

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Order Instituting Rulemaking on Regulations
Relating to Passenger Carriers, Ridesharing, and
New Online-Enabled Transportation Services.

R.12-12-011
(Filed December 20, 2012)

**OPENING COMMENTS OF THE SAN FRANCISCO COUNTY TRANSPORTATION
AUTHORITY ON THE ASSIGNED COMMISSIONER'S PROPOSED DECISION
RESOLVING PENDING TRANSPORTATION NETWORK COMPANY CLAIMS OF
CONFIDENTIALITY REGARDING INFORMATION IN THE ANNUAL REPORTS FOR
2021-2024 AND SETTING THE GUIDELINES FOR THE SUBMITTAL OF FUTURE
ANNUAL REPORTS, MODIFYING DECISION 20-03-014, AND CLOSING PROCEEDING**

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SUBJECT INDEX OF RECOMMENDED CHANGES TO THE PROPOSED DECISION

The proposed decision (“PD”) should be modified as follows:

- The PD should be modified to require disclosure of census blocks and aggregated geographies.
- The PD should be modified to provide a confidentiality matrix that explicitly identifies which fields in the Annual Reports are public, which fields may be completely redacted, and which fields may be conditionally redacted.
- The PD should be modified to clarify the procedures governing any future confidentiality claims.
- The PD should be modified to articulate how the need for uniform reporting taxonomy in categories other than sexual assault and sexual harassment will be addressed.
- The PD should be modified to properly acknowledge the existence and effect of the 2021 Confidentiality Ruling.
- The PD should remove erroneous statements that vehicle make, vehicle model, and vehicle year are confidential.

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I. INTRODUCTION

Pursuant to California Public Utilities Commission (“CPUC”) Rule of Practice and Procedure 14.3(a), the San Francisco County Transportation Authority (“Transportation Authority”) submit these Opening Comments on the Assigned Commissioner’s Proposed Decision Resolving Pending Transportation Network Company Claims of Confidentiality Regarding Information in the Annual Reports for 2021-2024 and Setting the Guidelines for the Submittal of Future Annual Reports, Modifying Decision 20-03-014, and Closing Proceeding, filed on July 25, 2025 (the “Proposed Decision” or “PD”).

As the Proposed Decision notes, Proceeding R.12-12-011 has been open since 2012 and has addressed a wide range of issues.¹ The Transportation Authority appreciates that the Proposed Decision seeks to resolve major outstanding matters such as resolution of Transportation Network Company (“TNC”) confidentiality claims for the 2022-2024 Annual Reports, and to establish a framework for the release of public TNC Annual Reports in the future. The Transportation Authority supports the Proposed Decision’s conclusion that the TNCs have failed to carry their burden of proving that the bulk of the trip data at issue is exempt from public disclosure, and agrees that disclosure of the trip data will enable key public insights into TNC operations related to public safety, discrimination, equal access, and the impact of TNC vehicles on traffic congestion, infrastructure, and airborne pollutants.² However, in line with the below, the Transportation Authority urges the Commission to revise the Proposed Decision in order to fully address outstanding obligations of the Proceeding and to ensure procedural clarity and the ongoing proper regulation of the TNC and AV passenger service industries.

II. DISCUSSION

A. The Proposed Decision Should Require Disclosure of Census Blocks and Aggregated Geographies

The geographic aggregation approach in the Proposed Decision differs from prior confidentiality rulings and inhibits effective use by the public and local government agencies. The Proposed Decision allows TNCs to redact from the public versions of their Annual Reports: “[l]atitude and longitude information in all data categories,” (Ordering Paragraph [1]), requires disclosure of “Trip Requester Zip Code ... Requests Accepted Zip Code ... Passenger Pick Up Zip Code ...

¹ PD at 74-78; *see also* Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services, R. 12-12-011, issued on December 27, 2012.

² *See* PD at 2, 48-49, 66-72, 82-83.

Passenger Drop Off Zip Code,” (Ordering Paragraph [5]), and allows the redaction of “[a]ll location data fields in reports not identified in Ordering Paragraph [1], with the exception of those at the zip code level.” (Ordering Paragraph [9]). Ordering Paragraphs [1] and [5] are supported by the record, but Ordering Paragraph [9] contradicts the record. The 2020 Confidentiality Ruling denied the confidential treatment of census block data in all categories, stating “[t]his ruling agrees with Moving Parties with respect to the latitude and longitude ... [but] ... disagrees with Moving Parties’ request that the balance of the geolocational data ... should be treated as confidential,” and that, “Moving Parties have failed to make the necessary granular showing how this geolocational data, either individually or in combination, could lead to the identification of a particular driver or customer.”³ The disclosure of census block data in the 2020 reports was upheld in Decision (“D.”) 22-05-003 denying Lyft’s appeal of the 2020 Confidentiality Ruling.⁴ Further, the 2021 Confidentiality Ruling reiterates, “the balance of the trip data, (such as zip code and census block information ... does not implicate such constitutionally recognized privacy protections...” And, D.23-12-015 (as modified by D.24-10-034 and 25-06-019) affirms that “as for the balance of the trip data that TNCs wish to withhold from disclosure on privacy grounds (i.e., date and time, census block and zip code...)... we reject that request as TNCs fail to demonstrate that the *Hill* three-part privacy test has been met.”⁵ Confusingly, Ordering Paragraph [3] of D.23-12-015 allows the redaction in the Trip Data of census blocks and geographies other than Zip Code, despite the discussion devoting large swaths to considering, and rejecting, confidentiality claims made on census blocks.⁶ We can only assume this is an error that has propagated into this Proposed Decision.

The Proposed Decision acknowledges a range of applications of TNC Trip Data that are of legitimate interest to the public:

³ Assigned Administrative Law Judge’s Ruling on Uber Technologies, Inc.’s (“Uber”) and Lyft, Inc.’s (“Lyft”) Motion for Confidential Treatment of Certain Information in Their 2020 Annual Reports, issued on December 21, 2020 (“2020 Confidentiality Ruling”) at 5.

⁴ D.22-05-003 Denying Appeal of Lyft Re: Ruling Denying, In Part, Motions by Uber and Lyft for Confidential Treatment of Certain Information in Their 2020 Annual Reports (“Decision Denying Lyft’s Appeal”), issued May 6, 2022 at 125.

⁵ D.23-12-015 Requiring TNCs to Submit Their Annual Reports for the Years 2014-2019 to the Commission with Limited Redactions, issued on December 15, 2023 (“D.23-12-015”) at 37-38.

⁶ See generally D.23-12-015.

1. “the safety of TNC operations”⁷
2. “whether TNCs are offering their service in a nondiscriminatory manner”⁸
3. “that persons with disabilities have equal access to TNC rides”⁹
4. “the impact of TNC vehicles on traffic congestion, infrastructure, and airborne pollutants”¹⁰

The use of Zip Code geographies inhibits the public interest in these topics in at least two ways. First, Zip Codes frequently cross jurisdictional boundaries like cities, counties, and even states. For example, the Bay Area has at least 19 Zip Codes that cross county boundaries, and there are two Zip Codes that span California state boundaries. This frustrates seemingly simple analyses like tallying county-level trip totals. Second, they are too aggregate. For example, San Francisco has only 32 Zip Codes with the largest nearly five square miles. In order to evaluate the impact of TNCs on traffic congestion, it is necessary to be able to reasonably estimate which roads are used by TNCs, which requires smaller geographies like census blocks or block groups.

The Proposed Decision should be revised to require disclosure of aggregate geographies, including census blocks, to accurately reflect the body of evidence in the record and findings of the Commission, and to support the public interests articulated by the Commission.

B. The Proposed Decision Should Provide a Confidentiality Matrix

The Proposed Decision creates ambiguity and confusion by incorporating the 2020 Confidentiality Ruling and its appendices by reference, while also concluding that the Proposed Decision trumps the 2020 Confidentiality Ruling in cases of conflict.¹¹ To avoid any confusion, especially in light of the planned closure of the proceeding, the Proposed Decision should be revised to include a confidentiality matrix, similar to those used in the 2020 Confidentiality Ruling and the Assigned Commissioner’s Ruling on the Motions of Uber, Lyft, HSD, and Nomad for Confidential

⁷ PD at 66.

⁸ *Id.*

⁹ *Id.*, at 69.

¹⁰ *Id.*, at 71.

¹¹ *Id.*, at 83, 87.

Treatment of Portions of Their 2021 Annual Transportation Network Company Reports, filed on November 24, 2021 (“2021 Confidentiality Ruling”), that explicitly identifies which fields are public, which fields may be completely redacted, and which fields may be conditionally redacted.

C. The Proposed Decision Needs to Clarify Procedures for Future Confidentiality Claims

One of the Proposed Decision’s stated aims is to establish prospective applications of confidentiality and public disclosure findings to govern “future Annual Report filings that contain the same trip data information cells as the ones found in the templates for the 2021-2024 Annual Reports.”¹² In explaining the need for this prospective treatment, the Proposed Decision notes that the prior procedure established in D.20-03-014 requiring TNC’s to file motions for confidential treatment had lead to repetition of arguments that have “created an unintended burden for both the TNCs...and for the Commission.”¹³ To address these burdens, the Proposed Decision establishes that starting with 2025 Annual Reports, TNCs shall file their Annual Reports with only those redactions allowed by the Proposed Decision and the 2020 Confidentiality Ruling.¹⁴ Despite the adoption of preemptive confidentiality and public information designations for future years, the Proposed Decision would allow the TNCs to submit a cover letter with their Annual Report filings containing objections that they may have regarding the trip data categories to preserve their rights “in the event there may be challenges to this [proposed] decision in the future.”¹⁵ And, in the event that the Commission or Commission staff amend the reporting templates to add new reporting categories not previously addressed, the Proposed Decision allows the TNCs to file future motions for confidential treatment as to those new reporting categories.¹⁶

The Transportation Authority appreciates the Commission’s proposals to streamline the submission of future year’s annual reports and supports the adoption of preemptive designations of

¹² *Id.*, at 72.

¹³ *Id.* Notably, repetition of confidentiality arguments has also had the unintended burden of delaying the public’s right to access information concerning the conduct of the people’s business.

¹⁴ *Id.*, at 72-73.

¹⁵ *Id.*, at 73.

¹⁶ *Id.*

confidential and public treatment of trip data categories. However, the Transportation Authority urges the Commission to clarify the process for future claims of confidential treatment.

First, it's unclear whether the cover letters that TNCs will be allowed to submit with their future Annual Reports will function to allow TNCs to continue to shield data from disclosure that should be presumed public as established in the Proposed Decision. If yes, that allowance would work an end run around the Proposed Decision and continue to frustrate the public's right to access information the Commission has deemed public, *ad nauseum*, into perpetuity.¹⁷ The Proposed Decision should be modified to make it absolutely clear that TNCs must submit public Annual Reports in full compliance with data categories deemed public by the Commission, regardless of whether the TNC submits a cover letter continuing to challenge any designations. Additionally, the Proposed Decision should be modified to clarify that any cover letters submitted by TNCs would be public to ensure full public transparency regarding the scope of future confidentiality claims.

Second, the Proposed Decision's direction to TNCs to file motions for confidential treatment to address future challenges to new reporting categories appears to be inconsistent with the CPUC's Rules of Practice and Procedure. Rule 11.1 governing general motions, provides that a motion "is a request for the Commission or the Administrative Law Judge to take a specific action related to an *open proceeding* before the Commission."¹⁸ Since the Proposed Decision also proposes to close the proceeding, it's not clear to the Transportation Authority what procedural rules will govern the submission of these future motions for confidential treatment, including the procedures governing the opportunity for comment by interested parties, or the timeline for resolution of such motions. As such, the Transportation Authority urges the Commission to modify the Proposed Decision to specify the rules and procedures governing these potential future motions outside of an open proceeding.

¹⁷ See, e.g., 2020 Confidential Ruling; 2021 Confidentiality Ruling; D. 21-06-023 Modifying Decision 20-03-014 and Denying Rehearing of Decision, As Modified, filed on June 4, 2021; Decision Denying Lyft's Appeal; Order Modifying Decision 22-05-003 and Denying Rehearing of the Decision, as Modified, filed on February 24, 2023.

¹⁸ CPUC Rules of Practice and Procedure, Rule 11.1 (emphasis added).

D. The Proposed Decision Should Articulate How the Need for Uniform Reporting Taxonomy in Categories Other than Sexual Assault and Sexual Harassment will be Addressed

The Proposed Decision justifies closing the Proceeding, in part, because it has addressed “the need for uniform sexual assault and sexual harassment taxonomies”.¹⁹ The Commission has taken important steps towards adopting uniform taxonomies for sexual assault and sexual harassment, but standardized reporting requirements have not yet been updated as ordered by D. 22-06-29.²⁰

Moreover, the need for uniform reporting extends well beyond sexual assault and sexual harassment. Non-sexual assault and non-sexual harassment should also be reported according to uniform taxonomies. TNCs 2020 identifies numerous examples of data fields that Uber and Lyft report using different and incomparable taxonomies, for example *IncidentAccidentType* where “Uber uses 7 response codes briefly describing the collision type. Lyft uses 5 response codes that describe, not the type of collision, but a qualitative description of the extent of damage.”²¹

The Proposed Decision should acknowledge the broad need for uniform data reporting, issue direction to staff to develop uniform data reporting taxonomies for all categorical data and a timeline for developing them.

E. The Proposed Decision Should Properly Acknowledge the Existence and Effect of the 2021 Confidentiality Ruling

The Proposed Decision, in stating that it applies to the 2021 TNC Annual Reports, improperly ignores the 2021 Confidentiality Ruling, which adopted confidentiality designations for the 2021 Annual Reports similar to those adopted for the 2020 Annual Reports in the 2020 Confidentiality Ruling. In setting forth the issues before the Commission, the Proposed Decision states that the overarching “issue is whether portions of The Moving Parties’ Annual Reports for 2021-2024 should be shielded from public disclosure on privacy and/or trade secret grounds.”²² But the Proposed

¹⁹ PD at 74.

²⁰ D.22-06-029 Adopting Uniform Taxonomies for Sexual Assaults and Sexual Harassments that TNCs Must Use for Their Annual Reports, as well as Establishing a Framework for Adopting Training, Investigating, and Reporting Protocols, issued June 24, 2022.

²¹ San Francisco County Transportation Authority, “TNCs 2020: A Profile of Ride-Hailing in California,” 2023, https://tncs2020.sfcta.org/ch4_public_safety/

²² PD at 11.

Decision doesn't clearly explain why the 2021 Confidentiality Ruling doesn't govern the public release of 2021 Annual Reports, or expressly provide that the 2021 Confidentiality Ruling is being modified or overturned. The Transportation Authority urges the Commission to modify the Proposed Decision to acknowledge that confidential treatment for data contained in the 2021 Annual Reports has already been addressed by the 2021 Confidentiality Ruling, or to more clearly establish that the Proposed Decision is superseding the 2021 Confidentiality Ruling.

F. The Proposed Decision Should Remove Erroneous Statements That Vehicle Make, Vehicle Model, and Vehicle Year are Confidential

The Proposed Decision states, “[t]he public versions of the Annual Reports do not disclose vehicle make, vehicle model, and vehicle year information”. Here, the Proposed Decision appears to propagate an error from D.23-12-015:

the Commission to concur with the 2020 and 2021 Confidentiality Rulings that certain trip data information (e.g. Driver IDs and *vehicle information in all categories*, latitude and longitude information in all categories, certain waybill information, assault and harassment type, definition, and description, and amounts paid to resolve incidents) should be precluded from disclosure on privacy grounds.²³ (emphasis added)

In fact, the 2020 Confidentiality Ruling and 2021 Confidentiality Ruling allow the redaction of vehicle identification number (VIN) but require disclosure of vehicle make, vehicle model, and vehicle year.²⁴ The Proposed Decision should remove this and similar erroneous statements and revise arguments that rely on them.²⁵

²³ Decision 23-12-015 at 35-36.

²⁴ See 2020 Confidentiality Ruling, Exhibit B; 2021 Confidentiality Ruling, Appendix A.

²⁵ In particular, lack of disclosure of vehicle make, model, and year is discussed in the Proposed Decision as undermining the analytical value of the re-identification arguments made in the Whittington and Sun Declarations submitted with Lyft's 2023 and 2024 Confidentiality Motions. As discussed in San Francisco's Joint Response to Motions of Uber, Lyft, Nomad, and HopSkipDrive, for Confidential Treatment of Certain Data in their 2023 Annual Reports, filed July 3, 2023 (San Francisco's 2023 Response), these data categories only speak to uniqueness in a dataset, *not* identifiability, *and* are critical data points in allowing the public to estimate CO2 emissions. San Francisco's 2023 Response at 17-18.

G. The Commission Should Not Delay Opening A New Proceeding to Develop Phase II Deployment Regulations for Autonomous Vehicles

With regards to autonomous vehicles (AVs), in the Proposed Decision’s discussion on closing the proceeding, it states that the “remaining major issue that has not been resolved completely is AV regulation” and that “the Commission has determined that AV related issues will best be resolved in a subsequent proceeding that the Commission plans to open shortly.”²⁶ We encourage the CPUC to open the subsequent AV proceeding expeditiously. As the Commission acknowledged in its Decision Adopting New Data Reporting Requirements for Autonomous Vehicles Deployment and Pilot Programs, the Deployment Decision (D.20-11-046, as modified by D.21-05-017) committed the CPUC to initiating “Phase II of the AV Deployment program no later than February 2025 (3 years after the issuance of the first AV Deployment permits; Drivered Deployment permits were issued to Cruise and Waymo in February 2022)”.²⁷ It has been over half a year since the Commission’s self-imposed deadline to initiate Phase II and there is no reason to continue to delay.

III. CONCLUSION

The Transportation Authority urges the Commission to revise the Proposed Decision in line with the above in order to fully address outstanding obligations of the Proceeding and to ensure procedural clarity and the ongoing proper regulation of the TNC and AV passenger service industries.

Dated: August 14, 2025

Respectfully submitted,

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²⁶ PD at 79.

²⁷ D. 24-11-002 Adopting New Data Reporting Requirements for Autonomous Vehicles Deployment and Pilot Programs, issued on November 12, 2024, as modified by D.21-05-017, at 15.

By: _____ /s/
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