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File #: 161198

January 28, 2015

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: 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 - 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

Dear Secretary Chiavetta:

Enclosed please find the Answer of Lyft, Inc. to PPG's Motion to Strike in the above-referenced proceedings. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Devin T. Ryan
Associate

DTR/jl
Enclosures

Rosemary Chiavetta, Secretary
January 28, 2015
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cc: Certificate of Service
Honorable Mary D. Long
Honorable Jeffrey Watson

CERTIFICATE OF SERVICE
(Docket Nos. A-2014-2415047 and A-2014-2415045)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Date: January 28, 2015



Devin T. Ryan

**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

ANSWER TO PPG'S MOTION TO STRIKE

Lyft, Inc. ("Lyft") respectfully submits this Answer to Kim Lyons & PG Publishing Inc. d/b/a the Pittsburgh Post-Gazette's ("PPG")'s Motion to Strike and Response to Notice of Supplemental Authority, which was filed on January 12, 2015, pursuant to Title 52, Sections 5.61 and 5.62. As explained below, PPG's motion should be denied and struck from the record because PPG is not a party to the above-captioned proceedings.

ANSWER

1. PPG's instant motion is its latest attempt to insert itself into proceedings to which it is not a party. *See* 52 Pa. Code. § 1.8 (defining a "party" as one "who appears in a proceeding before the Commission").

2. The Commission has never held that PPG is a party to the above-captioned proceedings.

3. Rather, when PPG asserted party status in an earlier filing based on its participation in a related matter (Docket No. P-2014-2442001), the Commission rejected it. Opinion and Order at 4 n.2, Dkt. Nos. A-2014-2415045, A-2014-2415047, and P-2014-2442001

(Oct. 23, 2014) (“PPG’s participation does not equate to party status.”). “PPG,” the Commission explained, “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.

4. Also in its October 23, 2014 order, the Commission ruled that Lyft’s raw trip data is not proprietary information that should be protected from disclosure. *Id.* at 20. The Commission has since granted Lyft’s petition for reconsideration of that order and is now reconsidering whether Lyft’s data should remain sealed as proprietary, and, as a separate consideration, whether PPG should have party status in these proceedings.

5. PPG is not currently a party and is therefore not permitted to file motions in these proceedings. *See Application of L-J-L Trucking, Inc., t/d/b/a Med-Van Transp., A-00112962F0001, 2000 WL 35798405 (June 22, 2000)* (“It is well settled that *only an active party*, who fully intends to participate in the litigation of a case, may conduct discovery, *make motions*, file briefs, participate in settlement negotiations, and the like.”) (emphasis added).

6. Notwithstanding its status as a non-party, PPG has recently filed two motions in these proceedings. First, it attempted to enter an appearance for one of its lawyers on December 9, 2014,¹ and now it has moved to strike Lyft’s December 17, 2014 Notice of Supplemental Authority, which alerted the Commission, among other things, to an ALJ ruling in a separate enforcement proceeding finding that Lyft’s trip data is proprietary and properly subject to a protective order. *See Interim Order on Motion for Protective Order at 4, Dkt. No. C-2014-*

¹ On December 23, 2014, Lyft filed a motion to strike this entry of appearance because the Commission had ruled that PPG is not a party to these proceedings. On January 12, 2015, PPG filed an answer that did not dispute that it is not *currently* a party to these proceedings but that its entry of appearance should not be struck because its party status is currently being reconsidered. Unless and until the Commission changes its ruling and actually *grants* PPG party status in these proceedings, it remains a non-party and thus cannot file motions.

2422713 (Dec. 3, 2014). In that ruling, the ALJs acknowledged that (i) disclosure of the trip data would cause Lyft to suffer a competitive disadvantage, (ii) the trip data was developed at a cost, and (iii) the trip data has value to Lyft's competitors. *Id.* The ALJs found it "clear that the information [requested by I&E from Lyft] is not generally shared by transportation network companies," citing Raiser-PA (Uber)'s refusals to turn over similar information. *Id.*

7. Because PPG is not a party to these proceedings, its lawyers are not permitted to enter appearances, and it is not permitted to file motions. Therefore, Lyft respectfully requests that the Commission deny PPG's Motion to Strike and Response to Notice of Supplemental Authority and strike it from the record.

Respectfully submitted,



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Dated: January 28, 2015