



ALJ/RIM/mef 2/22/2021

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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.

Rulemaking 12-12-011

**ASSIGNED ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING UBER TECHNOLOGIES, INC.'S MOTION
REQUESTING ALTERNATIVE DISPUTE RESOLUTION**

Summary

This *Ruling* grants Uber Technology, Inc.'s (Uber) *Motion Requesting Alternative Dispute Resolution*. Uber shall complete and then email the attached Request for Alternative Dispute Resolution Form to the ADR Coordinator, Administrative Law Judge (ALJ) Charles Ferguson, within five days of the date of this *Ruling*.

This *Ruling* also orders the Commission's Consumer Protection and Enforcement Division (CPED) to participate in the Alternative Dispute Resolution (ADR). CPED shall be represented by a member of the Commission's Legal Division as appropriate throughout the ADR process.

This *Ruling* invites Rape, Abuse & Incest National Network (RAINN) to participate in the ADR process since RAINN filed an appeal from the Presiding Officer's Decision.

Finally, pending completion of the ADR process, I will issue a stay in this proceeding of Commission action resolving the appeals of the Presiding Officer's Decision, and the stay will remain in effect until the conclusion of the ADR process.

1. Background

On July 27, 2020, I issued an *Order to Show Cause (OSC)* why Uber should not be penalized and subject to other regulatory sanctions for refusing to answer all questions in my *December 19, 2019 Ruling*, and for refusing to provide responses to certain questions under seal as required by my *January 27, 2020 Ruling*. An evidentiary hearing was scheduled for September 1, 2020.

On August 12, 2020, Uber filed its *Motion Requesting ADR, Notice and Clarification of the July 27 Ruling, and Postponement of the Procedural Schedule (Motion Requesting ADR)*. Uber asserted its belief that the issues raised by the OSC could be resolved if I permitted Uber to work with the Commission's CPED.

On August 20, 2020, I issued a preliminary response via email and advised Uber that the possibility of ADR would be discussed at the evidentiary hearing.

On September 1, 2020, the evidentiary hearing was held. After the conclusion of testimony and receipt of exhibits into evidence, Uber renewed its request for ADR. I, along with assigned Commissioner Genevieve Shiroma, discussed with Uber's counsel the possibility of ADR and its parameters, but a decision was not reached at that time whether to submit this dispute with the Commission's ADR process.

On December 14, 2020, I issued my Presiding Officer's Decision.

On January 11, 2021, RAINN filed its appeal of my Presiding Officer's Decision.

On January 13, 2021, Uber filed its appeal of my Presiding Officer's Decision.

2. Discussion

I am granting Uber's *Motion Requesting ADR*. Uber shall complete and then email the attached Request for ADR Form to the ADR Coordinator, ALJ Charles Ferguson, within five days from the date of this *Ruling*. The topics that shall be addressed at the ADR include, but are not limited to, the following:

- How to provide to the Commission information about the authorship of Uber's *US Safety Report* (Questions 1.1., 1.2., and 1.4. from the *December 19, 2019 Ruling*) in a manner that best protects the claims of employee privacy;
- How to provide to the Commission information about sexual assaults and sexual harassment (Questions 2.4.1., 2.4.2., 2.4.3., and 2.4.4. from the *December 19, 2019 Ruling*) in a manner that best protects the claims of privacy of personally identifiable information;
- What monetary amount, if any, Uber should pay as part of a joint settlement; and
- What other regulatory sanctions, if any, should be imposed on Uber.

I am ordering the Commission's CPED to participate in the ADR. CPED shall be represented by a member of the Commission's Legal Division as appropriate in the ADR process.

I am also inviting RAINN to participate in the ADR process since RAINN filed an appeal from the Presiding Officer's Decision.

The ADR participants shall within 75 days from the date it receives notice that it has been assigned an ALJ Division mediator to reach a resolution of all or part of the dispute, and to file a Joint Motion for Approval of the Settlement, or to declare that the ADR process has not been successful.

Pending completion of the ADR process, I will stay the Commission's consideration of my Presiding Officer's Decision.

IT IS RULED that:

1. Uber's *Motion Requesting ADR* (August 12, 2020) is granted.
2. RAINN may join the ADR process by sending notice of its intention to do so within 10 days of the date of this *Ruling*.
3. Uber must email the Request for Alternative Dispute Resolution Form to the ADR Coordinator, ALJ Charles Ferguson, within five days of the date of this *Ruling*.
4. CPED must participate in the ADR process and shall be represented by counsel from the Commission's Legal Division as appropriate in the ADR process.
5. The ADR participants shall have 75 days from notice of assignment of a mediator to reach a resolution of all or part of the dispute and to file a Joint Motion for Approval of the Settlement or declare that ADR has not been successful.
6. Commission action in this proceeding resolving the appeals of the Presiding Officer's Decision is stayed, and the stay will remain in effect until the conclusion of the ADR process.

Dated February 22, 2021, at San Francisco, California.

/s/ ROBERT M. MASON III
Robert M. Mason III
Administrative Law Judge

Attachment

**REQUEST FOR ALTERNATIVE DISPUTE
RESOLUTION FORM**

Request for Alternative Dispute Resolution

| | |
|--|--------------------|
| Proceeding Name: | |
| Proceeding #: | |
| Case Summary: | |
| Summary of Disputed Issue(s): | |
| ALL Party Names, Emails and Other Contact Info.: | |
| Confirmation that ALL Parties Agree to Proceed with ADR: | |
| ASSIGNED ALJ/Commissioner: | |
| Desired ADR Timeframe: | |
| Desired ADR Location (e.g. LA, SF etc): | ADR will be remote |
| Any Other Relevant Information: | |

Please complete, as best as you are able, and submit to the Commission's Alternative Dispute Resolution Coordinator, Administrative Law Judge Charles Ferguson at Charles.Ferguson@cpuc.ca.gov.

(End of Attachment)