

## 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 3A

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Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 3A from San Francisco and Disability Advocates on 1-8-2021. CPED received reply to the protests 1-15-2021 from Uber.

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](mailto:tncaccess@cpuc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Ito", with a stylized flourish at the end.

Douglas Ito  
Director, Consumer Protection and Enforcement Division

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## Advice Letter Status Certificate

### Status of Advice Letter 3A As of February 26, 2021

#### Uber Technologies, Inc.

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

Advice Letter Subject: **Retroactive offset for Q1 2020 in compliance with Decision 20-03-007 and ALJ-388**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 12-4-2020

**Disposition:** **Approved**

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

#### Approved Offsets:

COUNTY	APPROVED OFFSET AMOUNTS	COUNTY	APPROVED OFFSET AMOUNTS
ALAMEDA	\$ 294,451.80	RIVERSIDE	\$ 1,406.80
CONTRA COSTA	\$ 90,503.50	SAN JOAQUIN	\$ 8,948.87
LOS ANGELES	\$1,895,713.27	SAN MATEO	\$210,816.01
ORANGE	\$ 61,204.49	SANTA CLARA	\$268,136.10

<b>TOTAL APPROVED</b>	<b>\$2,831,180.84</b>
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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) 3 on April 15, 2020 to request retroactive offsets against quarterly Access Fund payments for amounts it spent during the First Quarter of 2020 to improve wheelchair accessible vehicle (WAV) service. On May 5, 2020, the Disability Advocates<sup>1</sup> and San Francisco<sup>2</sup> filed separate protests due to Uber's redaction of certain data submitted with the AL. The Commission approved Resolution ALJ-388 on November 5, 2020 and ordered Uber to resubmit its ALs with unredacted data. On December 4, 2020, Uber filed supplemental AL 3A, which replaced AL 3 in its entirety. Subsequently, new protests were filed by Disability Advocates and San Francisco on January 8, 2021 against AL 3A.

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, and (5) complaints related to WAV service. 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
<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 (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.

<sup>1</sup> Disability Rights California, Disability Rights Education & Defense Fund, and the Center for Accessible Technology

<sup>2</sup> 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
<b>2. Improved level of service</b>	(a) 50 <sup>th</sup> 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 <sup>th</sup> percentile response time quarter-over-quarter
<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	None. Satisfied by submitting the relevant data.
<b>4. Full accounting of funds expended</b>	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 <sup>3</sup>	None. Satisfied by submitting the relevant data.
<b>5. Reporting complaints</b>	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category <sup>4</sup>	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.**

<sup>3</sup> D.20-03-007, Appendix A

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

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**Protests to AL3A**

On January 8, 2021, the Disability Advocates and San Francisco filed separate protests against Uber's AL 2A. 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 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. Uber has failed to meet the threshold requirements for offsets, and therefore, Uber's request must be rejected.

**Uber's Reply to Protests to AL 3A**

On January 15, 2021, Uber replied to the Disability Advocates and San Francisco's protests. It argued that AL 1A 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 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." In the issue of accounting of funds, Uber argued that it fully detailed each category of its qualified expenses, and such costs are directly attributable to the provision of its WAV service. Thus, Uber argued that the protests are procedurally and substantively flawed and must be rejected.

**Discussion and Disposition of AL 3A**

Uber's AL 3A requested retroactive offsets in Q1 2020 totaling \$2,831,180.84 for the following counties: Alameda, Contra Costa, Los Angeles, Orange, Riverside, San Joaquin, San Mateo and Santa Clara. 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 Q1 2020 response times reported in each geographic area where Uber is requesting retroactive offsets. The response times for the 50th percentile of completed WAV trips in Q1 2020 improved compared to the response times in the previous quarter. Therefore, Uber satisfied the improved level of service criterion.

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, and complaints

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related to WAV service, and therefore is in compliance with all the requirements of D.20-03-007. Therefore, Uber's AL 3A 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.

Table 2: Uber's 50<sup>th</sup> percentile response times (minutes) for completed trips in Q1 2020

	AL 1	AL 2	AL 3
COUNTY	Q3 2019	Q4 2019	Q1 2020
ALAMEDA	15.83	15.43	13.88
CONTRA COSTA	18.18	17.92	17.08
LOS ANGELES	11.6	9.63	9.42
MARIN	24.12	16.58	
MONTEREY		21.1	
NAPA	12.7		
ORANGE	11.53	11.13	10.4
RIVERSIDE	2.33		8.22
SACRAMENTO	27.15		
SAN DIEGO	11.92		
SAN FRANCISCO	17.2	17.05	
SAN JOAQUIN	5.97		3.93
SAN MATEO	17.38	16.6	16.1
SANTA CLARA	16.9		16.53
SOLANO		19.82	
VENTURA	21.75	3.92	