DECLARATION OF DAVID M. TRESSLER IN SUPPORT OF THE REQUESTS FOR CONFIDENTIAL TREATMENT OF WAYMO LLC'S Q1-2023 DRIVERED AUTONOMOUS VEHICLE DEPLOYMENT DATA

I, David M. Tressler, declare and state as follows:

1. I am over eighteen (18) years of age. I am the Deputy General Counsel of Waymo LLC ("Waymo"). I make this declaration pursuant to the California Public Utilities Commission's ("CPUC" or "Commission") General Order 66-D.
2. Together with this Declaration, Waymo is submitting to the Consumer Protection and Enforcement Division ("CPED") its quarterly autonomous vehicle ("AV") deployment data report, per D.20-11-046 (as modified by D.21-05-017). This declaration covers the Q1-2023 deployment report, and contemporaneously provided Resubmissions for Q3 and Q4 2022.
3. On June 2, 2022, CPED staff issued quarterly data reporting templates in the form of an Excel spreadsheet with multiple tabs, to be used in preparing quarterly data reports in connection with the Commission's AV Deployment Programs. On June 20, 2022, CPED staff issued updated quarterly data reporting templates. Each of the tabs within the spreadsheet contain numerous data fields.
4. Certain data fields in CPED's Excel spreadsheet seek information that implicates a protected trade secret or the privacy of Waymo's riders. As such, Waymo requests confidential treatment of the following information, as further described in Attachment A to this declaration: (1) Trip-Level data (including zip code and census block information of pick-up and drop-off locations), and (2) information related to Waymo's electric vehicle charging infrastructure and vehicle charging session data; and (3) data related to number and times of specified pick-up and drop-offs.
5. The basis for confidential treatment of these items is that the information is exempt from disclosure under Government Code § 6254(k) of the California Public Records Act ("CPRA"), Civil Code § 3426.1(d),[1] Civil Code § 1798.80 et seq. (process for protecting customer records), Civil Code § 1798.24 and Government Code §6254(c) (limiting disclosure of personal information), California Evidence Code §1060, Government Code §6255(a), and Right of Privacy guaranteed by Article I, Sect. 1, of the California Constitution.

[1] Pursuant to §3426.1(d), "Trade secret" means "information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

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6. I am aware that on December 21, 2020, Administrative Law Judge ("ALJ") Mason issued a ruling that provides a category-by-category ruling on the confidentiality of reporting data that Uber Technologies, Inc. ("Uber) and Lyft, Inc. ("Lyft") moved to maintain as confidential as part of their respective 2020 Annual Reports.[2] On May 28, 2021, Lyft appealed certain portions of ALJ Mason's December 2020 Ruling, which the Commission denied on May 5, 2020, in Decision (D.) 22-05-003. I am also aware that Lyft challenged the denial of its appeal and successfully moved to stay D.22-05-003 until the Commission hears Lyft's pending Application for Rehearing.[3] While ALJ Mason's December 2020 Ruling and D.22-05-003 adjudicated only the confidential treatment of data reported by the Transportation Network Companies ("TNC") in the TNCs' 2020 Annual Reports, several data reporting categories required of companies participating in the AV Deployment Programs parallel categories at issue in Lyft's pending Application for Rehearing. In light of Lyft's pending Application for Rehearing, Waymo seeks to maintain the confidentiality of information contained in these parallel data categories, at a minimum during the pendency of the existing proceedings. Waymo would be irreparably harmed and competitively disadvantaged if the Commission applied a different standard to determine the confidentiality of Waymo's data than the standard applied to other transportation providers.
7. I declare, under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed in Mountain View, California on 12/22/2022.

DocuSigned by:
957C65A8F0EC427...
Signature

David M. Tressler
Deputy General Counsel
Waymo LLC
1600 Amphitheatre Parkway
Mountain View CA 94043

[2] *ALJ's Ruling on Uber Technologies, Inc.'s and Lyft's Motion for Confidential Treatment of Certain Information in Their 2020 Annual Reports* (Dec. 21, 2020), Appendices A and B.
[3] Lyft filed an application for rehearing the next day. *See* Lyft, Inc.'s Application For Rehearing of Decision Denying Appeal of Lyft, Inc. Re: Ruling Denying, In Part, Motions by Uber Technologies, Inc. and Lyft, Inc. for Confidential Treatment of Certain Information In Their 2020 Annual Reports (May 6, 2022).