

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 12, 2021

Annette Tran
Lyft, Inc.
185 Berry Street, Suite 5000
San Francisco, CA 94107

Subject: TNC Access for All Advice Letter AL 1A

Dear Ms. Tran,

Pursuant to Decision D.20-03-007, the Consumer Protection and Enforcement Division (CPED) of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records. This status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of AL Filing
- Date Filed
- Disposition of Filing (Approved, Rejected, Withdrawn, etc.)
- Amount of Approved Offsets by County
- Effective Date of Filing

CPED received protests against supplemental AL 1A from San Francisco (SFMTA, SFCTA, SFMOD) and Disability Advocates on 1-20-2021. CPED did not receive any replies to the protests on AL 1A.

Please review your advice letter filing with the information contained in the attached AL status certificate and the Appendix for a description of the AL, protest, reply, and staff's disposition. If you have any questions on this matter please contact CPED Staff via email at tncaccess@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Ito".

Douglas Ito
Director, Consumer Protection and Enforcement Division

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**Advice Letter Status Certificate****Status of Advice Letter 1A
As of February 26, 2021****Lyft, Inc.**

TCP 32513

Attention: Annette Tran

185 Berry Street, Suite 5000

San Francisco, CA 94107

Advice Letter Subject: **Retroactive offset for Q3 2019 in compliance with Decision 20-03-007
and ALJ-388**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 12-16-2020

Disposition: **Approved****Effective Date:** **2-26-2021****Approved Offsets:**

COUNTY	APPROVED OFFSET AMOUNTS
LOS ANGELES	\$379,521.96
SAN FRANCISCO	\$368,265.00
TOTAL APPROVED	\$747,786.96

CPUC Contact Information: tncaccess@cpuc.ca.govTNC Contact Information: Annette Tran
atran@lyft.com

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Appendix: Staff Review and Disposition

Background

In accordance with D.20-03-007, Lyft, Inc. (Lyft) filed advice letter (AL) 1 on April 15, 2020 to request retroactive offsets against quarterly Access Fund payments for amounts it spent during the Third Quarter of 2019 to improve wheelchair accessible vehicle (WAV) service. On May 5, 2020, the Disability Advocates¹ and San Francisco² filed separate protests due to Lyft's redaction of certain data submitted with the AL. The Commission approved Resolution ALJ-388 on November 5, 2020 and ordered Lyft to resubmit its ALs with unredacted data. On December 16, 2020, Lyft filed supplemental AL 1A, which replaced AL 1 in its entirety. Subsequently, new protests were filed by Disability Advocates and San Francisco on January 20, 2021 against AL 1A.

D.20-03-007 requires a Transportation Network Company (TNC) to demonstrate the following to qualify for a retroactive offset for each of the three quarters beginning July 1, 2019; October 1, 2019; and January 1, 2020 in a geographic area by providing the following required data and information in its quarterly advice letter filing: (1) presence and availability of WAVs, (2) improved level of service, (3) outreach efforts, (4) accounting of funds expended, (5) complaints related to WAV service and quarterly report. Table 1 below summarizes the evaluation criteria adopted in D.20-03-007:

Table 1: Criteria for Evaluating Retroactive Offsets

Evaluation Criteria	Must Demonstrate	Qualifying Standard
1. Presence and availability of WAVs	(a) the number of WAVs in operation - by quarter and aggregated by hour of the day and day of the week, and (b) the number and percentage of WAV trips completed, not accepted, cancelled by passenger, cancelled due to passenger no-show, and cancelled by driver – by quarter and aggregated by hour of the day and day of the week	None. Satisfied by submitting the relevant data.

¹ Disability Rights California, Disability Rights Education & Defense Fund, and the Center for Accessible Technology

² San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority and San Francisco Mayor's Office on Disability

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Evaluation Criteria	Must Demonstrate	Qualifying Standard
2. Improved level of service	(a) 50 th percentile of completed WAV trip response times in a geographic area improved over the previous quarter, and (b) submit data on completed WAV trip request response times in deciles by geographic area	Improved 50 th percentile response time quarter-over-quarter
3. Efforts to publicize and promote available WAV services	Evidence of outreach efforts such as a list of partners from disability communities, how the partnership promoted WAV services, and marketing or promotional materials of those activities	None. Satisfied by submitting the relevant data.
4. Full accounting of funds expended	Qualifying offset expenses are: (a) reasonable, legitimate costs that improve a TNC's WAV service, and (b) incurred in the quarter for which a TNC requests an offset, and (c) on the list of eligible expenses ³	None. Satisfied by submitting the relevant data.
5. Reporting complaints	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category ⁴	None. Satisfied by submitting the relevant data.

As described in Table 1, the Commission adopted a specific qualifying standard for evaluating improved level of service in D.20-03-007, but did not set qualifying standards for the four other evaluation criteria. **As long as a TNC demonstrates that it satisfied the response time standard for improved level of service and submitted all the required data showing WAV presence and availability, outreach efforts, accounting of expended funds, and complaints related to WAV service, then it is eligible to receive retroactive offsets and its advice letter shall be approved.**

Protests to AL1A

On January 20, 2021, the Disability Advocates and San Francisco filed separate protests against Lyft's AL 1A. The Disability Advocates' protest is based on the grounds that the relief requested would violate statute or Commission order or is not authorized by the statute or Commission order on which the regulated entity relies. San Francisco's protest is based on the grounds that the relief requested is unjust and unreasonable.

³ D.20-03-007, Appendix A

⁴ Categories include: securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and other.

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Specifically, both Disability Advocates and San Francisco argued that Lyft has failed to demonstrate (1) presence and availability of WAVs, (2) outreach efforts to promote its WAV service, and (3) full accounting of funds expended as required under SB 1376. Therefore, it argues, the offset requested by Lyft is not authorized by the statute and must be disallowed.

Lyft did not submit a Reply to Protests to AL 1A.

Discussion and Disposition of AL 1A

Lyft's AL 1A requested retroactive offsets in Q3 2019 totaling \$747,786.96 for the following counties: Los Angeles and San Francisco. Per D.20-03-007, a TNC requesting retroactive offsets shall demonstrate improved level of service by showing that the **50th percentile of completed WAV trip response times in a geographic area improved over the previous quarter**. Table 2 below shows Q3 2019 response times reported in each geographic area where Lyft is requesting retroactive offsets. However, as Q3 2019 covers the first implementation quarter of the advice letter process, there are no prior response time data to compare the Q3 2019 data with. CPED considered these response times compliant and allowed offsets for all counties in AL 1A only.

Table 2: Lyft 50th percentile response times (minutes) for completed trips in Q3 2019

	AL 1	AL 2	AL 3
County	Q3 2019	Q4 2019	Q1 2020
LOS ANGELES	27.87		
SAN FRANCISCO	20.25		

For the other evaluation criteria, Lyft submitted all the required data and information for WAV presence and availability, outreach efforts, full accounting of funds expended, and complaints related to WAV service, and therefore is in compliance with all the requirements of D.20-03-007. Therefore, Lyft's AL 1A is approved, effective February 26, 2021.

As stated in Section 5.1 under General Order 96-B, "the advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be controversial nor to raise important policy questions." Furthermore, Section 7.4.2 provides that "a protest may not rely on policy objections to an advice letter where the relief requested in the advice letter follows rules or directions established by statute or Commission order applicable to the utility." Thus, the advice letter process is not the appropriate venue to address the policy objections raised in the protests by the Disability Advocates and San Francisco. The issues raised by the protestants should be addressed within the proceeding.