

CALIFORNIA PUBLIC UTILITIES COMMISSION
Consumer Protection and Enforcement Division
Advice Letter Summary Form

TNC & AL FILER INFORMATION

Date of Submission: 7/15/20	Date of Service: 7/15/20
TNC Name: Uber Technologies, Inc.	PSG #: 0038150-P
DBA Name: Uber Technologies, Inc.	
Address: 1455 Market St., 4th Floor	
City: San Francisco	State: CA
	ZIP Code: 94103
Filer's Name: Stephanie Kuhlman	
Filer's Email: stephanie.kuhlman@uber.com	Filer's Phone: (707) 572-5216

AL INFORMATION

Advice Letter #: 4	AL Type: <input checked="" type="checkbox"/> Offset <input type="checkbox"/> Retroactive <input type="checkbox"/> Exemption
Geographic Area(s): Alameda County, Contra Costa County, Kern County, Los Angeles County, Marin County, Orange County, Riverside County, San Francisco County, San Joaquin County, San Mateo County, Santa Clara County, Stanislaus County	
Offset/Retroactive Amount: \$ 843,305.06	Quarter: Q2
	Year: 2020
Documents Included: <input checked="" type="checkbox"/> Cover letter <input checked="" type="checkbox"/> Service List <input checked="" type="checkbox"/> Training Declaration <input checked="" type="checkbox"/> Marketing Materials <input checked="" type="checkbox"/> Signed Accounting of Funds <input checked="" type="checkbox"/> Inspection Declaration <input checked="" type="checkbox"/> Data Reports (Excel)	
Reason (if not all document boxes above are marked):	

SUBMISSION INFORMATION

Combine (in this order) AL summary form, cover letter, service list, Marketing Materials, TNC WAV training declaration, TNC vehicle inspection declaration, Signed Accounting of Funds Expended, and Signed Claim form (if necessary) into a single PDF file. The completed data reports must be in a single Excel file. A complete advice letter submission will consist of only two attachments: the PDF and Excel packets. Submit via email the advice letter with two attachments to TNCAccess@cpuc.ca.gov and to the [R.19-02-012 service list](#).

The cut off time to be considered filed the same day as submitted is 5:00 PM (Pacific Standard Time). Files submitted after 5:00 PM or on a non-business day will be considered filed on the following business day.

FOR CPUC USE ONLY

Analyst:	30-Day Due Date:
Completion Date:	Disposition:
Approved Offset/Retroactive Amount:	AL Effective Date:
Supervisor:	Supervisor Review Date:



Uber Technologies, Inc.
1455 Market Street
San Francisco, CA 94103
uber.com

July 15, 2020
Uber Technologies, Inc.
PSG0038150
Advice Letter No. 4

California Public Utilities Commission
Consumer Protection and Enforcement Division
Transportation Licensing and Analysis Branch
505 Van Ness Avenue
San Francisco, CA 94102

Re: Uber Technologies, Inc. - Advice Letter No. 4

I. Purpose

Pursuant to Decision (D.) 20-03-007, Uber Technologies, Inc. (Uber) submits this Advice Letter No. 4 to request to offset Quarter 2 of 2020 “TNC Access For All Fund Fee”¹ payments, by the amounts spent by Uber to improve wheelchair accessible vehicle (WAV) service in Quarter 2 of 2020. The requested effective date is August 14, 2020 (30 days from date of filing).

The offset amounts requested by geographic areas are as follows:

County	Expenditures ² (\$)
ALAMEDA	\$ 62,156.00
ALPINE	\$ -
AMADOR	\$ -
BUTTE	\$ -
CALAVERAS	\$ -
COLUSA	\$ -
CONTRA COSTA	\$ 24,426.00

County	Expenditures (\$)
ORANGE	\$ 21,488.29
PLACER	\$ -
PLUMAS	\$ -
RIVERSIDE	\$ 716.28
SACRAMENTO	\$ -
SAN BENITO	\$ -
SAN BERNARDINO	\$ -

¹ S.B. 1376, Cal. Legis. Serv. Ch. 701 (2018); *see also* Pub. Util. Code § 5440.5(a)(1)(B)(ii).

² The expenditures included here are not exhaustive and inclusive of all amounts spent by Uber in relation to enabling WAV service on the Uber platform.

DEL NORTE	\$ -
EL DORADO	\$ -
FRESNO	\$ -
GLENN	\$ -
HUMBOLDT	\$ -
IMPERIAL	\$ -
INYO	\$ -
KERN	\$ 716.28
KINGS	\$ -
LAKE	\$ -
LASSEN	\$ -
LOS ANGELES	\$ 557,936.20
MADERA	\$ -
MARIN	\$ 2,507.97
MARIPOSA	\$ -
MENDOCINO	\$ -
MERCED	\$ -
MODOC	\$ -
MONO	\$ -
MONTEREY	\$ -
NAPA	\$ -
NEVADA	\$ -

Subtotal \$647,742.45

SAN DIEGO	\$ -
SAN FRANCISCO	\$ 89,046.52
SAN JOAQUIN	\$ 5,015.94
SAN LUIS OBISPO	\$ -
SAN MATEO	\$ 34,735.80
SANTA BARBARA	\$ -
SANTA CLARA	\$ 43,305.80
SANTA CRUZ	\$ -
SHASTA	\$ -
SIERRA	\$ -
SISKIYOU	\$ -
SOLANO	\$ -
SONOMA	\$ -
STANISLAUS	\$ 1,253.98
SUTTER	\$ -
TEHAMA	\$ -
TRINITY	\$ -
TULARE	\$ -
TUOLUMNE	\$ -
VENTURA	\$ -
YOLO	\$ -
YUBA	\$ -

Subtotal \$195,562.61

Total Offset \$ 843,305.06

II. Background

In 2018, Senate Bill (SB) 1376, the “TNC Access for All Act,” was enacted by the California Legislature.³ Public Utilities (Pub. Util.) Code § 5440.5 establishes a framework wherein Transportation Network Companies (TNCs) are permitted to offset against quarterly Access Fund payments for amounts spent by the TNC during the quarter to improve WAV service.⁴

Uber recognizes its unique position as a TNC to enable increased access to third-party WAVs⁵ available for request via its online-enabled application, and appreciates the opportunity to submit this offset request advice letter.

III. Accessibility at Uber

As the first TNC in California to address WAV challenges on a wide-spread basis, Uber understands the hurdles associated with enabling increased access to WAVs on its platform. Uber’s technology is helping to increase mobility and independence for riders with disabilities, with features and capabilities like:

Cashless payments: Uber’s cashless payment option simplifies the payment process, reducing the need for riders to worry about counting out cash or exchanging bills with a driver.

On-demand transportation: The Uber app makes it easier for riders with disabilities to get from A to B at the touch of a button. They no longer have to arrange rides through a dispatcher or resort to other, less convenient, means of finding a ride.

Agreements and policies: Driver agreements, Uber’s Community Guidelines, Uber’s Service Animal Policy, and Uber’s Non-Discrimination Policy confirm that drivers must comply with all applicable laws, including, for example, those relating to their transportation of riders’ service animals.

Riders who are blind or low-vision: With iOS VoiceOver, Android TalkBack, and wireless Braille display compatibility, the Uber app makes it easier for riders who are blind or low-vision to get where they need to go.

Riders who are deaf or hard of hearing: Audio is not needed for full functionality of the Uber app. Assistive technology such as visible and vibrating alerts can help riders who are deaf or hard of hearing use the Uber app easily, and in-app features, such as the ability to enter a destination, can facilitate non-verbal communication between the rider and driver.

³ S.B. 1376 (“SB 1376”), Cal. Legis. Serv. Ch. 701 (2018).; Pub. Util. Code § 5440.5.

⁴ D.20-03-007, Decision on Track 2 Issues: Offsets, Exceptions and Access Provider Disbursements (“D.20-03-007”), March 19, 2020; Pub. Util. Code § 5440.5(a)(1)(B)(ii).

⁵ Pub. Util. Code § 5431.5(b) (“‘Wheelchair accessible vehicle’ or ‘WAV’ means a vehicle equipped with a ramp or lift capable of transporting nonfolding motorized wheelchairs, mobility scooters, or other mobility devices.”).

Share your ETA and location: Riders can easily share their ride details, including the specific route and estimated time of arrival, with loved ones for extra peace of mind. Friends or family members will receive a link where they can see the driver's name, photo, and vehicle information, and track where the rider is on the map in real time until they arrive at their destination—all without downloading the Uber app.

While evaluating a TNC's efforts to increase access to third-party WAVs, Uber requests, at a minimum, the following be taken into consideration: compared to standard vehicles, WAVs have higher purchase prices; higher operating and maintenance costs; higher fuel costs; and higher insurance costs. Additionally, demand for WAV trips is extremely low, representing a very small fraction (less than 1%) of overall TNC demand.

Historically, Uber relied on drivers using their own WAVs to provide WAV services on the Uber platform. However, after observing the trends with individual-WAV ownership, Uber determined there were not enough individual WAV owners willing to make their WAVs available via the Uber app to service the public's demand, especially when geographic and temporal factors were taken into account.

Uber has invested significant capital to enable increased access to WAV service throughout California by partnering with third-party WAV providers. For example, even with ridership down *significantly* in Quarter 2 of 2020 due to the COVID-19 pandemic, Uber spent approximately **<<Begin Confidential>>\$[REDACTED]<<End Confidential>>** on payments to third-party partners with WAVs. Further, Uber is investing heavily to keep WAV trips priced the same as a similar UberX trip, and to support this program as it grows and scales. Uber requests the Commission evaluate the supporting documentation provided in light of the amount spent to enable WAV service.

Uber has partnered with MV Transportation, Inc. (MV Transportation), a national transportation provider, to enable their fleet of drivers and WAV vehicles to be available for request via the Uber app. MV Transportation is a leader in providing specialized on-demand accessible transportation for people with disabilities and seniors, serving over 110 million passengers each year across 30 U.S. states and Canada. All WAVs added to the Uber platform by MV Transportation are owned by MV Transportation and operated by their drivers, all of whom have been trained in safe wheelchair securement.

Uber continues to explore ways to enable increased access for persons with disabilities, and is committed to working with the Commission and interested stakeholders on this important issue.

In accordance with D.20-03-007 and the templates provided by the Commission, Uber provides supporting information within this Advice Letter "38150 Uber Technologies, Inc. AL 4 Form" and accompanying Attachments A - C; and the master data sheet entitled "38150 Uber Technologies, Inc. AL 4 Data."

1. Number of WAVs in Operation

Data on the number of WAVs in operation throughout California, in Quarter 2 of 2020, is provided in the tab “WAVs in Operation.” Per the template provided by the Commission, the data is aggregated by hour of the day and day of the week.

2. Number and Percentage of WAV Trips

Data provided on the number and percentage of WAV trips throughout California, in Quarter 2 of 2020, is provided in tabs “WAV Trips Completed” through “%WAV Trips Cancelled Driver” and includes data on trips completed, not accepted, cancelled by passenger, and cancelled by driver, aggregated by the hour of the day and day of the week.

Uber cannot provide information regarding the number of WAV trips cancelled due to passenger “no-shows” because there is insufficient reliable data to report. Attempting to collect data reflecting whether or not the reason for a cancellation is tied to a passenger not showing up would be susceptible to bias and other design issues, which would result in incomplete and inaccurate data collection. For those same reasons, a portion of driver cancellations may be due to rider “no-shows,” yet Uber cannot reasonably ascertain which portion of driver initiated cancellations this would account for.

Notably, it is difficult to evaluate trends during this nascent stage of the WAV program, and some WAV trip percentages may not be meaningful. Given the very low demand and trip numbers and minimal amounts of data available in the early stages of this program variances in the data may appear exaggerated, and true improvement may be difficult to assess through analysis of these percentage rates alone. Additionally, the number and percentage of WAV trips can be impacted by the geographical and temporal distribution of WAV trip requests.

When analyzing trip data, it is critical to acknowledge that riders often submit multiple trip requests prior to taking a WAV trip. This may occur because an initial trip request is not matched with a driver, the rider cancels or modifies an initial trip request, or the rider requests multiple times, hoping to find a closer vehicle. A subsequent completed non-WAV trip might also indicate that the prior WAV request was possibly made in error.

3. Completed WAV Trip Request Response Times

Data provided for response times for completed WAV Trips by Decile, including Periods A and B, is provided in the tab “Offset Response Time.”

Uber urges the Commission to take into consideration numerous factors when evaluating response times. Importantly, WAV service on the Uber app is enabled 24 hours a day, 7 days a week. Given Uber’s commitment to providing the most hours of WAV service possible, the fact that WAVs are servicing trips in a reasonable time compared to alternative accessible options

should weigh considerably in the evaluation. Improved service levels can be demonstrated by sustaining response times and expanding service through an increasing number of WAV trips, or providing service in previously unserved or underserved counties. Expanding service areas may increase overall response times as riders further away from dense urban cores are able to receive service. We caution the Commission against only using response time improvements to measure success, as progressively shorter response time thresholds may disincentivize expansion of WAV service to these unserved or underserved communities.

Additionally, improvements to service levels can be interpreted in a multitude of ways, beyond pure response times. Reduced numbers of complaints may indicate that service is improving. Steady response times during periods of increased WAV availability and trips may also indicate improvements in service. At the same time, response times may vary due to factors such as seasonality, local or widespread emergencies (e.g., the COVID-19 (Novel Coronavirus) pandemic), overall traffic patterns (e.g., rush hour), and implementation of any new outreach and service efforts resulting in increased demand for WAV trips.

In accordance with Pub. Util. Code § 5440.5, offset requests should be evaluated in light of “reasonable response times.” When analyzing the information presented for a certain county, the data should be considered holistically, as each piece of data is part of an overall picture of the county and California-wide service.

4. Evidence of Outreach Efforts

Information on outreach efforts is provided in the tab “Outreach Efforts,” and related substantive materials are attached to this Advice Letter filing as Attachment C.

5. Complaints

Information is provided regarding complaints related to WAV services for each geographic area in the tab “Complaints.” In an effort to be comprehensive, some complaint information included may represent a situation unrelated to the actual quality of WAV service provided, such as inquiries regarding lost items and account or payment questions.

6. Accounting of Funds Expended

An accounting of certain funds expended in Quarter 2 of 2020 is included in the tab “Funds Expended,” along with a certification sheet in tab “Funds Expended Certification.”

As indicated in the supporting documentation provided, Uber is investing a significant amount of money to enable increased access to WAVs. It is more expensive to maintain and incentivize WAV trips over UberX trips, yet Uber strives to keep WAV trips priced the same as a similar UberX trip. In order to do that, Uber must offer substantial incentives to drivers to make it

financially viable for them to operate their WAVs on the Uber platform, given the substantially higher acquisition, operating and maintenance costs these drivers incur. The amount Uber is investing on a per-trip basis is substantially more than the revenues generated from WAV trips. Further, the amounts included herein are not exhaustive and represent only a subset of the capital expended to enable the WAV program. Simply, the millions of dollars Uber has demonstrated it invests, is purely to achieve an end goal of enabling access to accessible, on-demand transportation to the general population at a price, service level, and scale that simply is not commercially available anywhere else in the market today

7. Certification of WAV Driver Training

Information regarding WAV Driver Training is provided in the tab “Training and Inspections” and certifications are provided within Attachment C.

8. WAV Driver Programs Used and Number of WAV Drivers That Completed the Training

Information regarding WAV Driver Training is provided in the tab “Training and Inspections.” The number of WAV drivers that have completed training is assigned according to the physical location of the fleet partner’s office, as that is where the training takes place.

9. Certification That All WAVs Operating On Its Platform Have Been Inspected and Approved to Conform with Americans with Disabilities Act (ADA) Accessibility Specifications

Information regarding WAV inspections is provided within the tab “Training and Inspections” and certifications are provided within Attachment C.

IV. Confidentiality

Uber requests that its confidential information contained within this Advice Letter and supporting data worksheets within “38150 Uber Technologies, Inc. AL 4 Data” be kept confidential pursuant to the attached Declaration of Confidentiality (Attachment A) and General Order 96-B, Section 10.3. Accordingly, Uber requests this information be kept confidential and that it be notified if any party seeks disclosure of this confidential information from the Commission.

* * * * *

In compliance with General Order 96-B, we served a copy of this advice letter via email upon the parties identified on the attached R.19-02-012 service list on July 15, 2020. If there are any questions regarding this advice letter, please contact Shivani Sidhar at westregs@uber.com.

Any Party can protest or respond to this advice letter by sending a written protest or response via email to CPED at TNCAccess@cpuc.ca.gov. If submitting a protest, the protest must set forth the specific grounds on which it is based, including supporting information or legal arguments. A protest or response to the advice letter must be submitted to CPED within twenty (20) days of the date the advice letter was filed and must be served on the TNC on the same day.

Email a copy of the protest or response to this advice letter to Shivani Sidhar at westregs@uber.com.

To obtain information about the CPUC's procedures for advice letters and protests, visit CPUC's website at www.cpuc.ca.gov and look for links to General Order 96-B.

I HEREBY CERTIFY UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOLLOWING ATTACHMENTS HAS BEEN EXAMINED BY ME AND IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Respectfully submitted,

Shivani Sidhar
Senior Counsel, Regulatory
Uber Technologies, Inc.

Attachments

ATTACHMENT A
DECLARATION OF CONFIDENTIALITY
PURSUANT TO GENERAL ORDER 96-B SECTION 10.3 AND
GENERAL ORDER 66-D
ON BEHALF OF UBER TECHNOLOGIES, INC.
REGARDING ADVICE LETTER 4

1. I, Shivani Sidhar, have been designated by Nelson Chai, Chief Financial Officer of Uber Technologies, Inc., (“Uber”) to submit this declaration, in accordance with the requirements set forth in General Order (“G.O.”) 66-D and General Order 96-B, Section 10.3, to assert that portions of the information contained in Uber’s Advice Letter 4 and the below listed supporting documents (together, “Advice Letter 4 Submission”) are confidential and should not be subject to public disclosure.
2. Uber’s Advice Letter 4 Submission is being submitted by Uber to the California Public Utilities Commission (“CPUC”) on July 15, 2020, pursuant to D.20-03-007. Confidential portions of Uber’s Advice Letter 4 Submission are as follows:
 - a. **Advice Letter 4 Cover Letter**
 - i. The redacted portion of the Advice Letter 4 cover letter includes the cost of payments to third-party partners with wheelchair accessible vehicles (“WAVs”). This figure is highly confidential and is both proprietary and commercially sensitive information that, if released by the Commission, could give Uber’s competitors¹ an unfair business advantage. This figure identifies Uber’s payments to third-party partners with WAVs in California for the second quarter of 2020. This figure is confidential pursuant to the California Public Records Act (“CPRA”) under Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.² The redacted figure represents pricing data and commercially sensitive information which is proprietary and not intended for public disclosure.

¹ Competitors include Lyft, Inc. and all other transportation network companies (“TNCs”) (actual or potential) whether operating in California and/or globally.

² See e.g., *Valley Bank of Nev. v. Superior Court*, 15 Cal. 3d 652, 658 (1975) (financial information is protected - especially of non-parties).

Public disclosure would pose potential negative impacts and/or harm to Uber and Uber’s WAV partners.

b. **“38150 Uber Technologies, Inc. AL 4 Data” Worksheets**

- i. **“WAVs in Operation”**: Data including the number of WAVs in operation is confidential business sensitive information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data contains economically valuable information which is not generally known to the public.³ Disclosure of this data may inhibit competition, and is thus against public interest.⁴ Competitors may be able to use this data to determine supply, demand, insight into resources, and gain an unfair competitive advantage.⁵ This information is to be treated confidential by law, as intended by CPRA under Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.
- ii. **“WAV Trips Completed”**: Data including the number of WAV trips completed is confidential business sensitive information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data is also sensitive from a user privacy perspective because due to the low volume this data might be used to identify individual riders and drivers. This data contains economically valuable information which is not generally known to the public.⁶ Disclosure of this data may inhibit competition, and is thus against public

³ See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

⁴ See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980) (“Far more important than the interests of either the defendants or the existing industry . . . is the public's interest in . . . the preservation of competition.”).

⁵ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

⁶ See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

interest.⁷ Competitors may be able to use this data to determine supply and demand and gain an unfair competitive advantage.⁸ This information is to be treated confidential by law, as stated by CPRA under Gov't. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.

- iii. **“WAV Trips Not Accepted”**: Data including the number of WAV trips not accepted is confidential business sensitive information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data is also sensitive from a user privacy perspective because due to the low volume this data might be used to identify individual riders and drivers. This data contains economically valuable information which is not generally known to the public.⁹ Disclosure of this data may inhibit competition, and is thus against public interest.¹⁰ Competitors may be able to use this data to determine supply and demand and gain an unfair competitive advantage.¹¹ This information is to be treated confidential by law, as stated by CPRA under Gov't. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.
- iv. **“WAV Trips Cancelled Passenger”**: Data including the number of WAV trips cancelled by passengers is confidential business sensitive

⁷ See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980)) (“Far more important than the interests of either the defendants or the existing industry . . . is the public's interest in . . . the preservation of competition.”).

⁸ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

⁹ See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

¹⁰ See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980)) (“Far more important than the interests of either the defendants or the existing industry . . . is the public's interest in . . . the preservation of competition.”).

¹¹ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data is also sensitive from a user privacy perspective because due to the low volume this data might be used to identify individual riders and drivers. This data contains economically valuable information which is not generally known to the public.¹² Disclosure of this data may inhibit competition, and is thus against public interest.¹³ Competitors may be able to use this data to determine supply and demand and gain an unfair competitive advantage.¹⁴ This information is to be treated confidential by law, as stated by CPRA under Gov't. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.

- v. **“WAV Trips Cancelled by Driver”**: Data including the number of WAV trips cancelled by drivers is confidential business sensitive information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data is also sensitive from a user privacy perspective because due to the low volume this data might be used to identify individual riders and drivers. This data contains economically valuable information which is not generally known to the public.¹⁵ Disclosure of this data may inhibit competition, and is thus against public

¹² See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request.).

¹³ See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980)) (“Far more important than the interests of either the defendants or the existing industry . . . is the public's interest in . . . the preservation of competition.”).

¹⁴ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

¹⁵ See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

interest.¹⁶ Competitors may be able to use this data to determine supply and demand and gain an unfair competitive advantage.¹⁷ This information is to be treated confidential by law, as stated by California Public Records Act (“CPRA”) under Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.

- vi. **“ Offset Response Time”**: Data produced in relation to response times is confidential business sensitive information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data contains economically valuable information which is not generally known to the public.¹⁸ Disclosure of this data may inhibit competition, and is thus against public interest.¹⁹ Company findings are commercially-developed information that are proprietary, competitively-sensitive, and highly valuable to Uber and competitors. Competitors may be able to use this data to determine supply and demand and gain an unfair competitive advantage.²⁰ Disclosure of which would inhibit competition, and thus weigh against the public’s interest. Furthermore, this data is considered highly sensitive business information that could be used to potentially predict future business models and/or products. Thus is protected by, Government Code Section 6254(k); Cal.

¹⁶ See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980)) (“Far more important than the interests of either the defendants or the existing industry . . . is the public's interest in . . . the preservation of competition.”).

¹⁷ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

¹⁸ See e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

¹⁹ See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980)) (“Far more important than the interests of either the defendants or the existing industry . . . is the public's interest in . . . the preservation of competition.”).

²⁰ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

Evid. Code § 1060; and Cal. Civ. Code § 3426.1(d) (Uniform Trade Secrets Act).

- vii. **“Training and Inspections”**: Data including the number of drivers who completed training is confidential business sensitive information, the disclosure of which would reveal valuable information about product demand and operational capacity. This data contains economically valuable information which is not generally known to the public.²¹ Disclosure of this data may inhibit competition, and is thus against public interest.²² Competitors may be able to use this data to determine supply, demand, insight into resources, and gain an unfair competitive advantage.²³ This information is to be treated confidential by law, as intended by CPRA under Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.
- viii. **“Funds Expended”**: The redacted figures show certain amounts, broken down by cost category, that Uber has invested to enable increased access to WAV service throughout California during Quarter 2 of 2020. The figures contained herein are highly confidential and contain trade secrets, proprietary and commercially sensitive information that, if released by the Commission, could give Uber’s competitors an unfair business advantage. These figures identify the granularity of Uber’s expenditure amounts which would allow competitors and potential competitors to understand Uber’s operational capacity and could be used to target business opportunities that negatively impact Uber. These figures are confidential

²¹ See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

²² See e.g., *United States v. Columbia Pictures Indus., Inc.*, 507 F. Supp. 412, 434 (S.D.N.Y. (1980) (“Far more important than the interests of either the defendants or the existing industry . . . is the public’s interest in . . . the preservation of competition.”).

²³ See e.g., *Morlife, Inc. v. Perry*, 56 Cal. App. 4th 1514, 1520 (1997) (acknowledging that “preservation of our free market economic system is the concomitant right to have the ingenuity and industry one invests in the success of the business or occupation protected from the gratuitous use of that “sweat-of-the-brow” by others”).

trade secrets pursuant to 18 U.S.C. § 1832 and Cal. Civil Code § 3426 et seq., thus prohibited from public disclosure in conformance with Government Code Section 6254(k). Further, the data contained within this spreadsheet is economically valuable information that is not generally known to the public and particularly valuable during early stage development of a program.²⁴ Disclosure would give competitors a “free ride” on investments, resources, expenses and efforts. Uber has expended significant capital to develop a first-of-its kind WAV program including, but not limited to, establishing the technology, logic, and systems to suit this nascent WAV program.

- ix. **“Funds Expended Certification”**: This Certification shows the reported amounts, broken down by cost category, that Uber has invested to enable increased access to WAV service throughout California during or before the Quarter 2 of 2020. The figures contained herein are highly confidential and contain trade secrets, proprietary and commercially sensitive information that, if released by the Commission, could give Uber’s competitors an unfair business advantage. These figures identify the granularity of Uber’s expenditure amounts which would allow competitors and potential competitors to understand Uber’s operational capacity and could be used to target business opportunities that negatively impact Uber. These figures are confidential trade secrets pursuant to 18 U.S.C. § 1832 and Cal. Civil Code § 3426 et seq., thus prohibited from public disclosure in conformance with Government Code Section 6254(k). Further, the data contained within this spreadsheet is economically valuable information that is not generally known to the public and particularly valuable during early stage development of a program.²⁵ Disclosure would give competitors a “free ride” on investments, resources, expenses and efforts. Uber has expended significant capital to develop a first-of-its kind WAV

²⁴ See, e.g., *Lion Raisins Inc. v. USDA*, 354 F.3d 1072, 1080–81 (9th Cir. 2004) (where information collected by agency would allow competitor to “infer critical information about its competitors’ volume, market share, and marketing strategy,” agency appropriately refused to produce in response to Freedom of Information Act request).

²⁵ *Id.*

program including, but not limited to, establishing the technology, logic, and systems to suit this nascent WAV program.

3. Information within the Worksheets named within Section b above, of the Advice Letter 4 Submission, reveals proprietary internal formulas, methods, salaries, techniques, investments, and tools. Uber contributed and invested extensive time, effort, and resources into developing its WAV program and has taken all reasonable efforts to maintain the secrecy of Uber-specific processes and tools. Therefore, this information is also protected by Cal. Evid. Code § 1060 (“the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it”). Cal. Evid. Code § 1060 is incorporated into the CPRA via Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege” from public disclosure.
4. Information within the Worksheets named within Section b above, of the Advice Letter 4 Submission contains trip data which is protected by Gov’t. Code § 6255(a) pursuant to a public interest balancing test. As indicated above, this highly competitive data would be of great value to TNCs (actual and potential), such as Lyft. The public would not benefit from disclosure of such data that could reduce competition in the rideshare marketplace. At present, the CPUC receives all necessary data to pursue its regulatory objectives with regards to the WAV program on behalf of the public. On balance, the competitive benefits derived from keeping the information discussed in this Declaration confidential outweighs any perceived public benefit from disclosure.
5. To the extent possible, portions of the supporting documentation have been marked confidential through a stamped header.
6. Given the nascent stage of Uber’s WAV program and the accompanying risks associated with intentional or unintentional disclosure of proprietary information, the information referenced herein should be held confidential for an indefinite period of time.
7. Portions of the Advice Letter 4 Submission are redacted and labeled “CONFIDENTIAL” and Uber asks that they be treated as such. As required under General Order 96-B, Section 10.3(a)(iii), the un-redacted information contained in the Advice Letter 4 Submission will be made available to those who execute a nondisclosure agreement. As required under General Order 96-B, Section 10.3(a)(iv), persons to contact regarding the potential release of

information by the Commission are as follows: (1) Lisa Tse (regulatory@uber.com and ltse@uber.com); (2) Shivani Sidhar (ssidhar@uber.com); or (3) Jane Lee (jylee@uber.com).

Respectfully submitted,

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FOR: INSTITUTIONAL EQUITY INVESTORS

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**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
TNC ACCESS FOR ALL
WHEELCHAIR ACCESSIBLE VEHICLE TRAINING DECLARATION FORM**

Carrier Name: JOLIE LIMO LLC

PSG #: 33256-B

Pursuant to Decision 20-03-007 Ordering Paragraph 14(a) and 16(f), all Wheelchair Accessible Vehicle (WAV) drivers operating on TNCs platform shall have completed WAV driver training within the past three years. The required training shall include, at minimum below:

1. Sensitivity training
2. Passenger assistance techniques
3. Accessibility equipment use
4. Door-to-door service
5. Safety procedures

TNCs shall be responsible for ensuring that each of their WAV drivers complies with these requirements and shall maintain records of such compliance for the duration of the program which is scheduled to sunset on January 1, 2026.

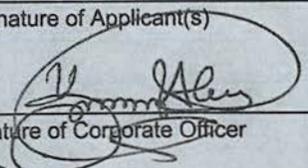
CERTIFICATION

I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement that all WAV drivers operating on TNCs platform must have completed WAV driver training within the past three years, and that I (we) am (are) to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: July 10th, 2020

YOSEF JOE ALEM
Print Name of Applicant/Officer

Signature of Applicant(s)



Signature of Corporate Officer

PRESIDENT

Title of Corporate Officer

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
TNC ACCESS FOR ALL
WHEELCHAIR ACCESSIBLE VEHICLE TRAINING DECLARATION FORM

Carrier Name: MV Wave

PSG #: TCPO012064B

Pursuant to Decision 20-03-007 Ordering Paragraph 14(a) and 16(f), all Wheelchair Accessible Vehicle (WAV) drivers operating on TNCs platform shall have completed WAV driver training within the past three years. The required training shall include, at minimum below:

1. Sensitivity training
2. Passenger assistance techniques
3. Accessibility equipment use
4. Door-to-door service
5. Safety procedures

TNCs shall be responsible for ensuring that each of their WAV drivers complies with these requirements and shall maintain records of such compliance for the duration of the program which is scheduled to sunset on January 1, 2026.

CERTIFICATION

I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement that all WAV drivers operating on TNCs platform must have completed WAV driver training within the past three years, and that I (we) am (are) to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: July 14, 2020

Myron Watkins
Print Name of Applicant/Officer

Signature of Applicant(s)


Signature of Corporate Officer

VP Strategic Operations
Title of Corporate Officer

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
TNC ACCESS FOR ALL
WHEELCHAIR ACCESSIBLE VEHICLE INSPECTION DECLARATION FORM**

Carrier Name: JOLIE LIMOLLE

PSG#: 33256B

Pursuant to Decision 20-03-007 Ordering Paragraphs 14(c) and 15(h), all Wheelchair Accessible Vehicles (WAVs) operating on a TNC's platform shall be inspected and approved to conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year.

TNCs shall be responsible for ensuring that each of their WAVs complies with this requirement and shall maintain records of such compliance for the duration of the program which is scheduled to sunset on January 1, 2026.

CERTIFICATION

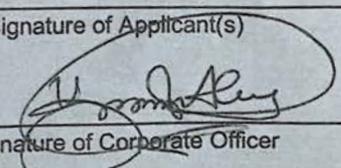
I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirements that all WAVs operating on the TNC platform be inspected and approved to conform with the Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles, and that I (we) am (are) to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: July 10th, 2020

JOSEF JOE ALAM

Print Name of Applicant/Officer

Signature of Applicant(s)


Signature of Corporate Officer

PRESIDENT
Title of Corporate Officer

ATTACHMENT B

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
TNC ACCESS FOR ALL
WHEELCHAIR ACCESSIBLE VEHICLE INSPECTION DECLARATION FORM**

Carrier Name: MV Wave

PSG#: TCP0012064B

Pursuant to Decision 20-03-007 Ordering Paragraphs 14(c) and 15(h), all Wheelchair Accessible Vehicles (WAVs) operating on a TNC's platform shall be inspected and approved to conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year.

TNCs shall be responsible for ensuring that each of their WAVs complies with this requirement and shall maintain records of such compliance for the duration of the program which is scheduled to sunset on January 1, 2026.

CERTIFICATION

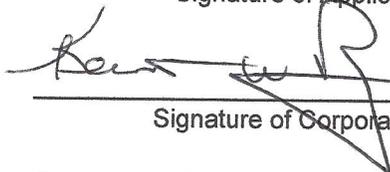
I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirements that all WAVs operating on the TNC platform be inspected and approved to conform with the Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles, and that I (we) am (are) to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: July 14, 2020

Kenneth Pouncey

Print Name of Applicant/Officer

Signature of Applicant(s)



Signature of Corporate Officer

Director, Fleet & Facilities Maintenance

Title of Corporate Officer

APPENDIX A

Uber Technologies, Inc. Cost Summary

Reporting Period Q2 2020

Vehicle Costs	\$ -
Lease/Rental/Purchase Costs	\$ -
Rental Subsidies for Driver	\$ -
Inspections	\$ -
Maintenance, Service & Warranty	\$ -
Fuel Cost	\$ -
Cleaning Supplies/Services	\$ -
Other (Describe)	\$ -
Partnership Costs	
Transportation Service Partner Fees/Incentives and/or Management Fees	
Vehicle Subsidies	
Consultants/Legal	
Other (Describe)	
Marketplace Costs	
Recruiting	
Driver Onboarding	
Training Costs	
Driver Incentives	
Promo Codes for WAV	
Other (Describe)	
Operational Costs	
Marketing Costs	
Technology Investments/Engineering Costs/Enhancements	
Community Partnership/Engagement Costs	
Rental Management	
Pilot Management	
Wages, Salaries and Benefits (non-maintenance personnel)	
Other (Describe)	
Other (Describe)	
Total Expended	
Total Offset Requested	\$ 843,305.06

I hereby certify under the penalty of perjury under the laws of the State of California that the foregoing cost summary has been examined by me and is true, correct and complete to the best of my knowledge and belief.



Signature:

Preparer: Uber Technologies, Inc.

Address: 1455 Market Street, 4th Floor, San Francisco, CA 94103

Title: Director, Central Operations

Date: July 15, 2020

Phone: (707) 572-5216

Email: WestRegs@uber.com

ATTACHMENT C

Uber Technologies, Inc. UberWAV Outreach Narrative

July 15, 2020

Overview

Uber Technologies, Inc. (Uber) continues its implementation of UberWAV service under the rules developed by the California Public Utilities Commission (CPUC) to implement the TNC Access for All Act (SB 1376). Between April and June 2020, Uber continued outreach to build understanding of the UberWAV program and solicit feedback from stakeholders. Efforts in this quarter included expanding outreach to community groups, including those that serve vulnerable populations, consulting with community groups on the needs of their constituents in light of the COVID-19 crisis, and answering questions about UberWAV service.

Elements of UberWAV outreach have included: information provided in-language and in accessible formats via the Uber app; informational web pages; earned and social media; driver training and education via a third-party partner; distribution of informational materials and engagement with stakeholder organizations. Additionally, the UberWAV program has conducted periodic reviews to assess learnings and develop outreach processes and product improvements based on feedback received via outreach.

Program Information and Community Group Outreach

Between April 2020 and June 2020, the UberWAV outreach program contacted, consulted with, or disseminated program information to stakeholder organizations, including disability groups, local agencies, community service providers, in-language service providers and community-based organizations. This quarter, Uber placed an emphasis on working to expand relationships with stakeholder groups outside its core urban areas and gaining an understanding of stakeholder needs and concerns in light of the COVID-19 crisis.

As part of outreach, Uber has requested feedback on outreach opportunities to reach disabled consumers and provided a California-specific instructional fact sheet on accessing UberWAV to these organizations to share with their constituents (see screenshots below). Translations of the fact sheet are available in Spanish, simplified Chinese, Tagalog, and Vietnamese. The digital fact sheet is compliant with accessibility requirements to enable public sector entities to post it online, as appropriate.

Outreach efforts in this quarter were conducted in twelve counties where UberWAV service is available. UberWAV outreach included the distribution of program materials via email, outreach phone calls, and consultation interviews, collectively totaling approximately 180 outreach contact points (with some

stakeholder organizations being reached both by email and phone). Uber prioritized outreach to include a wider range of stakeholders.

These efforts are supported by a dedicated [webpage for UberWAV](#), as well as an [accessibility webpage](#) that provides updates on new products, features, and initiatives to improve the mobility and independence for riders with disabilities. This digital information is available in four languages and includes Frequently Asked Questions, tools for consumers, and a step-by-step explanation of how to use the service (see screenshots below).

Stakeholder Interviews and Feedback

Uber conducted interviews with ten stakeholder organizations, including the Pacific ADA Center, the College of Marin Disabled Students Program, and Asians and Pacific Islanders with Disabilities of California (APIDC). The purpose of the interviews was to consult with stakeholder organizations on the needs of wheelchair users, including any specific challenges as a result of COVID-19, inform outreach to wheelchair users, and identify outreach and partnership opportunities.

Interviewees provided feedback on how the COVID-19 crisis is impacting their constituents and services. Interviewee responses included requests for information on how Uber is responding to COVID-19 and safety protocols for riders and drivers; interest in communicating the service to constituents; requests for in-language outreach; questions about how different stakeholders can access the UberWAV service; and opportunities for outreach including speaking engagements and potential community partners to reach. Learnings from these interviews will be used to inform future outreach. Additionally, the UberWAV program team meets regularly to discuss and implement process improvements, as appropriate, as a result of multilayered stakeholder feedback.

ATTACHMENTS

UberWAV Public Information Materials - Fact Sheets Samples

Accessing WAV in the Uber App

MV Transportation's wheelchair accessible vehicles are now available via the Uber app in parts of Southern California and the San Francisco Bay Area

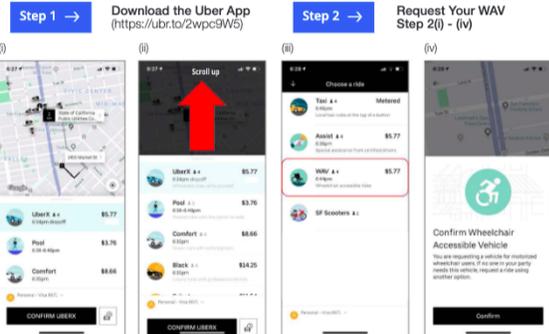
Uber

Acceder a WAV con la aplicación Uber

Los vehículos de MV Transportation accesibles para sillas de rueda se encuentran disponibles por medio de la aplicación Uber en el Condado Los Ángeles y el Área de la Bahía de San Francisco

Uber

How to Ride with WAV



Cómo solicitar un WAV



Affordable, On-Demand Rides in Wheelchair-Accessible Vehicles

Fast, flexible rides

When and where WAV is available, rides are requested on demand - simply enter your destination and tap to request.

Trips that fit your budget

WAV rides are priced the same as UberX rides.

Specialized drivers to assist you

WAV drivers complete a certification course offered by a third party in safe wheelchair securement.

Follow UberWAV

What is UberWAV? Website and FAQ (uber.com/ride/uberwav)

A Letter from our CEO on Improving Accessible Service

(<https://ubr.to/uberwav>)

UberWAV Public Information Materials - Accessibility and UberWAV Webpages

Accessibility at Uber

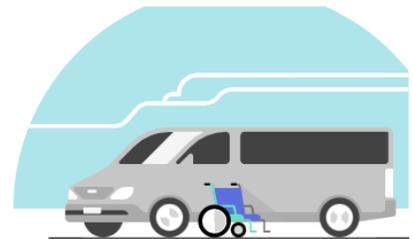
Our technology has transformed mobility for many people with disabilities, and we're committed to continuing to develop solutions that support everyone's ability to easily move around their communities.*



WAV

WAV provides affordable rides in wheelchair-accessible vehicles, where available.

We're committed to developing solutions that support everyone's ability to easily move around their communities. Riders who use motorized wheelchairs or scooters can in certain cities* request a ride in a wheelchair-accessible vehicle (WAV). WAV driver-partners are certified by a third party in safely driving and assisting people with disabilities.



sign up to ride