



Waymo LLC
1600 Amphitheatre Pkwy
Mountain View, CA

June 11, 2021

Director Doug Ito
California Public Utilities Commission
Consumer Protection & Enforcement Division
505 Van Ness Ave. San Francisco, CA 94102

**Re: Request for Deviation Pursuant to GO 157-E, Part 1.07
CPUC Drivered AV Passenger Service Pilot Program (TCP No. 38152)**

Pursuant to California Public Utilities Commission (“CPUC” or “Commission”) General Order (“GO”) 157-E, Part 1.07, Waymo LLC (“Waymo”) hereby respectfully submits this request for a Commission resolution approving a deviation from GO 157-E, Part 8.02. Part 8.02 governs exemptions from certain requirements of the Commission’s Drivered Autonomous Vehicle (“AV”) Pilot Program. Exemptions granted under Part 8.02 have allowed AV companies like Waymo to conduct AV passenger carrier pilot operations and generate valuable operational data pursuant to Decision (D.) 18-05-043 by partnering with experienced third-party vendors. However, the exemption period allowed by Part 8.02 is limited to the shorter of 12 months, or the duration of the Commission’s AV pilot program and, if the carrier presents an updated justification, for one additional 12 month period, for a maximum allowable exemption period of 24 months. As further described below, a deviation from the 24 month exemption period is warranted here in light of Waymo’s suspension of all CPUC pilot operations due to the COVID-19 pandemic. Waymo requests that the Commission approve by resolution a deviation from Part 8.02, effective on the date of the resolution’s adoption, allowing Waymo’s existing exemption to remain in place for twelve (12) months—the approximate period that the pandemic prevented Waymo from exercising its existing exemption - thereby effectively tolling the effective date of Waymo’s July 1, 2020 exemption renewal.¹

¹ Waymo’s Commission-approved July 1, 2020 exemption renewal, granted pursuant to GO 157-E, Section 8.02, can be found at:
[https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/Licensing/autovehicle/2020.05.01%20Waymo%20GO%20157-E%20Exemption%20Renewal%20Request%20\(](https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/Licensing/autovehicle/2020.05.01%20Waymo%20GO%20157-E%20Exemption%20Renewal%20Request%20()

The Commission granted Waymo a charter-party carrier (“TCP”) certificate to operate under the Commission’s Drivered Autonomous Vehicle (“AV”) Pilot Program on July 2, 2019. Pursuant to GO 157-E, Part 8.02, the Commission concurrently approved Waymo’s request for an exemption from the “driver status” requirements of GO 157-E, Part 5.03. The exemption, which the Commission renewed on July 1, 2020, allows Waymo to utilize as pilot program drivers the employees of specialized third-party vendors. Operating condition No. 14 of Waymo’s TCP certificate sets forth Waymo’s existing exemption from GO 157-E, Part 5.03, and limits the exemption period to the shorter of 12 months, or the duration of the Commission’s AV pilot program.

In the past year, however, Waymo’s AV pilot exemption has gone entirely unused due to the COVID-19 pandemic. On March 4, 2020, Governor Newsom declared a state of emergency to help the state prepare for the broader spread of COVID-19,² and signed a number of executive orders over the course of the year to further address the evolving impact of the pandemic.³ Beginning around the time Governor Newsom declared a state of emergency, the risks associated with the spread of COVID-19, as well as the federal, state, and local health and safety requirements put into place to try to mitigate those risks, placed practical and operational constraints on Waymo’s ability to provide rides to members of the public. As a consequence, Waymo suspended its AV TCP pilot operations. The Commission itself has recognized the impacts of

[May%201.%202020\).pdf](#) The justification for such request remains unchanged into the present time.

²Office of Governor Gavin Newsom, *Governor Newsom Declares State of Emergency to Help State Prepare for Broader Spread of COVID-19*, March 4, 2020 (available at: <https://www.gov.ca.gov/2020/03/04/governor-newsom-declares-state-of-emergency-to-help-state-prepare-for-broader-spread-of-covid-19/>.) Proclamation of a State of Emergency, March 4, 2020 (available at: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>.)

³ See e.g., Executive Order N-25-20 [Further Enhancing State and Local Government’s Ability to Respond to COVID-19 Pandemic] (available at: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>); Executive Order N-27-20 [To Protect the Health and Safety of Californians Most Vulnerable] (available at: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.15.2020-COVID-19-Facilities.pdf>); Executive Order N-33-20 [Stay at Home Order] (available at: <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.); Executive Order N-39-20 [To Expand Health Care Workforce and Recruit Health Care Professionals to Fight COVID-19] (available at: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.30.20-EO-N-39-20.pdf>).

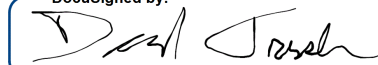
COVID-19 over the past year, and has taken action to grant relief from operational impacts.⁴

Prior to suspending pilot operations due to the COVID-19 pandemic, Waymo generated significant mileage and data as an active carrier under the Commission's AV pilot program. As more Americans become vaccinated against COVID-19, and the impacts of the pandemic wane, Waymo will again be able to utilize its third-party vendor-employed drivers to generate and submit to the Commission operational data, in furtherance of both the AV pilot and deployment programs.

Lastly, Waymo notes that it seeks this deviation after having already diligently worked to resolve the issue through the Commission's formal rulemaking proceeding, Rulemaking (R.) 12-12-011,⁵ and with Commission staff directly. On April 14, 2021, Waymo submitted a subsequent exemption request consistent with guidance provided by Commission staff in early March. Waymo was then informed on May 24, 2021 that the procedure recommended by staff was no longer available. Due to the passage of time for the period when Waymo's exemption request was under staff review, and the impending expiration of Waymo's current exemption, Waymo respectfully requests that this deviation be approved expeditiously. Waymo further requests that consistent with Rule 14.6 of the Commission's Rules of Practice and Procedure, the Commission waive the resolution comment period or shorten the comment period to no more than five (5) days.

For the above reasons, Waymo respectfully requests that the Commission issue a resolution approving a deviation from the exemption duration limitations of GO 157-E, Part 8.02, and allow Waymo's existing exemption from the "driver status" requirements of Part 5.03 to remain in place for a period of twelve (12) months from the effective date of the resolution granting the deviation.

Respectfully,

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David Tressler
Deputy General Counsel

⁴ <https://www.cpuc.ca.gov/covid/>.

⁵ See, e.g. *Waymo Opening Comments on the Proposed Decision*, filed November 4, 2020, at p. 9 (highlighting the discrepancy between the duration of the pilot exemption period and the then-proposed and now-adopted deployment exemption period).