

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



February 24, 2022

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

Subject: TNC Access for All Advice Letter AL 9A

Dear Stephanie 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Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 did not receive any protests against AL 9. CPED did not reopen the protest period for AL 9A.

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, and staff's disposition. If you have any questions on this matter, please contact CPED Staff via email at [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov).

Sincerely,

/s/ DOUGLAS ITO

Director, Consumer Protection and Enforcement Division

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## Advice Letter Status Certificate

**Status of Advice Letter 9A**  
**As of February 24, 2022**

**Uber Technologies, Inc.**  
TCP 38150  
Attention: Stephanie Kuhlman  
1455 Market Street  
San Francisco, CA 94103

Advice Letter Subject: **Offset for Q1 2021 in compliance with Decision 20-03-007**  
Division Assigned: Consumer Protection and Enforcement  
Date Filed: 01-03-22

**Disposition:** **Approved**  
**Effective Date:** **02-24-2022**  
**Approved Offsets:**

| COUNTY        | APPROVED OFFSETS | COUNTY     | APPROVED OFFSETS |
|---------------|------------------|------------|------------------|
| ALAMEDA       | \$82,165.20      | SANTA CRUZ | \$594.19         |
| MARIN         | \$1,670.17       | SOLANO     | \$594.19         |
| SACRAMENTO    | \$594.19         | STANISLAUS | \$3,565.14       |
| SAN FRANCISCO | \$158,384.30     | VENTURA    | \$1,159.76       |
| SAN MATEO     | \$51,019.90      |            |                  |

|                              |                     |
|------------------------------|---------------------|
| <b>TOTAL AMOUNT APPROVED</b> | <b>\$299,747.04</b> |
|------------------------------|---------------------|

CPUC Contact Information: [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov)

TNC Contact Information: Stephanie Kuhlman  
[stephanie.kuhlman@uber.com](mailto: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) 9 on April 15, 2021 to request offsets against quarterly Access Fund payments for amounts it spent during the First Quarter (Q1) of 2021 to improve wheelchair accessible vehicle (WAV) service. No parties filed protests or responses.

To qualify for an offset in a geographic area, a Transportation Network Company (TNC) must provide the following 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

| <b>Evaluation Criteria</b>  | <b>Must Demonstrate</b>   | <b>Satisfied By</b>                                  |
|---|---|--|
| <b>1. Presence and availability of WAVs</b>                       | (a) the number of WAVs in operation - by quarter and aggregated by hour of the day and day of the week, and<br>(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 | Submission of the relevant data                      |
| <b>2. Improved level of service</b>                               | Either the Level 1 (50%) or Level 2 (75%) Offset Time Standard for a quarter in a geographic area, and demonstrated improvement over the prior quarter's performance  | Achievement of the Offset Time Standard <sup>1</sup> |
| <b>3. Efforts to publicize and promote available WAV services</b> | 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  | Submission of the relevant data                      |
| <b>4. Full accounting of funds expended</b>                       | Qualifying offset expenses are:<br>(a) reasonable, legitimate costs that improve a TNC's WAV service, and   | Submission of the relevant data                      |

<sup>1</sup> D.20-03-007, Ordering Paragraphs 2, 3, and 4

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
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| Evaluation Criteria                | Must Demonstrate  | Satisfied By                    |
|------------------------------------|---|---------------------------------|
|                                    | (b) incurred in the quarter for which a TNC requests an offset, and<br>(c) on the list of eligible expenses <sup>2</sup> attached as Appendix A   |                                 |
| <b>5. Training and inspections</b> | (a) certification of WAV driver training completion within the past 3 years, <sup>3</sup><br>(b) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and<br>(c) Certification of WAV inspection and approval <sup>4</sup> | Submission of the relevant data |
| <b>6. Reporting complaints</b>     | (a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category <sup>5</sup>   | Submission of the relevant data |

As described in Table 1, the Commission adopted a standard for demonstrating 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 satisfies the Offset Time Standard for improved level of service and submits the required data showing WAV presence and availability, outreach efforts, accounting of expended funds, training and inspections, and complaints related to WAV service, it is eligible to receive offsets and its advice letter will be approved.**

<sup>2</sup> D.20-03-007, Appendix A

<sup>3</sup> Must include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures, D.20-03-007, Ordering Paragraph 13.

<sup>4</sup> Should state that WAVs conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year, D.20-03-007, Ordering Paragraph 13.

<sup>5</sup> Categories include securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and others, D.20-03-007, Ordering Paragraph 14.

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
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Table 2: Interim WAV Response Times and Offset Time Standard

| Geographic Area/County  | Level 1 WAV Response Time (mins) | Level 2 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%            |

## **Discussion**

### **A. Offset Requirements**

To qualify for an offset, a TNC must demonstrate an improved level of service by satisfying the Offset Time Standard (OTS). Ordering Paragraph 4 in D.20-03-007 sets forth the requirements:

*To demonstrate improved level of service for offset eligibility, a Transportation Network Company (TNC) must demonstrate that it achieved either a Level 1 or Level 2 Offset Time Standard for a quarter in that implementation year. If a TNC received an offset in the prior quarter, the TNC must achieve an Offset Time Standard that exceeds the percentage achieved in the prior quarter in either, a Level 1 or a Level 2 Offset Time Standard.*

This means that a TNC must: (1) meet either the Level 1 or 2 response time benchmark for that county (first test), and (2) show improvement in the OTS percentage from the previous quarter (second test).

**PUBLIC UTILITIES COMMISSION**

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**B. Review of Offset Requests**

Uber's AL 9 requested offsets in Q1 2021 totaling \$977,054.65 in 13 counties. Tables 3 and 4 below summarize the Q1 2021 response times and OTS percentages reported for each geographic area eligible for offsets.

Staff review showed that Uber satisfied the first test as its response times in all counties met either the Level 1 or 2 benchmark. However, Uber did not satisfy the second test for Los Angeles County as the OTS percentages did not show improvement from the prior quarter of Q4 2020. Furthermore, Uber requested offsets for three counties (Contra Costa, Orange and Riverside) that are currently in exemption.<sup>6</sup>

As a result, Staff required Uber to remove from its AL 9 offset amounts in Los Angeles, Contra Costa, Orange, and Riverside Counties. On January 3, 2022, Uber complied with Staff directive and submitted supplemental AL 9A with updated offset amounts in nine counties totaling \$299,747.04.

Finally, Uber submitted all the required information regarding WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, and training and inspections.

**C. Disposition of AL 9A**

After review of AL 9A, Staff concludes that Uber complied with the offset eligibility requirements in D.20-03-007. Therefore, Uber's AL 9A is approved, effective February 24, 2022. The approved total offset amount is \$299,747.04.

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<sup>6</sup> Exemption for Contra Costa, Orange and Riverside counties from Q4 2020 – Q3 2021 was approved in Advice Letter 7 on December 6, 2021.

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



Table 3: Uber's Level 1 and 2 Response Times (minutes) by County in Q1 2021

| County        | Benchmark (minutes) |         | Q1 2021 (minutes) |             | Within Benchmark    |
|---------------|---------------------|---------|-------------------|-------------|---------------------|
|               | Level 1             | Level 2 | Level 1           | Level 2     |                     |
| ALAMEDA       | 25                  | 50      | 18.22             | 23.23-25.73 | Yes (Level 1 and 2) |
| CONTRA COSTA  | 25                  | 50      | - **              | - **        | Not applicable      |
| LOS ANGELES   | 25                  | 50      | 19.25             | 23.58-26.20 | Yes (Level 1 and 2) |
| MARIN         | 30                  | 60      | 24.52             | 24.52-24.52 | Yes (Level 1 and 2) |
| ORANGE        | 25                  | 50      | - **              | - **        | Not applicable      |
| RIVERSIDE     | 30                  | 60      | - **              | - **        | Not applicable      |
| SACRAMENTO    | 25                  | 50      | 31.67             | 31.67-31.67 | Yes (Level 2)       |
| SAN FRANCISCO | 15                  | 30      | 13.33             | 16.82-19.22 | Yes (Level 1 and 2) |
| SAN MATEO     | 25                  | 50      | 17.92             | 21.73-23.08 | Yes (Level 1 and 2) |
| SANTA CRUZ    | 25                  | 30      | 4.23              | 4.23-4.23   | Yes (Level 1 and 2) |
| SOLANO        | 25                  | 50      | 22.73             | 22.73-22.73 | Yes (Level 1 and 2) |
| STANISLAUS    | 25                  | 50      | 13.97             | 15.65-15.65 | Yes (Level 1 and 2) |
| VENTURA       | 25                  | 50      | 4.87              | 4.87-4.87   | Yes (Level 1 and 2) |

Table 4: Uber's Level 1 and 2 Offset Time Standards (percent) by County in Q4 2020 and Q1 2021

| County        | Q4 2020 (OTS %) |         | Q1 2021 (OTS %) |         | Demonstrated Improvement? |
|---------------|-----------------|---------|-----------------|---------|---------------------------|
|               | Level 1         | Level 2 | Level 1         | Level 2 |                           |
| ALAMEDA       | 50.0            | 100     | 76.59           | 99.67   | Yes (Level 1 only)        |
| CONTRA COSTA  | - **            | - **    | - **            | - **    | Not applicable            |
| LOS ANGELES   | 79.6            | 99.3    | 75.62           | 98.89   | No                        |
| MARIN         | - *             | - *     | 100             | 100     | Not applicable            |
| ORANGE        | - **            | - **    | - **            | - **    | Not applicable            |
| RIVERSIDE     | - **            | - **    | - **            | - **    | Not applicable            |
| SACRAMENTO    | - *             | - *     | 0               | 100     | Not applicable            |
| SAN FRANCISCO | - *             | - *     | 60.35           | 96.49   | Not applicable            |
| SAN MATEO     | - *             | - *     | 85.05           | 100     | Not applicable            |
| SANTA CRUZ    | - *             | - *     | 100             | 100     | Not applicable            |
| SOLANO        | - *             | - *     | 100             | 100     | Not applicable            |
| STANISLAUS    | - *             | - *     | 100             | 100     | Not applicable            |
| VENTURA       | - *             | - *     | 100             | 100     | Not applicable            |

\*Uber did not receive an offset for these counties in the prior quarter Q4 2020. Therefore, the requirement to show improvement in OTS does not apply here.

\*\*These counties are currently in exemption, and therefore, are ineligible for offsets.