

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

**VIA ELECTRONIC MAIL**

September 29, 2023

Stephanie Kuhlman  
Uber Technologies, Inc.  
1455 Market Street  
San Francisco, CA 94103  
[stephanie.kuhlman@uber.com](mailto:stephanie.kuhlman@uber.com)

Subject: TNC Access for All Advice Letter AL 19 Disposition

Dear Stephanie Kuhlman,

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- Disposition of Filing (Approved, Rejected, Withdrawn, etc.)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 19.

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 "Terra 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 19 as of September 29, 2023

**Uber Technologies, Inc.** (TCP 38150)  
Attention: Stephanie Kuhlman  
1455 Market Street  
San Francisco, CA 94103

Advice Letter Subject: **Offset for Q2 2023 in compliance with Decisions D.20-03-007, D.21-03-005, D.21-11-004, and D.23-02-024**

Division Assigned: Consumer Protection and Enforcement

Date Filed: 7-14-2023

**Disposition: Approved**  
**Effective Date: 9-29-2023**

## Approved Offsets:

COUNTY	APPROVED OFFSETS (\$)
LOS ANGELES	\$1,409,453.47
SAN FRANCISCO	\$483,840.58
SAN MATEO	\$184,654.45
<b>TOTAL OFFSET AMOUNT APPROVED</b>	<b>\$2,077,948.50</b>

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

TNC Contact Information: Stephanie Kuhlman, Uber Technologies, Inc. (TCP 38150)  
[stephanie.kuhlman@uber.com](mailto:stephanie.kuhlman@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 Technologies, Inc. (Uber) filed advice letter (AL) 19 on July 14, 2023 to request offsets against quarterly Access Fund payments for amounts it spent during the Second Quarter (Q2) of 2023 to improve wheelchair accessible vehicle (WAV) service. No parties filed protests or responses.

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

To qualify for an offset in a geographic area, a Transportation Network Company (TNC) must report the following in its quarterly AL filing: (1) 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. D.21-11-004 replaced the interim Offset Time Standard (OTS) framework adopted in D.20-03-007 (See Table 2.) and replaced the Trip Completion Standard (TCS) framework adopted in D.21-03-005 (See Table 3.). Table 1 below summarizes the evaluation criteria adopted in D.20-03-007, D.21-03-005, D.21-11-004, and D.23-02-024:

*Table 1: Criteria for Evaluating Offsets*

<b>Evaluation Criteria</b>	<b>Must Demonstrate</b>	<b>Satisfied By</b>
<b>1. Presence and availability of WAVs</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
<b>2. Improved level of service</b>	Both the Offset Time and the Trip Completion Standards are satisfied:	Achievement of the Offset Time

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Evaluation Criteria	Must Demonstrate	Satisfied By
	<p>(a) (1) Offset Time Standard &amp; WAV Response Times: Meet or exceed both the relevant Level 1 and Level 2 Offset 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.</p> <p>(b.1) Trip Completion Standard: 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>	Standard <sup>1</sup> and Trip Completion Standard <sup>2</sup>
<b>3. Efforts to publicize and promote available WAV services</b>	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	Submission of the relevant data
<b>4. Full accounting of funds expended</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>(c) on the list of eligible expenses<sup>3</sup> attached as Appendix A</p> <p>(d) net of fare revenues collected from WAV service delivery in the quarter for which a TNC requests an offset.</p>	Submission of the relevant data
<b>5. Training and inspections</b>	(a) certification of WAV driver training completion within the past 3 years, <sup>4</sup>	Submission of the relevant data

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

<sup>2</sup> D.21-11-004, Ordering Paragraphs 6, 7, and 8

<sup>3</sup> D.20-03-007, Appendix A

<sup>4</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.

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Evaluation Criteria	Must Demonstrate	Satisfied By
	(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>5</sup>	
<b>6. Reporting complaints</b>	(a) number of complaints related to WAV drivers or services – by quarter and geographic area, and broken out by category <sup>6</sup>	Submission of the relevant data

The Commission adopted standards for demonstrating improved level of service in D.20-03-007, D.21-03-005, and D.21-11-004 (see Table 2 and Table 3 below) but did not set qualifying standards for the five other evaluation criteria. **As long as a TNC satisfies both the Offset Time and Trip Completion Standards for improved level of service and submits all the required data showing WAV presence and availability, outreach efforts, accounting of expended funds, training and inspections, and complaints related to WAV service, it is eligible to receive offsets and its advice letter will be approved.**

Table 2: Offset Response Times and Offset Time Standard

Geographic Area/County	Level 1 WAV Response Time (mins)	Level 2 WAV Response Time (mins)
<b>Group A</b> San Francisco	15	30
<b>Group B</b> San Diego, Santa Clara, Alameda, Sacramento, Contra Costa, Ventura, San Joaquin, Stanislaus, Santa Barbara, Solano, San Luis Obispo, Santa Cruz, Shasta, Imperial, Madera Los Angeles, Orange County, San Mateo	25	50
<b>Group C</b> Riverside, San Bernardino, Fresno, Kern, Sonoma, Tulare, Monterey, Placer, Merced, Marin, Butte, Yolo, El Dorado, Napa, Humboldt, Kings, Nevada, Sutter, Mendocino, Yuba, Lake, Tehama, San Benito, Tuolumne, Calaveras, Siskiyou, Amador, Glenn, Del Norte, Lassen, Colusa, Plumas, Inyo, Mariposa, Mono, Trinity, Modoc, Sierra, Alpine	30	60

<sup>5</sup> Should state that WAVs conform with the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles within the past year, D.20-03-007, Ordering Paragraph 13.

<sup>6</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.

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Offset Time Standard (OTS)	Level 1 Offset Service	Level 2 Offset Service
1 <sup>st</sup> Quarter Submission	50%	80%
2 <sup>nd</sup> Quarter	54%	81%
3 <sup>rd</sup> Quarter	57%	83%
4 <sup>th</sup> Quarter	61%	84%
5 <sup>th</sup> Quarter	64%	86%
6 <sup>th</sup> Quarter	68%	87%
7 <sup>th</sup> Quarter	71%	89%
8 <sup>th</sup> (and subsequent) Quarter	75%	90%

Table 3: Trip Completion Standard

Trip Completion Standard	County Group A	County Group B	County Group C
1 <sup>st</sup> Quarter Submission	50%	50%	50%
2 <sup>nd</sup> Quarter	54%	53%	51%
3 <sup>rd</sup> Quarter	57%	56%	53%
4 <sup>th</sup> Quarter	61%	59%	54%
5 <sup>th</sup> Quarter	64%	61%	56%
6 <sup>th</sup> Quarter	68%	64%	57%
7 <sup>th</sup> Quarter	71%	67%	59%
8 <sup>th</sup> (and subsequent) Quarter	75%	70%	60%

Trip Completion Standard	Must meet at least one of:	
	Number of Completed Trips (Option 1)	Number of Completed Trips (Option 2)
Beginning Q2 2022	Improvement (higher) than prior quarter	Improvement (higher) than prior year's same quarter if sufficient data is available.

**Discussion****A. Offset Requirements**

To qualify for an offset, a TNC must demonstrate improved level of service by satisfying both the Offset Time Standard (OTS) and Trip Completion Standard (TCS) established in Decisions D.20-03-007, D.21-03-

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005, and D.21-11-004. Ordering Paragraph 1 in D.21-11-004 provides the requirements that must be satisfied to meet the OTS:

*To demonstrate improved level of service for offset eligibility, a Transportation Network Company (TNC) must demonstrate that it met or exceeded both the relevant Level 1 and Level 2 Response Time Benchmarks for a given quarter in a given geographic area. The 1<sup>st</sup> quarter percentages shall apply to the first quarter that a TNC submits an Offset Request in a given county. Once the schedule begins for a TNC in a given county, the schedule shall advance each quarter, regardless of whether a TNC submits an Offset Request in that quarter.*

This means that a TNC must demonstrate first that it meets Level 1 and 2 response time benchmarks for that county (first test), and second, it must meet the minimum percentage of completed trips beginning the first quarter that a TNC submits an Offset Request in a given county (second test). Once the schedule begins in a given county, the schedule will advance each quarter regardless of whether a TNC submits an Offset Request for that quarter.

Ordering Paragraph 6 in D.21-11-004 replaced the TCS framework adopted in D.21-03-005, effective starting the second quarter of 2022 (applicable to this advice letter), which requires a TNC to meet the minimum percentage of trip requests completed (third test), and increase the number of completed WAV trips (fourth test):

*To demonstrate improved level of service for offset eligibility, a TNC must demonstrate that it met or exceeded:*

*(a) The applicable minimum percentage of trip requests and completed, and*

*(b) Either: (a) a greater number of completed trips than in the immediately prior quarter, or (b) 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 the prior quarter or prior year's same quarter, if applicable.*

**B. Review of Offset Requests**

Uber's AL 19 requested offsets in Q2 2023 totaling \$2,077,948.50 in three counties. Table 4 and Table 5 below summarize the Q2 2023 Offset Time Standard (response times and OTS percentages), while Table 6 and Table 7 summarizes the Trip Completion Standard (percentages and numbers) reported for each geographic area eligible for offsets.

The review of AL 19 showed that Uber satisfied both the first and second tests as its response times and OTS percentages in Los Angeles, San Francisco, and San Mateo counties met the Level 1 and 2 benchmarks (see Table 4 and Table 5). It also satisfied the third and fourth tests in both counties as the percentage of

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trip request that were ultimately completed met the minimum benchmarks, and the number of completed trips in both counties resulted in a greater number of completed trips compared to the prior year's same quarter (see Table 6 and Table 7).

Finally, Uber satisfied the other requirements by submitting the required information regarding WAV presence and availability, outreach efforts, full accounting of funds expended, complaints related to WAV service, training and inspections, and Wait and Save WAV trips<sup>7</sup> (see Table 8).

### C. Disposition of AL 19

After review of AL 19, Staff concludes that Uber complied with the offset eligibility requirements in D.20-03-007, D.21-03-005, D.21-11-004, and in D.23-02-024 for the counties of Los Angeles, San Francisco, and San Mateo. Therefore, Uber's AL 19 is approved, effective September 29, 2023. The approved total offset amount is \$2,077,948.50. Consistent with D.20-03-007, Uber shall submit the Q2 2023 Quarterly Report for the counties of Los Angeles, San Francisco, and San Mateo within 7 days following the issuance of this disposition.

Table 4: Uber's Level 1 and 2 Response Times (minutes) by County in Q2 2023

County	Benchmark (minutes)		Q2 2023 (minutes)		Within Benchmark?
	Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	25	50	18.55	27.28	Yes (Level 1 and 2)
SAN FRANCISCO	15	30	13.95	19.38	Yes (Level 1 and 2)
SAN MATEO	25	50	16.78	23.3	Yes (Level 1 and 2)

Table 5: Uber's Level 1 and 2 Offset Time Standards (percent) by County in Q2 2023

County	# Quarter Submission	Benchmark (OTS %)		Q2 2023 (OTS %)		Meeting or Exceeding %?
		Level 1	Level 2	Level 1	Level 2	
LOS ANGELES	1 <sup>st</sup>	50%	80%	73.74%	99.18%	Yes (Level 1 and 2)
SAN FRANCISCO	4 <sup>th</sup>	61%	84%	66.63%	97.62%	Yes (Level 1 and 2)
SAN MATEO	5 <sup>th</sup>	64%	86%	89.97%	99.86%	Yes (Level 1 and 2)

<sup>7</sup> D.23-02-024 Ordering Paragraph 10.



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Table 6: Uber's Trip Completion Standards by County in Q2 2023 (part b.1)

County	# Quarter Submission	Benchmark (TCS)		Q2 2023 (TCS %)	Meeting the Minimum %?
		County	TCS (%)		
LOS ANGELES	1 <sup>st</sup>	B	50%	58.33%	Yes
SAN FRANCISCO	4 <sup>th</sup>	A	61%	80.38%	Yes
SAN MATEO	5 <sup>th</sup>	B	61%	74.13%	Yes

Table 7: Uber's Trip Completion Standards by County in Q2 2023 (part b.2)

County	Option 1 or 2	(1) # of completed trips previous quarter	(2) # of completed trips in the immediately prior year's same quarter	(1) # of completed trips this quarter	(2) # of completed trips this quarter	Meeting or Exceeding #?
LOS ANGELES	1	3,407	5,065	8,331	8,331	Yes (1 and 2)
SAN FRANCISCO	1	1,052	1,572	1,807	1,807	Yes (1 and 2)
SAN MATEO	1	411	647	699	699	Yes (1 and 2)

Table 8: Uber's Wait &amp; Save Trips by County in Q2 2023

County	# of WAV Wait & Save Trips	# of On-Demand WAV Trips	% of Wait & Save Trips Out of the Total On-Demand WAV Trips
LOS ANGELES	0	8,331	0.00%
SAN FRANCISCO	0	1,807	0.00%
SAN MATEO	0	699	0.00%