cruise

May 31, 2023

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Consumer Protection and Enforcement Division
500 Van Ness Avenue
San Francisco, CA 94102-3214
douglas.ito@cpuc.ca.gov
AVPrograms@cpuc.ca.gov

SUBJECT: Cruise LLC's Comments on the Draft Resolution Approving Authorization for Cruise LLC's Expanded Service in Autonomous Vehicle Passenger Service Phase I Driverless Deployment Program

Dear Consumer Protection and Enforcement Division,

Pursuant to Rule 14.5 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission" or "CPUC"), Cruise LLC ("Cruise") provides its comments on Draft Resolution TL-19145 Approving Authorization for Cruise LLC's Expanded Service in Autonomous Vehicle Passenger Service Phase I Driverless Deployment Program, served on May 11, 2023 ("Draft Resolution").

I. SUMMARY OF COMMENTS

Cruise appreciates the Consumer Protection and Enforcement Division's ("CPED") thorough and careful review of Cruise's Tier 2 Advice Letter requesting authorization to expand its service in the Commission's Autonomous Vehicle Passenger Service Phase I Driverless Deployment Program ("Deployment Program"). Cruise agrees with the Draft Resolution's determination that Cruise has satisfied the requirements of Decision 20-11-046 ("Deployment Decision")[1] and Resolution TL-19137.[2] The Draft Resolution specifically finds that Cruise has submitted a complete Passenger Safety Plan (PSP) that "reasonably addresses its expanded service"[3] and "Cruise has demonstrated its commitment to passenger safety through its PSP."[4] Cruise strongly supports the Draft Resolution's approval of Cruise's expanded service and urges the expeditious adoption of the Draft Resolution at the Commission's June 29, 2023 voting meeting.

The Draft Resolution, which authorizes Cruise to "offer passenger service in its autonomous vehicles without a safety driver present throughout the city of San Francisco, at all hours of day or night, among other conditions specified in its Operational Design Domain" and "to collect

[1] Decision Authorizing Deployment of Drivered and Driverless Autonomous Vehicle Passenger Service, D.20-11-046 (Cal. P.U.C. Nov. 19, 2020), as modified by Order Modifying Certain Holdings of Decision 20-11-046 and Denying Rehearing of the Decision, as Modified, D.21-05-017 (Cal. P.U.C. May 6, 2021) ("Deployment Decision").
[2] Resolution TL-19137 (Cal. P.U.C. June 2, 2022), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M483/K544/483544466.PDF.
[3] Draft Resolution at 1.
[4] *Id*. at 10.

fares for these rides,"[5] will further advance the Commission's established goals for its autonomous vehicle program: to protect passenger safety in driverless rides; expand the benefits of AV technologies to all Californians, including people with disabilities; improve transportation options for all, particularly for disadvantaged communities and low-income communities; and reduce greenhouse gas emissions, criteria air pollutants, and toxic air contaminants, particularly in disadvantaged communities. The Draft Resolution specifically points to the "safety, accessibility, environmental, and economic benefits" of Cruise's expansion.[6]

Cruise also agrees with the Draft Resolution's determination that the arguments the San Francisco Municipal Transportation Agency ("SFMTA"), San Francisco County Transportation Authority ("SFCTA"), and the Mayor's Office of Disability (collectively, "San Francisco") make in their protest to Cruise's Tier 2 Advice Letter are not proper grounds for a protest.[7] San Francisco's arguments, which center on issues of scale and incrementalism, operational safety, and data transparency and reporting, are attempts to relitigate past Commission determinations or inappropriate policy objections.[8] The Draft Resolution correctly finds that the Deployment Decision "does not prescribe a particular progression for the testing and deployment of AVs in terms of participation in Commission AV programs, number of vehicles, character of operations, or any other factors."[9] San Francisco's scale and incrementalism arguments are inconsistent with the Deployment Decision and the Commission's goals for its AV programs. The Draft Resolution thus properly treats San Francisco's protest letter as a response.[10] Accordingly, the Commission should swiftly approve the Draft Resolution at the Commission's June 29, 2023 voting meeting.

Cruise very much appreciates the ability to expand its commercial service, which is another step in achieving the Commission's and Cruise's shared vision of an autonomous vehicle future. Cruise also is committed to continued collaboration and community engagement as it expands its service. Cruise, however, respectfully discusses below the advice letter approval process to emphasize that under the Commission's long established rules, CPED is empowered to approve Cruise's Tier 2 Advice Letter without a Commission resolution or vote. In response to future Tier 2 advice letters, CPED may exercise its disposition authority to approve the advice letters without a Commission resolution or vote, particularly where, as here, all requirements have been met, no proper protests were submitted, and 41 supportive responses were received.[11]

II. DISCUSSION

As the Draft Resolution explains, the Commission's "Deployment Decision established an advice letter process, modeled on the General Rules set forth in [General Order (GO)] 96-B, for Driverless Deployment applications and modifications."[12] Under this process, an entity seeking to participate in the Deployment Program is required to "submit to the Director of CPED an application for a permit in the form of a Tier 3 Advice Letter."[13] CPED is required to "review each

[5] *Id*. at 1.
[6] *Id*. at Finding of Fact 7.
[7] *Id*. at 6, 11, and Finding of Fact 3.
[8] *Id*.
[9] *Id*. at Finding of Fact 11.
[10] *Id*. at 6 and Finding of Fact 3.
[11] Cruise also received two additional letters from the Santa Monica Chamber of Commerce and the Bay Area Council.
[12] *Id*. at 3.
[13] Deployment Decision at 80.

application and prepare a draft resolution recommending appropriate disposition of each application for a Commission resolution."[14] In contrast, when a Deployment Program participant wishes "to change its operations in a way that would 'materially affect the approaches' in its PSP," the participant is required only to submit a revised PSP in the form of a Tier 2 advice letter.[15]

The Commission established the tiered advice letter process in GO 96-B as an "important tool for managing [the Commission's] decision-making resources."[16] By "carefully defining, clarifying, and streamlining the advice letter process," including the creation of a tiered advice letter system, the Commission sought to "ensure optimal use of that process."[17]

The Draft Resolution correctly recognizes that under GO 96-B's tiered disposition system, Tier 2 advice letters may be approved by CPED.[18] Specifically, GO 96-B provides that CPED "disposition is appropriate where statutes or Commission orders have required the action proposed in the advice letter, or have authorized the action with sufficient specificity, [such] that the [staff] need only determine as a technical matter whether the proposed action is within the scope of what has already been authorized by statutes or Commission orders."[19] GO 96-B further explains that even where the subject matter is technically complex, industry division disposition is appropriate "so long as a technically qualified person could determine objectively whether the proposed action has been authorized by the statutes or Commission orders cited in the advice letter."[20] CPED disposition also may be appropriate even where a timely protest is made to an advice letter.[21] Disposition of advice letters by CPED advances the Commission's goal of managing the Commission's decision-making resources and making optimal use of the advice letter process.

By establishing and authorizing a Tier 2 advice letter process for changes to operations, including expansions of an ODD, the Commission clearly authorized and contemplated that CPED disposition of Tier 2 advice letters submitted by Deployment Program participants seeking to change their operations is appropriate and does not require a Commission resolution or vote.

In its comments on the proposed Deployment Decision, Cruise expressed concern about the use of the advice letter process for the AV industry because the process was designed for natural monopolies, not industries like the AV industry that are competitive, flexible, and receptive to passenger feedback.[22] Cruise also expressed concern that the advice letter process could be abused and politicized and used to stall meritorious applications, delaying the growth of the AV industry and preventing the numerous transportation, safety, and environmental benefits offered by AV service from being realized.[23]

---

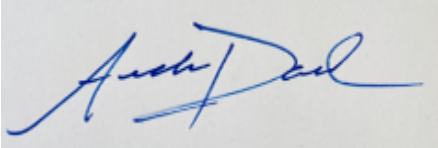
[14] *Id.* at 81.
[15] Draft Resolution at 3.
[16] Fourth Interim Opinion Adopting Remaining General Rules and Industry Rules for Energy and Water as Revisions to General Order 96-A, D. 07-01-24 (Cal. P.U.C. Jan. 25, 2007), at 5.
[17] *Id*. at 5, 16.
[18] Draft Resolution at 3.
[19] GO 96-B, Section 7.6.1, at 16.
[20] *Id.*
[21] *Id.*
[22] Comments of Cruise LLC on the Proposed Decision Authorizing Deployment of Drivered and Driverless Autonomous Vehicle Passenger Service, R.12-12-011 (Nov. 4, 2020), at 5.
[23] *Id*. at 6.

Cruise reiterates these concerns and respectfully emphasizes that CPED is empowered to exercise its disposition authority to approve without Commission resolution or vote future Tier 2 advice letters that comply with the Deployment Decision's requirements. CPED's use of its disposition authority to approve these Tier 2 advice letters would further the efficient and optimal use of the advice letter process that the Commission outlined in GO 96-B and the Deployment Decision, and also advance the Commission's goals to expand access to AV service to all Californians.

III. CONCLUSION

Cruise appreciates this opportunity to provide comments on the Draft Resolution and respectfully requests that the Commission expeditiously adopt the Draft Resolution at its June 29, 2023 voting meeting. Cruise looks forward to continuing to work with the Commission and other stakeholders to expand access to autonomous vehicles, while maintaining passenger safety.

Respectfully submitted,



Aichi Daniel
Attorney for:
Cruise LLC
333 Brannan Street
San Francisco, CA 94107
415.583.2394
aichi.daniel@getcruise.com