

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



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

Rulemaking 12-12-011  
(Filed December 20, 2012)

**MOTION OF RASIER-CA, LLC FOR LEAVE TO FILE UNDER SEAL  
THE REPLY COMMENTS OF RASIER-CA, LLC  
ON ASSIGNED COMMISSIONER'S RULING INVITING/INSTRUCTING PARTY  
COMMENTS ON BACKGROUND CHECKS OF PROSPECTIVE  
TRANSPORTATION NETWORK COMPANY DRIVERS**

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September 12, 2016

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Pursuant to General Order 66-C, Public Utilities Code Sections 583 and 5412.5, and Rule 11.4 of the Commission’s Rules of Practice and Procedure, Rasier-CA, LLC (“Rasier-CA”) moves for leave to file under seal a confidential version of the Reply Comments of Rasier-CA, LLC on Assigned Commissioner’s Ruling Inviting/Instructing Party Comments on Background Checks of Prospective Transportation Network Company Drivers (“Reply Comments”). The information that Rasier-CA seeks to keep confidential are Rasier-CA’s application numbers (in total or a forecasted estimate) based on the data initially submitted in Rasier-CA’s Opening Comments as Attachment C. This data was filed with the Commission along with a concurrently filed Motion for Leave to File Under Seal in order to maintain the confidentiality of the data. That Motion for for Leave to File Under Seal has not been ruled upon.

The specific confidential information included in Rasier-CA’s Reply Comments are as follows:

- Page 2: This figure identifies the sum of TNC applications that Rasier-CA has processed from 2014 through May 2016.

- Page 12: This figure identifies the forecasted sum of applications that Rasier-CA will have processed for calendar year 2016 .

Rasier-CA has consistently taken steps to protect this information from public disclosure. These application numbers and forecasts are highly-confidential information and are exempt from public disclosure pursuant to D.16-04-041, Public Utilities Code Sections 583 and 5412.5. Further, Section 2.2(b) of the Commission's General Order 66-C excludes from public inspection records of a confidential nature furnished to the Commission, including "[r]eports, records, and information requested or required by the Commission which, if revealed, would place the regulated company at an unfair business disadvantage."<sup>1</sup> Information, including aggregate and forecasted numbers of about the number of TNC driver applications in California is valuable to Rasier-CA's existing and potential competitors. Specifically, Rasier-CA's competitors or potential competitors could use this information to gain an unfair business advantage over Rasier-CA.

Disclosing this information would not only harm Rasier-CA by giving its competitors an unfair and unearned business advantage, disclosure would also harm the Commission because if Rasier-CA's confidential information is disclosed here, regulated entities will be less likely to share confidential information with the Commission in future filings. Rasier-CA is submitting this confidential information in order to ensure that the Commission has all the necessary information to make informed regulatory decisions. If regulated entities cannot share confidential business information with the Commission, this free flow of information may be negatively impacted.

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<sup>1</sup> General Order 66-C, §2.2(b).

Rasier-CA's confidential information merits confidential treatment under General Order 66-C, and Public Utilities Code Sections 583 and 5412.5. Raiser-CA respectfully requests that the Commission grant its motion for leave to file the confidential version of the Reply Comments under seal, and afford protective treatment to the confidential information contained therein.

A proposed order is attached.

Respectfully submitted,

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**[PROPOSED] ORDER GRANTING THE  
MOTION OF RASIER-CA, LLC FOR LEAVE TO FILE UNDER SEAL  
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On September 12, 2016, Rasier-CA, LLC (“Rasier-CA”) filed the Reply Comments of Rasier-CA, LLC on Assigned Commissioner’s Ruling Inviting/Instructing Party Comments on Background Checks of Prospective Transportation Network Company Drivers (“Reply Comments”). Concurrently, and pursuant to General Order 66-C, California Public Utilities Code Sections 583 and 5412.5, and Rule 11.4 of the Commission’s Rules of Practice and Procedure, Rasier-CA filed a motion to file under seal the confidential version of the Reply Comments (the “Motion”). Rasier-CA asserts that the confidential version of the Report includes commercially-sensitive information, the release of which could result in a significant unfair business disadvantage in the competitive marketplace.

The Commission has considered Rasier-CA’s Motion and, good cause having been shown, grants Rasier-CA’s Motion. Accordingly, it is hereby ORDERED that:

1. Rasier-CA’s Motion is GRANTED.

2. The confidential version of Rasier-CA's Motion shall be received under seal, shall remain under seal, and shall not be made accessible to the public or disclosed to anyone other than Commission staff, except upon further order or ruling of the Commission after due notice to Rasier-CA and an opportunity for Rasier-CA to respond.

Dated \_\_\_\_\_, 2016, at San Francisco, California.

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Robert M. Mason III  
Administrative Law Judge

**ATTACHMENT**

**(Confidential Document Filed Under Seal)**