

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Lyft, Inc., a corporation of the State of 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, PA

Docket No. A-2014-2415045

Application of Lyft, Inc., a corporation of the State of 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

Docket No. A-2014-2415047

MOTION TO STRIKE THE NOTICE OF APPEARANCE OF ZACHARY N. GORDON

Pursuant to 52 Pa. Code § 1.38, Lyft, Inc. (“Lyft”), respectfully submits this Motion to Strike the Notice of Appearance of Zachary N. Gordon, which was entered on behalf of Kim Lyons & PG Publishing Inc. d/b/a the Pittsburgh Post-Gazette’s (“PPG”) on December 9, 2014.¹ Mr. Gordon’s attempt to avoid the clear and unequivocal ruling of this Commission should be rejected.

The Notice of Appearance sought to “enter the appearance of Zachary N. Gordon, on behalf of [PPG]” in Docket Nos. A-2014-2415045, A-2014-2415047, and P-2014-2442001. The first two docket numbers relate to Lyft’s applications for experimental authority to operate in Allegheny County and Pennsylvania (the “Application Proceedings”). The third docket number concerns the Petition for an Interim Emergency Order that was filed by PPG on September 10, 2014. While Lyft has no objection to Mr. Gordon entering an appearance in Docket No. P-2014-2442001, Lyft does object to Mr. Gordon’s attempt to enter an appearance in the Application

¹ On December 22, 2014, counsel for Lyft conferred with counsel for PPG, and PPG opposes this motion.

Proceedings because the Commission has never held that PPG is a proper party in the Application Proceedings. *See* 52 Pa. Code. §§ 1.25 (setting forth the form for a notice of appearance, including a statement that “I am authorized to accept service on behalf of said *party* in this matter”) (emphasis added); *id.* § 1.8 (defining a “party” as one “who appears in a proceeding before the Commission”).

In PPG’s Response to Lyft’s Petition for Interlocutory Review and Answer to a Material Question, PPG asserted that its position was “that by the Secretary granting [PPG] the right to file a response to Lyft’s Petition for Interlocutory Review that the PUC has granted [PPG] party status in this action at PUC Dkt. No. P-2014-2442001.” *See* PPG Response to Lyft’s Pet. for Interlocutory Review and Answer to a Material Question at 3 n.4 (Oct. 2, 2014).

The Commission rejected that argument: “PPG alleges that the September 29, 2014 Secretarial Letter invokes upon PPG party status to the action at P-2014-2442001. PPG is mistaken. This particular docket proceeding is intertwined with the Application docket proceedings and PPG’s participation does not equate to party status.” Opinion and Order at 4 n. 2, Dkt. Nos. A-2014-2415045, A-2014-2415047, and P-2014-2442001 (Oct. 23, 2014). The Commission further explained its decision to deny PPG party status by noting, “PPG can avail itself of all developments of this case by monitoring the record, which is available to the public, and can adequately pursue and protect its interests by this course.” *Id.* at 9.

Because PPG has not received party status, there is no basis for an entry of appearance by Mr. Gordon on behalf of PPG in the Application Proceedings. Lyft therefore respectfully requests that the Commission strike the Notice of Appearance as it was filed.

Respectfully submitted:

/s/ Andrew T. George

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Dated: December 23, 2014