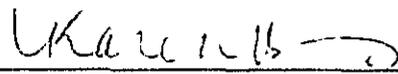
Code § 5.321(c). By seeking the name of an individual to provide information unrelated to the allegations, Interrogatory No. 21 is an impermissible fishing expedition.

Further, Interrogatory No. 21 seeks information that is protected under the Fifth Amendment of the United States Constitution. Therefore, it seeks information that is not admissible at hearing or would be reasonably calculated to lead to the discovery of admissible evidence.

Finally, particularly given the fact that Rasier-PA is providing Commission-approved ridesharing services that are critically needed in Allegheny County, furnishing these responses would cause unreasonable annoyance and burden to UTI and would require the making of an unreasonable investigation. As such, Interrogatory No. 21 exceeds the permissible bounds of discovery. *See* 52 Pa. Code § 5.361(a).

November 3, 2014

BUCHANAN INGERSOLL & ROONEY PC

By: 
Karen O. Moury
409 North Second Street, Suite 500
Harrisburg, PA 17101
Telephone: (717) 237-4820
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Attorneys for Uber Technologies, Inc.

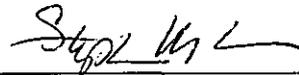
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SECRETARY'S BUREAU

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

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Dated: November 13, 2014

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