

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

**VIA ELECTRONIC MAIL**

July 9, 2024

Justine Woodland  
Uber Technologies, Inc.  
1515 Third Street  
San Francisco, CA 94158  
jwoodland@uber.com

Subject: TNC Access for All Advice Letter 23 Disposition

Dear Justine Woodland,

Pursuant to Commission Decisions D.20-03-007, D.21-03-005, D.21-11-004, and D.23-02-024, 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Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 did not receive any protests against AL 23.

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, 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 black ink, appearing to read "T. Curtis".

Terra Curtis  
Interim Director, Consumer Protection and Enforcement Division  
Manager, Transportation Policy & Programs

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**Advice Letter Status Certificate**

Status of Advice Letter 23 as of July 9, 2024

**Uber Technologies, Inc.** (TCP 38150)

Attention: Justine Woodland  
1515 Third Street  
San Francisco, CA 94158

Advice Letter Subject: **Exemption for Q2 2024 - Q1 2025 in compliance with  
Decision 20-03-007 and D.21-11-004**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 4-15-2024

**Disposition: Approved**

**Effective Date: 07-09-2024**

**Approved Exemption: San Mateo**

CPUC Contact Information: [tncaccess@cpuc.ca.gov](mailto:tncaccess@cpuc.ca.gov)

TNC Contact Information: Justine Woodland  
[jwoodland@uber.com](mailto:jwoodland@uber.com)

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### Appendix: Staff Review and Disposition

#### Background

In accordance with D.20-03-007, D.21-03-005, D.21-11-004, and D.23-02-024, Uber, Inc. (Uber) filed advice letter (AL) 23 on April 15, 2024 requesting exemption from remitting TNC Access for All Fund fees collected in San Mateo County for Quarter 2 (Q2) of 2024 through Quarter 1 (Q1) of 2025. CPED did not receive any protests against AL 23.

This disposition evaluates Uber's compliance with exemption requirements based on the dataset provided.

To qualify for an exemption in a geographic area, D.20-03-007, D.21-03-005, D.21-11-004, and D.23-02-024 requires a Transportation Network Company (TNC) to file an advice letter demonstrating meeting the offset requirement for four consecutive quarters: (1) the presence and availability of WAVs, (2) improved level of service, (3) outreach efforts, (4) accounting of funds expended, (5) training and inspections, and (6) complaints related to WAV service. In addition, the TNC must also meet the exemption time standards. Table 1 below summarizes the exemption evaluation criteria adopted in D.20-03-007, D.21-11-004, and D.23-02-024:

Table 1: Criteria for Evaluating Exemptions

Criteria	Must Demonstrate	Satisfied by
<b>1. Presence and availability of WAVs<sup>1</sup></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 unique number of WAVs in operation – by quarter and by hour of the day and day of the week; and (c) 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 (d) the total WAV trips requested and completed broken out by Census Tract; and (e) operating hours for each geographic area	Submission of the relevant data

<sup>1</sup> D.20-03-007 Ordering Paragraph 1; D.23-02-024 Ordering Paragraph 11 and 12

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Criteria	Must Demonstrate	Satisfied by
<p><b>2a. Improved level of service<sup>2</sup></b></p>	<p>Both the Offset Time and the Trip Completion Standards are satisfied:                      (a)(1) Offset Time Standard &amp; WAV Response Times: Meet or exceed both the relevant Level 1 and Level 2 Response Time Benchmarks for a given quarter in a given geographic area within the Offset Response Time Benchmarks (ORTB). The schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request in that quarter.                      (b.1) Trip Completion Standard: Meet or exceed the applicable minimum percentage of trip requests completed, and                      (b.2) Either (i) a greater number of completed trips than in the immediately prior quarter, or (ii) a greater number of completed trips than in the immediately prior year’s same quarter, if sufficient data is available. A TNC may elect to be compared to this prior quarter or prior year’s same quarter, if applicable. The schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request.</p>	<p>Achievement of the Offset Time Standard<sup>3</sup> and Trip Completion Standard<sup>4</sup></p>

<sup>2</sup> D.21-11-004 Ordering Paragraph 1-3, 6, and 7

<sup>3</sup> D.21-11-004, Ordering Paragraphs 1, 2, 3, and 4

<sup>4</sup> D.21-11-004, Ordering Paragraphs 6, 7, and 8

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Criteria	Must Demonstrate	Satisfied by
<p><b>2b. Improved level of service (pre-scheduled WAVs)<sup>5</sup></b></p>	<p>Both the Pickup Delay Benchmark and the Trip Completion Standards are satisfied:</p> <p>(a)(1) Pickup Delay Standard within the Pickup Delay Benchmark<sup>6</sup>: Meet or exceed both the relevant Response Time Benchmarks for a given quarter in a given geographic area within the Pre-scheduled Pickup Delay Benchmarks (PDB). The schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request in that quarter.</p> <p>(b.1) Pre-scheduled Trip Completion Standard<sup>7</sup>: Meet or exceed the applicable minimum percentage of trip requests completed, and</p> <p>(b.2) Either (i) a greater number of completed trips than in the immediately prior quarter, or (ii) a greater number of completed trips than in the immediately prior year’s same quarter, if sufficient data is available. A TNC may elect to be compared to this prior quarter or prior year’s same quarter, if applicable. The schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request.</p>	<p>Achievement of the Pickup Delay Benchmark Standard and Trip Completion Standard</p>

<sup>5</sup> D.23-02-024 Ordering Paragraph 1-5

<sup>6</sup> D.23-02-024 Ordering Paragraph 4

<sup>7</sup> D.23-02-024 Ordering Paragraph 5

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Criteria	Must Demonstrate	Satisfied by
<b>3. Efforts to publicize and promote available WAV services<sup>8</sup></b>	<p>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 including but not limited to:</p> <p>(a) Submitted an annual outreach plan (due no later than July 1 of each year),</p> <p>(b) Information about disability access and WAV in general marketing campaigns,</p> <p>(c) Submit a quarterly report for each offset county on the following: Progress made towards implementing the outreach plan; The number of entities contacted; The method, nature, outcome of the contact; the number of partnerships developed; Efforts to publicize and promote WAV service in each offset and whether efforts were accessible to people with disabilities and limited English proficiency; Educational materials developed and distributed; and outcome of TNCs efforts to outreach and engage wheelchair users.</p> <p>Quarterly Report shall also address the following questions:</p> <ol style="list-style-type: none"> <li>1. What methods of engagement did the TNC find most effective and why?</li> <li>2. What common concerns/questions came up during the engagement process?</li> <li>3. What challenges have you encountered? How do you plan to overcome them?</li> </ol>	<p>Achievement of the outreach efforts provided in their annual outreach plan and submission of relevant data</p>
<b>4. Full accounting of funds expended<sup>9</sup></b>	<p>Qualifying offset expenses are:</p> <p>(a) reasonable, legitimate costs that improve a TNC's WAV service, and</p> <p>(b) incurred in the quarter for which a TNC requests an offset, and</p> <p>on the list of eligible expenses attached as Appendix A, and</p> <p>(d) net of fare revenues collected from WAV service delivery in the quarter for which a TNC requests an offset<sup>10</sup></p>	<p>Submission of the relevant data</p>

<sup>8</sup> D.20-03-007 Ordering Paragraph 9, and D.23-02-024 Ordering Paragraph 16

<sup>9</sup> D.20-03-007 Ordering Paragraph 10

<sup>10</sup> D.21-11-004 Ordering Paragraph 9

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Criteria	Must Demonstrate	Satisfied by
<b>5. Training and inspections<sup>11</sup></b>	(a) certification of WAV driver training completion within the past 3 years, <sup>12</sup> (b) WAV driver training programs used per geographic area, and the number of WAV drivers that completed WAV training in that quarter, and (c) Certification of WAV inspection and approval <sup>13</sup>	Submission of the relevant data
<b>6. Reporting complaints<sup>14</sup></b>	Number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category <sup>15</sup>	Submission of the relevant data
<b>7. Exemption Time Standard<sup>16</sup></b>	(a) 80 percent of its completed WAV trips meet or exceeded the corresponding Level 1 Offset Response Time Benchmarks for a given geographic area for four consecutive quarters, and (See Table B) (b) The TNC qualified for an offset in the given geographic area for the same four consecutive quarters. (See Table A)	Achievement of the Exemption Time Standard

The Commission adopted a specific qualifying exemption standard for evaluating improved level of service in D.20-03-007 and D.21-11-004 (see Table 2 below). In D.23-02-024, the Commission expanded outreach efforts a TNC must demonstrate (see 3. “Efforts to publicize and promote available WAV services” in Table 1), but did not set qualifying standards for the four other evaluation criteria. **As long as a TNC satisfied the Exemption Time Standard for improved level of service, achieved outreach efforts, and submitted all the required data showing WAV presence and availability, accounting of expended funds, training and inspections, and complaints related to WAV service, it is eligible to receive an exemption and its advice letter will be approved. After a TNC receives an exemption, it must submit a quarterly report for each quarter during its exemption year no later than 30 days after the end of each quarter.**

<sup>11</sup> D.20-03-007 Ordering Paragraph 13 and 15(f), 15(g), and 15(h)

<sup>12</sup> Must include: sensitivity training, passenger assistance techniques, accessibility equipment use, door-to-door service, and safety procedures, D.20-03-007, Ordering Paragraph 13.

<sup>13</sup> Should state that WAVs conform with the American with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year, D.20-03-007, Ordering Paragraph 13.

<sup>14</sup> D.20-03-007 Ordering Paragraph 14

<sup>15</sup> Categories include securement issue, driving training, vehicle safety and comfort, service animal issue, stranded passenger, pickup, drop off, and others, D.23-02-024, Ordering Paragraph 13.

<sup>16</sup> D.21-11-004 OP 10

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Table 2: WAV Response Times and Exemption Time Standard

Geographic Area/County	Level 1 WAV Response Time (mins)
San Francisco	15
Alameda, Contra Costa, Imperial, Los Angeles, Madera, Orange, Sacramento, San Joaquin, San Luis Obispo, San Diego, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Stanislaus, Ventura	25
Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, San Benito, San Bernardino, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba	30

## Discussion

### A. Analysis of AL 23

Uber's AL 23 requested an exemption from remitting TNC Access for All Fund fees collected in San Mateo County starting Q2 2024 through Q1 2025. D.21-11-004 provides the requirements for an exemption request:

*For exemption eligibility, a Transportation Network Company (TNC) must demonstrate that:*

*(a) 80 percent of its completed wheelchair accessible vehicle (WAV) trips met or exceeded the corresponding Level 1 Offset Response Time Benchmarks for a given geographic area for four consecutive quarters, and*

*(b) The TNC qualified for an offset in the given geographic area for the same four consecutive quarters.<sup>17</sup>*

Further, Ordering Paragraph 10 of D.21-11-004 adopts the WAV response time benchmarks for exemption requests (see Table 2).

Table 3 below shows whether the Exemption Time Standard in Q2 2023, Q3 2023, Q4 2023, and Q1 2024 has been met in San Mateo County. The data below show that the response times for the 80th percentile (see column B) of all completed trips in San Mateo County in each quarter are within the adopted Level 1 benchmarks (see column A). In addition, Uber achieved the required response times for four (4) consecutive quarters (see columns B and C), and qualified for an offset for the same four consecutive quarters (see column D).

<sup>17</sup> D.21-11-004, Ordering Paragraph 10.



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Table 3: Summary of Response Times for Exemption

County	(A) Level 1 Exemption Response Time Benchmarks (minutes)	(B) 80th Percentile Response Times (minutes)				(C) Within the Benchmark for Four Consecutive Quarters	(D) Qualified for an Offset for Four Consecutive Quarters
		Q2 2023	Q3 2023	Q4 2023	Q1 2024		
SAN MATEO	25	20.38	22.28	21.63	21.98	Yes	Yes

### B. Disposition of AL 23

Having met both parts (a) and (b) of the exemption criteria in D.21-11-004 Ordering Paragraph 10 and having submitted the required data listed in Table 1, CPED approves Uber's exemption request in San Mateo County, effective July 9, 2024. Consequently, Uber is exempt from remitting the quarterly Access for All fees collected in San Mateo County in Q2 2024, Q3 2024, Q4 2024, and Q1 2025. Uber shall continue submitting Quarterly Reports for these quarters and resume remitting quarterly fees in San Mateo County starting in Q2 2025. If Uber's quarterly reports show that it continues to qualify for a further exemption at the end of this period, it may file a new advice letter seeking an exemption for remitting Access Fees for Q2 2025 through Q1 2026; the advice letter must demonstrate Uber met the offset standards and exemption standards for four consecutive quarters (Q2 2024 through Q1 2025).