

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

**VIA ELECTRONIC MAIL**

December 30, 2022

Stephanie Kuhlman
Uber Technologies, Inc.
1455 Market Street
San Francisco, CA 94103
stephanie.kuhlman@uber.com

Subject: TNC Access for All Advice Letter AL 15 Disposition

Dear Stephanie Kuhlman,

Pursuant to Decisions D.20-03-007, D.21-03-005, and D.21-11-004, 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- Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 15.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cody Naylor".

Cody Naylor on behalf of Terra Curtis
Acting Manager, Transportation Policy & Programs
Consumer Protection and Enforcement Division

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Advice Letter Status Certificate

Status of Advice Letter 15 as of December 30, 2022

Uber Technologies, Inc. (TCP 38150)

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

Advice Letter Subject: **Offset for Q3 2022 in compliance with Decisions D.20-03-007, D.21-03-005, and D.21-11-004**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 10-17-2022

Disposition: **Approved**
Effective Date: **11-16-2022**

Approved Offsets:

COUNTY	APPROVED OFFSETS (\$)
SAN FRANCISCO	\$437,690.33
TOTAL OFFSET AMOUNT APPROVED	\$437,690.33

CPUC Contact Information: tncaccess@cpuc.ca.gov

TNC Contact Information: Stephanie Kuhlman, Uber Technologies, Inc. (TCP 38150)
stephanie.kuhlman@uber.com

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Appendix: Staff Review and Disposition

Background

In accordance with D.20-03-007, D.21-03-005, and D.21-11-004, Uber Technologies, Inc. (Uber) filed advice letter (AL) 15 on October 17, 2022 to request offsets against quarterly Access Fund payments for amounts it spent during the Third Quarter (Q3) of 2022 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 AL 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. D.21-11-004 replaced the interim Offset Time Standard (OTS) framework that was adopted in D.20-03-007 (see Table 2), and also replaced the Trip Completion Standard (TCS) framework adopted in D.21-03-005 (see Table 3). Table 1 below summarizes the evaluation criteria adopted in D.20-03-007, D.21-03-005, and D.21-11-004:

Table 1: Criteria for Evaluating Offsets

Evaluation Criteria	Must Demonstrate	Satisfied By
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; (c) operating hours for each geographic area	Submission of the relevant data
2. Improved level of service	Both the Offset Time and the Trip Completion Standards are satisfied: (a) (1) Offset Time Standard & WAV Response Times: Meet or exceed both the relevant Level 1 and Level 2 Offset Time Benchmarks for a given quarter in a given geographic area within the Offset Response time Benchmarks (ORTB). The schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request in that quarter.	Achievement of the Offset Time Standard ¹ and Trip Completion Standard ²

¹ D.21-11-004, Ordering Paragraphs 1, 2, 3, and 4

² D.21-11-004, Ordering Paragraphs 6, 7, and 8

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Evaluation Criteria	Must Demonstrate	Satisfied By
	<p>(b.1) Trip Completion Standard: Meet or exceed the applicable minimum percentage of trip requests completed, and</p> <p>(b.2) Either (i) a greater number of completed trips than in the immediately prior quarter, or (ii) a greater number of completed trips than in the immediately prior year's same quarter, if sufficient data is available. A TNC may elect to be compared to this prior quarter or prior year's same quarter, if applicable. The schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request.</p>	
<p>3. Efforts to publicize and promote available WAV services</p>	<p>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</p>	<p>Submission of the relevant data</p>
<p>4. Full accounting of funds expended</p>	<p>Qualifying offset expenses are:</p> <p>(a) reasonable, legitimate costs that improve a TNC's WAV service, and</p> <p>(b) incurred in the quarter for which a TNC requests an offset, and</p> <p>(c) on the list of eligible expenses³ attached as Appendix A</p> <p>(d) net of fare revenues collected from WAV service delivery in the quarter for which a TNC requests an offset.</p>	<p>Submission of the relevant data</p>
<p>5. Training and inspections</p>	<p>(a) certification of WAV driver training completion within the past 3 years,⁴</p> <p>(b) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and</p> <p>(c) Certification of WAV inspection and approval⁵</p>	<p>Submission of the relevant data</p>
<p>6. Reporting complaints</p>	<p>(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and</p>	<p>Submission of the relevant data</p>

³ D.20-03-007, Appendix A

⁴ Must include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures, D.20-03-007, Ordering Paragraph 13.

⁵ 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.

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Evaluation Criteria	Must Demonstrate	Satisfied By
	broken out by category ⁶	

The Commission adopted standards for demonstrating improved level of service in D.20-03-007, D.21-03-005, and D.21-11-004 (see Table 2 and Table 3 below) but did not set qualifying standards for the five other evaluation criteria. **As long as a TNC satisfies both the Offset Time and Trip Completion Standards for improved level of service and submitted all 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.**

Table 2: Offset Response Times and Offset Time Standard

Geographic Area/County	Level 1 WAV Response Time (mins)	Level 2 WAV Response Time (mins)
Group A San Francisco	15	30
Group B 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
Group C 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 (OTS)	Level 1 Offset Service	Level 2 Offset Service
1 st Quarter Submission	50%	80%
2 nd Quarter	54%	81%
3 rd Quarter	57%	83%
4 th Quarter	61%	84%
5 th Quarter	64%	86%

⁶ Categories include securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, and others, D.20-03-007, Ordering Paragraph 14.

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6 th Quarter	68%	87%
7 th Quarter	71%	89%
8 th (and subsequent) Quarter	75%	90%

Table 3: Trip Completion Standard

Trip Completion Standard	County Group A	County Group B	County Group C
1 st Quarter Submission	50%	50%	50%
2 nd Quarter	54%	53%	51%
3 rd Quarter	57%	56%	53%
4 th Quarter	61%	59%	54%
5 th Quarter	64%	61%	56%
6 th Quarter	68%	64%	57%
7 th Quarter	71%	67%	59%
8 th (and subsequent) Quarter	75%	70%	60%

Trip Completion Standard	Must meet at least one of:	
	Number of Completed Trips (Option 1)	Number of Completed Trips (Option 2)
Beginning Q2 2022	Improvement (higher) than prior quarter	Improvement (higher) than prior year's same quarter if sufficient data is available.

Discussion**A. Offset Requirements**

To qualify for an offset, a TNC must demonstrate improved level of service by satisfying both the Offset Time Standard (OTS) and Trip Completion Standard (TCS) established in Decisions D.20-03-007, D.21-03-005, and D.21-11-004. Ordering Paragraph 1 in D.21-11-004 provides the requirements that must be satisfied to meet the OTS:

To demonstrate improved level of service for offset eligibility, a Transportation Network Company (TNC) must demonstrate that it met or exceeded both the relevant Level 1 and Level 2 Response Time Benchmarks for a given quarter in a given geographic area. The 1st quarter percentages shall apply to the first quarter that a TNC submits an Offset Request in a given county. Once the schedule begins for a TNC

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in a given county, the schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request in that quarter.

This means that a TNC must demonstrate first that it meets Level 1 and 2 response time benchmarks for that county (first test), and second, it must meet the minimum percentage of completed trips beginning the first quarter that a TNC submits an Offset Request in a given county (second test). Once the schedule begins in a given county, the schedule will advance each quarter regardless of whether a TNC submits an Offset Request for that quarter.

Ordering Paragraph 6 in D.21-11-004 replaced the TCS framework adopted in D.21-03-005, effective starting the second quarter of 2022 (applicable to this advice letter), which requires a TNC to meet the minimum percentage of trip requests completed (third test), and increase the number of completed WAV trips (fourth test):

To demonstrate improved level of service for offset eligibility, a TNC must demonstrate that it met or exceeded:

(a) The applicable minimum percentage of trip requests and completed, and

(b) Either: (a) a greater number of completed trips than in the immediately prior quarter, or (b) a greater number of completed trips than in the immediately prior year's same quarter, if sufficient data is available.

A TNC may elect to be compared to the prior quarter or prior year's same quarter, if applicable.

B. Review of Offset Requests

Uber's AL 15 requested offsets in Q3 2022 totaling \$437,690.33 in one county. Table 4 and Table 5 below summarize the Q3 2022 Offset Time Standard (response times and OTS percentages), while Table 6 and Table 7 summarizes the Trip Completion Standard (percentages and numbers) reported for each geographic area eligible for offsets.

The review of AL 15 showed that Uber satisfied both the first and second tests as its response times and OTS percentages in San Francisco county met the Level 1 and 2 benchmarks (see Table 4 and Table 5). It also satisfied the third and fourth tests in San Francisco county as the percentage of trip request that were ultimately completed met the minimum benchmarks, and the number of completed trips in San Francisco county resulted in a greater number of completed trips compared to the prior year's same quarter (see Table 6 and Table 7).

Finally, Uber satisfied the other requirements by submitting the required information regarding WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, and training and inspections.

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C. Disposition of AL 15

After review of AL 15, Staff concludes that Uber complied with the offset eligibility requirements in D.20-03-007, D.21-03-005, and in D.21-11-004 for the county of San Francisco. Therefore, Uber's AL 15 is approved, effective November 16, 2022. The approved total offset amount is \$437,690.33. Consistent with D.20-03-007, Uber shall submit the Q3 2022 Quarterly Report for the county of San Francisco within 7 days following the issuance of this disposition.

Table 4: Uber's Level 1 and 2 Response Times (minutes) by County in Q3 2022

County	Benchmark (minutes)		Q3 2022 (minutes)		Within Benchmark?
	Level 1	Level 2	Level 1	Level 2	
SAN FRANCISCO	15	30	14.33	19.70	Yes (Level 1 and 2)

Table 5: Uber's Level 1 and 2 Offset Time Standards (percent) by County in Q3 2022

County	# Quarter Submission	Benchmark (OTS %)		Q3 2022 (OTS %)		Meeting or Exceeding %?
		Level 1	Level 2	Level 1	Level 2	
SAN FRANCISCO	1 st	50%	80%	53.56%	97.24%	Yes (Level 1 and 2)

Table 6: Uber's Trip Completion Standards by County in Q3 2022 (part b.1)

County	# Quarter Submission	Benchmark (TCS)		Q3 2022 (TCS %)	Meeting the Minimum %?
		County	TCS (%)		
SAN FRANCISCO	1 st	A	50%	66.51%	Yes

Table 7: Uber's Trip Completion Standards by County in Q3 2022 (part b.2)

County	Option 1 or 2	(1) # of completed trips previous quarter	(2) # of completed trips in the immediately prior year's same quarter	(1) # of completed trips this quarter	(2) # of completed trip this quarter	Meeting or Exceeding #?
SAN FRANCISCO	2	1,572	1,042	1,559	1,559	Yes (option 2)