



17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
717-731-1970 Main  
717-731-1985 Main Fax  
www.postschell.com

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Devin T. Ryan

dryan@postschell.com  
717-612-6052 Direct  
717-731-1985 Direct Fax  
File #: 161198

January 29, 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, 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**

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Dear Secretary Chiavetta:

Enclosed for filing, on behalf of Lyft, Inc., is a Motion to Strike Protestants' Response to Lyft's Petition for Partial Reconsideration, in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,

Devin T. Ryan

DTR/jl  
Enclosures

Rosemary Chiavetta, Secretary  
January 29, 2015  
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cc: Honorable Mary D. Long  
Honorable Jeffrey Watson  
Certificate of Service

**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).

**VIA E-MAIL & FIRST CLASS MAIL**

Lloyd R. Persun, Esquire  
Persun & Heim, P.C.  
P.O. Box 659  
Mechanicsburg, PA 17055-0659  
Email: pagelbaugh@persunheim.com

Michael S. Henry, Esquire  
Michael S. Henry LLC  
100 South Broad Street, Suite 650  
Philadelphia, PA 19110-1030  
Email: mshenry@ix.netcom.com

David William Donley, Esquire  
3361 Stafford Street  
Pittsburgh, PA 15204  
Email: dwdonley@chasdonley.com

Samuel R. Marshall  
CEO and President  
Insurance Federation of Pennsylvania  
1600 Market Street, Suite 1720  
Philadelphia, PA 19106  
Email: smarshall@ifpenn.org  
dwatson@ifpenn.org

**VIA FIRST CLASS MAIL**

Dennis G. Weldon, Jr., Esquire  
Bryan L. Heulitt, Jr., Esquire  
Philadelphia Parking Authority  
701 Market Street, Suite 5400  
Philadelphia, PA 19106

Date: January 29, 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

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**MOTION TO STRIKE PROTESTANTS' RESPONSE TO LYFT'S PETITION FOR  
PARTIAL RECONSIDERATION**

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Pursuant to 52 Pa. Code § 1.38, Lyft, Inc. ("Lyft"), respectfully submits this Motion to Strike the January 12, 2015 Response ("Response") to Lyft's January 2, 2015 Petition for Partial Reconsideration ("Petition"), filed by Protestants Executive Transportation Company, Inc., Aceone Trans Co., AF Taxi, Inc. AG Taxi, Inc. AGB Trans, Inc., Almar Taxi, Inc. ATS Cab, Inc, BAG Trans, Inc., BNG Cab Co., BNA Cab Co., BNJ Cab, Inc., Bond Taxi, Inc., BSP Trans, Inc., Double A Cab Co., FAD Trans, Inc., GA Cab, Inc., GD Cab, Inc. GN Trans, Inc., God Bless America Trans, Inc., Grace Trans, Inc., 1A Trans, Inc., Jarnail Taxi, Inc., Jaydan, Inc. LAN Trans, Inc., LMB Taxi, Inc. MAF Trans, Inc., MDS Cab, Inc., MG Trans Co., Noble Cab, Inc., Odessa Taxi, Inc., RA V Trans, Inc., Rosemont Taxicab Co., Inc., S&S Taxi Cab, Inc., SAJ Trans, Inc., Saba Trans, Inc., SF Taxi, Inc., Society Taxi, Inc., Steele Taxi, Inc., TGIF Trans, Inc., V &S Taxi, Inc., VAL Trans, Inc., VB Trans, Inc., and VSM Trans, Inc., BM Enterprises, Inc., t/a A.G. Taxi, Bucks County Services, Inc., Dee Dee Cab Company, Germantown Cab Company, Ronald Cab, Inc., t/a Community Cab, Shawn Cab, Inc., t/a Delaware County Cab and

Sawink, Inc., t/a County Cab (together, “Protestants”). As explained below, Protestants’ filing should be stricken from the record because it seeks affirmative relief outside the scope of Lyft’s Petition and is thus properly considered as an out-of-time petition for reconsideration of the Commission’s December 18, 2014 Orders granting Lyft experimental authority to operate a transportation service network in the Commonwealth.

1. On December 18, 2014, the Commission conditionally approved Lyft’s applications for experimental transportation authority, subject to Lyft’s satisfaction of certain requirements set forth in the Commission’s orders.

2. On January 2, 2014, Lyft Petitioned the Commission for Partial Reconsideration of two issues from its December 18 Orders. First, Lyft asked the Commission to modify its interpretation of 52 Pa. Code § 32.11(b) to accommodate new personal insurance policies designed for those who drive for Transportation Network Companies (“TNCs”) like Lyft. Second, Lyft asked the Commission to reconsider its requirement that Lyft compel its drivers to notify their insurance companies of their participation in Lyft.

3. Protestants’ filing nominally addresses these issues before raising arguments and seeking affirmative relief having nothing to do with them. Its sole contribution to the matters being reconsidered is the erroneous suggestion that, if the Commission were to find its primary insurance requirements met by TNC-specific driver policies, then the Commission would be flooded with “hundreds or thousands” of insurance forms for individual driver policies. Response at 5. But the Commission’s rules only require that *motor carriers* (here, Lyft), not individual drivers, certify proof or cancellation of insurance. *In Re Ins. Coverage Requirements for Motor Carriers*, M-00041816, 2005 WL 1876133 (May 23, 2005). And Lyft, to be clear, would still provide secondary insurance behind TNC-specific policies if the Commission

allowed them. So individual driver certifications would be both legally and practically unnecessary. Only *Lyft's* insurer would need to certify coverage to the Commission, as it has done.

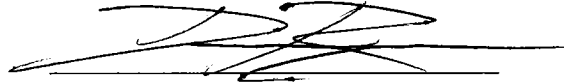
4. Beyond this, Protestants respond not to Lyft's Petition but instead to the Commission's December 18 ruling itself. As an example, Protestants criticize the ruling by invoking the tragedy of a child being "killed by a driver backing out of a driveway after dropping off a passenger and shutting off the smartphone application" and claiming that Lyft's insurance coverage would not apply. Response at 4. Its concern is (a) invalid because drivers who use the Lyft application are required to provide proof of valid and current liability insurance that would cover Stage 0 (when drivers are not using Lyft's app), *see* December 18 Order at 46, and (b) wholly irrelevant to the questions raised in Lyft's Petition, which did not pertain to Stage 0.

5. The rest of Protestants' filing also attacks the December 18 Order, arguing at length that the Commission lacked jurisdiction to grant Lyft's experimental applications in the first place. Response at 8–10. These arguments, which are wholly detached from Lyft's Petition and which simply argue that the Commission's December 18 Order was incorrect, are not an "Answer" to Lyft's Petition under 52 Pa. Code § 5.572(e), but instead are a "Petition for Relief" subject to 52 Pa. Code § 5.572(c).

6. The distinction matters because of the requisite filing deadline. Under Section 5.572(e), answers to petitions for reconsideration must be filed within 10 days of the petition. So, because Lyft's Petition was filed January 2, Protestants' January 12 filing would be timely under this rule. But under Section 5.572(c), a petition for reconsideration must be filed within 15 days of an order. Properly considering Protestants' filing as a petition for reconsideration, it was due on

January 2, 2015, the same day that Lyft's Petition was due (and filed). Thus, because it was filed ten days later, it was untimely. It should therefore be stricken from the record.

Respectfully submitted,



Michael W. Gang (Pa. I.D. 25670)  
Devin T. Ryan (Pa. I.D. 316602)  
Post & Schell, P.C.  
17 North Second St., 12th Floor  
Harrisburg, PA 17101-1601  
Phone: (717) 731-1970  
Fax: (717) 731-1985  
mgang@postschell.com  
dryan@postschell.com

Richard P. Sobiecki (Pa. I.D. 94366)  
Andrew T. George (Pa. I.D. 208618)  
Baker Botts L.L.P.  
1299 Pennsylvania Ave., NW  
Washington, D.C. 20004  
Phone: (202) 639-7700  
Fax: (202) 639-1168  
rich.sobiecki@bakerbotts.com  
andrew.george@bakerbotts.com

Danny David (admitted pro hac vice)  
Baker Botts L.L.P.  
910 Louisiana St.  
Houston, TX 77002  
Phone: (713) 229-1234  
Fax: (713) 229-2855  
danny.david@bakerbotts.com

Dated: January 29, 2015