

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 12, 2021

Stephanie Kuhlman
Uber Technologies, Inc.
1455 Market Street
San Francisco, CA 94103

Subject: TNC Access for All Advice Letter AL 4B

Dear Ms. Kuhlman,

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Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 4A from San Francisco and Disability Advocates on 1-8-2021. CPED received reply to the protests 1-15-2021 from Uber. CPED did not re-open the protest period for AL 4B.

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 that reads "Douglas Ito".

Douglas Ito

Director, Consumer Protection and Enforcement Division

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Advice Letter Status Certificate

Status of Advice Letter 4B
As of February 26, 2021

Uber Technologies, Inc.

TCP 38150
Attention: Stephanie Kuhlman
1455 Market Street
San Francisco, CA 94103

Advice Letter Subject: **Offset for Q2 2020 in compliance with Decision 20-03-007**
Division Assigned: Consumer Protection and Enforcement
Date Filed: 01-12-2021

Disposition: **Approved**

Effective Date: **2-26-2021**

Approved Offsets:

COUNTY	APPROVED OFFSET AMOUNTS	COUNTY	APPROVED OFFSET AMOUNTS
ALAMEDA	\$ 62,156.00	RIVERSIDE	\$ 716.28
CONTRA COSTA	\$ 24,426.00	SAN FRANCISCO	\$89,046.52
KERN	\$ 716.28	SAN JOAQUIN	\$ 5,015.94
LOS ANGELES	\$557,936.20	SAN MATEO	\$34,735.80
MARIN	\$ 2,507.97	SANTA CLARA	\$43,305.80
ORANGE	\$ 21,488.29	STANISLAUS	\$ 1,253.98

TOTAL APPROVED	\$843,305.06
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CPUC Contact Information: tncaccess@cpuc.ca.gov

TNC Contact Information: Stephanie Kuhlman
Stephanie.kuhlman@uber.com

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Appendix: Staff Review and Disposition

Background

In accordance with D.20-03-007, Uber Technologies, Inc. (Uber) filed advice letter (AL) 4 on July 15, 2020 to request retroactive offsets against quarterly Access Fund payments for amounts it spent during the Second Quarter of 2020 to improve wheelchair accessible vehicle (WAV) service. On August 4, 2020, the Disability Advocates¹ and San Francisco² filed separate protests due to Uber's redaction of certain data submitted with the AL. On December 4, 2020, Uber filed supplemental AL 4A, which replaced AL 4 in its entirety. Subsequently, new protests were filed by Disability Advocates and San Francisco on January 8, 2021 against AL 4A. On January 12, 2021, Uber filed an unredacted supplemental AL 4B to replace AL 4A in its entirety.

D.20-03-007 requires a Transportation Network Company (TNC) to demonstrate the following to qualify for an offset in a geographic area in the second quarter of 2020 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) training and inspections, and (6) complaints related to WAV service. Table 1 below summarizes the evaluation criteria adopted in D.20-03-007:

Table 1: Criteria for Evaluating 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.
2. Improved level of service	Either the Level 1 (50%) or Level 2 (75%) Offset Time Standard for a quarter in a geographic area, and	Offset Time Standard ³

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

³ D.20-03-007, Ordering Paragraphs 2 and 3

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Evaluation Criteria	Must Demonstrate	Qualifying Standard
	demonstrated improvement over the prior quarter's performance	
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 ⁴ attached as Appendix A	None. Satisfied by submitting the relevant data.
5. Training and inspections	(a) certification of WAV driver training completion within the past 3 years, ⁵ (2) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and (3) Certification of WAV inspection and approval ⁶	None. Satisfied by submitting the relevant data.
6. Reporting complaints	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category ⁷	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 (see Table 2 below) but did not set qualifying standards for the five other evaluation criteria. **As long as a TNC demonstrates that it satisfied the Offset Time Standard for improved level of service and submitted all the required data showing WAV presence and availability, outreach efforts, accounting of expended funds,**

⁴ D.20-03-007, Appendix A

⁵ Must include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures.

⁶ Should state that WAVs conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year.

⁷ Categories include: securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and others.

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training and inspections, and complaints related to WAV service, then it is eligible to receive offsets and its advice letter shall be approved.

Table 2: Interim WAV Response Times and Offset Time Standard

Geographic Area/County	Level 1 – WAV Response Time (mins)	Level 2 - 2x WAV Response Time (mins)
San Francisco	15	30
San Diego, Santa Clara, Alameda, Sacramento, Contra Costa, Ventura, San Joaquin, Stanislaus, Santa Barbara, Solano, San Luis Obispo, Santa Cruz, Shasta, Imperial, Madera Los Angeles, Orange County, San Mateo	25	50
Riverside, San Bernardino, Fresno, Kern, Sonoma, Tulare, Monterey, Placer, Merced, Marin, Butte, Yolo, El Dorado, Napa, Humboldt, Kings, Nevada, Sutter, Mendocino, Yuba, Lake, Tehama, San Benito, Tuolumne, Calaveras, Siskiyou, Amador, Glenn, Del Norte, Lassen, Colusa, Plumas, Inyo, Mariposa, Mono, Trinity, Modoc, Sierra, Alpine	30	60

Offset Time Standard	Offset Service	Offset Service
April 2020 until subsequent Commission decision	50%	75%

Protests to AL 4A

On January 8, 2021, the Disability Advocates and San Francisco filed separate protests against Uber's AL 4A. 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.

Specifically, both Disability Advocates and San Francisco argued that Uber has failed to meet the following minimum requirements: (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 Uber is not authorized by the statute and must be disallowed.

Uber's Reply to Protests to AL 4A

On January 15, 2021, Uber replied to the Disability Advocates and San Francisco's protests. It argued that AL 4A is consistent with both the requirements under Decision D.20-03-007 and the Legislature's intent behind SB 1376. Uber argued that describing or providing information about the presence and availability of WAVs is sufficient for demonstrating that it has satisfied

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this requirement. Regarding its outreach efforts, Uber pointed out that it has promoted its WAV service dating back to November 2018 and continued to “raise awareness about the program’s availability, solicit feedback, respond to questions and concerns from accessibility stakeholders, and leverage partnerships with community-based organizations to disseminate educational materials about Uber’s accessible services.” Uber argued that the protests are procedurally and substantively flawed and must be rejected.

Discussion and Disposition of AL 4B

Uber’s AL 4B requested retroactive offsets in Q2 2020 totaling \$843,305.06 for the following counties: Alameda, Contra Costa, Kern, Los Angeles, Marin, Orange, Riverside, San Francisco, San Joaquin, San Mateo, Santa Clara and Stanislaus. Table 3 below shows Q2 2020 response times reported in each geographic area where Uber is requesting offsets. Uber’s response time in each county is less than the response time for the selected standard (see Table 2 for the adopted response times by county). Therefore, Uber has demonstrated improved level of service as required.

For the other evaluation criteria, Uber submitted all the required data and information for WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, and training and inspections. Uber is in compliance of all the offset eligibility requirements under D.20-03-007. Therefore, Uber’s AL 4B is approved, effective February 26, 2021.

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Table 3: Uber's Level 1 Response Times by County (minutes)

COUNTY	Level 1 or Level 2	AL 4A Q2 2020
ALAMEDA	Level 1	14.45
CONTRA COSTA	Level 1	17.22
KERN	Level 1	10.68
LOS ANGELES	Level 2	20.67
MARIN	Level 1	25.67
ORANGE	Level 1	10.15
RIVERSIDE	Level 1	14.17
SAN FRANCISCO	Level 2	22.42
SAN JOAQUIN	Level 1	13.22
SAN MATEO	Level 1	15.08
SANTA CLARA	Level 1	15.58
STANISLAUS	Level 1	21.38

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.