

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



**FILED**

06/21/22

04:59 PM

R1212011

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

Rulemaking 12-12-011

**NOMAD TRANSIT, LLC'S MOTION FOR CONFIDENTIAL TREATMENT OF  
PORTIONS OF ITS 2022 ANNUAL TNC REPORT**

*/s/ Erin Abrams*

---

Erin Abrams

Officer, Nomad Transit, LLC

10 Crosby St. 2<sup>nd</sup> Fl. New York, NY 10013

[compliance@ridewithvia.com](mailto:compliance@ridewithvia.com)

Attorney for

**NOMAD TRANSIT, LLC**

June 21, 2022

**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

**NOMAD TRANSIT, LLC’S MOTION FOR CONFIDENTIAL TREATMENT OF  
PORTIONS OF ITS 2022 ANNUAL TNC REPORT**

In accordance with Rule 11.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”) and Decision (“D.”) 20-03-014 “Decision of Data Confidentiality Issues Track 3,” as modified on June 3, 2021 by D. 21-06-023 “Order Modifying Decision (D.) 20-03-014 and Denying Rehearing of Decision, As Modified,” Nomad Transit, LLC (“Nomad”) respectfully moves to file the confidential version of its 2022 annual transportation network company (“TNC”) report (the “Annual Report”) under confidential seal (the “Motion”). If the Motion is approved, Nomad will file a redacted, public version of its Annual Report and an unredacted, confidential version of its Annual Report through email and the Commission’s secure file transfer portal (“FTP”) website by the September 19, 2022 deadline.

**I. INTRODUCTION**

Nomad is a wholly owned subsidiary of Via Transportation, Inc. (“Via”), a TransitTech company that deploys new technologies for public mobility systems and optimizes networks of

dynamic shuttles, buses, wheelchair accessible vehicles, school buses and autonomous vehicles. Via was founded with the goal of offering efficient, sustainable, and equitable shared rides to everyone, everywhere. Today, Via operates in over 35 countries, through over 500 partnerships, and has powered more than 90 million rides to date. In the State of California, Nomad pairs Via's software platform with additional services to offer municipalities, transit agencies and other partners the tools to build and operate a fully dynamic on-demand transportation network. Nomad, Via, and their affiliates are collectively referred to herein as the "Company."

Although Nomad is licensed as a TNC in California, it does not operate a direct-to-consumer platform as a private business in the State. Unlike most traditional TNCs, Nomad uses a unique model of partnership with municipalities, transit agencies, and corporations to offer on-demand, shared transit solutions to office workers, low-income riders and riders in transit deserts.

Nomad's TNC services in California are shared ride services that use Via's proprietary technology (the "Algorithms") to, *inter alia*, match riders with drivers and provide routing for each vehicle in a way that optimizes travel times, wait times, and costs. Because Via's Algorithms are designed to facilitate shared rides, they aggregate multiple riders' requests into shared trips in an optimized and efficient manner. By using Via's Algorithms to enable efficient sharing, Nomad not only helps reduce congestion and mitigate carbon emissions, but it also provides an affordable alternative to driving a car or taking a single-passenger service, especially where public transit options are lacking.

Nomad supports the Commission's crucial work in regulating TNCs in California and appreciates the need for the Commission to have access to details regarding TNC operations. Nomad is committed to transparency and partnership with the agencies through which it is

regulated, but it also remains deeply concerned about the public disclosure of personally identifiable information of State residents who utilize Nomad's platform as well as the disclosure of the Company's trade secrets.

Several important characteristics of Nomad's services have a unique bearing on this Motion:

*First*, Nomad operates in California through discrete, small-scale, partnership-based services, including for first-mile-last-mile connections to transit and employee transportation services. It works with a smaller set of driver partners than other TNCs and transports riders within geographically limited service zones. To reduce the risk of re-identification of an individual rider, driver, or trip based on TNCs' highly detailed annual reporting, we respectfully request that the Commission redact or at least obfuscate through generalization certain additional quasi-identifiers in the Annual Report. For example, just as the Commission previously accepted that it was necessary to generalize a trip's location by redacting the trip data's latitude and longitude, it should also modify the date-and-time field of any trip in the Annual Reports to report only the date. Removing the precise time of a trip would make it harder to link a particular trip with the reported data and thereby re-identify the rider or driver. For data sets in which fewer than five trips were made between a pair of census blocks or census tracts in a given day, these particular trips' origins and destination points could be further generalized to the zip code level.

*Second*, the disclosure of large volumes of detailed trip data and other aspects of the Annual Report will expose the Company's trade secrets and cause competitive harm. Unlike other TNCs, Nomad's services are all based on efficiently aggregated shared rides, accomplished through Via's closely guarded Algorithms. Aspects of these Algorithms can be reverse-engineered through patterns in annual data sets. This provides an undue advantage to the

Company's competitors, which are also sophisticated global technology companies, but are not regulated as TNCs, and therefore do not have similar obligations to disclose their own trip data and business methods.

*Third*, while there are strong privacy and proprietary interests at stake in maintaining the confidentiality of certain aspects of Nomad's Annual Report, the public interest in disclosure is uniquely small. As noted, Nomad's business in California is entirely conducted through partnerships with entities – including public agencies – that *already* receive relevant reporting about Nomad's TNC services. Nomad provides this reporting on a confidential basis and dedicates significant resources to protect its Algorithms or any other trade secret information in the process.

Nomad respectfully requests that the Commission grant its Motion to protect the personal information of Nomad's riders and driver partners, its own trade secrets, and the confidential information of its commercial partners, and to advance the important public interests in the privacy of California residents and transit innovation in the State.

## **II. BACKGROUND**

In D. 20-03-014, as modified on June 3, 2021 by D. 21-06-023, the Commission directed TNCs to file annual reports without the presumption of confidentiality and to instead request confidential treatment of their contents through motions made under Rule 11.4 of the Commission's Rules of Practice and Procedure, 90 days prior to the annual reporting deadline. In its 2020 Confidentiality Ruling, the Commission afforded confidential treatment to certain data on the basis that its release would violate riders' and drivers' rights to privacy. On November 24, 2021, the Administrative Law Judge ("ALJ") issued a Confidentiality Ruling (the "2021 Confidentiality Ruling") on Uber, Lyft's, HopSkipDrive's, and Nomad's confidentiality motions

regarding their 2021 Annual Reports. The 2021 Confidentiality Ruling re-affirmed the confidential treatment of these data fields for all TNCs' 2021 annual reports, with the exception that waybill information must be disclosed.

On May 4, 2022, the CPUC staff provided TNCs with updated data templates to use for the 2022 Annual Report, as well as a "data dictionary" explaining the additional data categories to be included in this year's report.

### **III. ARGUMENT**

Nomad has identified the data fields for which confidentiality has already been granted by the Commission in Exhibit A and respectfully requests confidential treatment for these same data fields in Nomad's 2022 Annual Report. Nomad has also carefully identified in Exhibit B those additional fields to be submitted in its 2022 Annual Report which require confidential treatment (or at least obfuscation in any publicly released versions of the Annual Reports). These data fields (i) are either newly added to the 2022 data templates; (ii) were not already granted confidential status in the Commission's 2020 and 2021 Confidentiality Rulings; or (iii) were previously granted confidential status but have since been ordered by the Commission's 2021 Confidentiality Ruling to be disclosed in subsequent Annual Reports. For the foregoing reasons, Nomad also respectfully requests confidential treatment for the data fields identified in Exhibit B.

#### **1. Personal information of riders and driver partners requires protection from disclosure on privacy grounds.**

"California law recognize[s] that personally identifiable information that is obtained by a government agency like the Commission is generally protected against public disclosure." 2021

Confidentiality Ruling at pp. 11-12. California’s State Constitution expressly confers upon Californians an inalienable right to privacy. Cal. Const., art. I, § 1. Under California Government Code Section 6254(c), “[p]ersonnel, medical, or similar files” must remain confidential if their disclosure would “constitute an unwarranted invasion of privacy.” In addition, California Government Code Section 6254(k) protects from disclosure those records whose disclosure is “exempted or prohibited pursuant to federal or state law,” which would include California’s Constitutional right to privacy. *See* Cal. Const. art. I, § 1. Under the California Consumer Protection Act (“CCPA”), “personal information” is any information that “identifies, relates to, describes, is *capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer.*” Cal. Civ. Code 1798.140(o)(1) (emphasis added).

- (i) *The Commission has already granted protection for certain identifiers and quasi-identifiers.*

The ALJ’s Ruling on Uber’s and Lyft’s Motions for Confidential Treatment of Certain Information in their 2020 Annual Reports, issued on December 21, 2020 (the “2020 Confidentiality Ruling”) has acknowledged that the disclosure of certain trip data would violate riders’ and drivers’ rights to privacy. *See* 2020 Confidentiality Ruling at pp. 5 (latitude and longitude of trips), 8 (drivers’ names, type of identification, license state of issuance, number, expiration date, vehicle VIN), 10-11 (accidents and incidents, including sexual assault and harassment descriptions and settlement agreement details regarding accidents). The Commission has acknowledged that the disclosure of quasi-identifiers, such as trip latitude and longitude, creates an impermissible risk of user re-identification such that confidential treatment is warranted. *See* 2021 Confidentiality Ruling at p. 11 (referencing 2020 Confidentiality Ruling).

(ii) *Additional quasi-identifiers in the trip data must be withheld – or obfuscated – to avoid re-identification through the Annual Report.*

In Exhibit B, Nomad details the other quasi-identifiers that require similar confidential treatment by the Commission to prevent their use to pinpoint a specific rider, driver, trip, or other event represented in the Annual Report’s detailed reporting of trip data. Specifically, to protect the privacy of riders and drivers using Nomad’s TNC services, we respectfully request that the Commission reduce the number of quasi-identifiers that can be disclosed without redaction for any given trip in the Annual Reports, or at least obfuscate those quasi-identifiers that *are* disclosed by generalizing the level of detail provided.

It is self-evident that a quasi-identifier, by definition, does not on its own reveal the personal information of users. But quasi-identifiers can be tied to direct identifiers found in other data sets or even in the personal knowledge of a reader. The Annual Reports’ compilation of multiple quasi-identifiers for a single trip makes re-identification especially likely. The release of any such quasi-identifiers would “constitute an unwarranted invasion of personal privacy” under Section 6254(c) so long as they can be used to re-identify an individual person and the trips that person took. These risks to privacy are especially grave in the context of reports containing large volumes of data about *all trips* taken on a TNC’s platform. If a rider and her travel patterns are re-identified through the TNC Annual Reports, this would be an irreparable violation of her privacy.

Mindful of these privacy concerns, in similar circumstances, agencies that publicly disclose data sets are careful to remove or generalize quasi-identifiers that can be used to re-identify an individual rider. For example, Saar Golde, the Chief Data Scientist for Nomad’s parent company, Via, explains in his declaration that New York City, another jurisdiction which



requires public reporting of trip-level data regarding for-hire services, uses specialized reporting fields (taxi zones) that are larger than zip codes; there are approximately 480 zip codes in New York City but just 265 taxi zones. Golde Declaration ¶ 6. Notably, New York City engages in this level of generalization even though it is significantly more densely populated than the areas of California in which Nomad operates (e.g., it is approximately 12 times more densely populated than West Sacramento). *Id.* ¶ 7. Accordingly, the likelihood of re-identification is significantly higher in these California jurisdictions that Nomad serves than in New York City – where re-identification actually occurred. *Id.*

In its ruling on Nomad’s 2021 confidentiality motion, the Commission claimed that Nomad’s “concern over re-identification and loss of privacy [we]re speculative.” 2021 Confidentiality Ruling at p. 86. However, the Golde Declaration addresses this concern directly. Mr. Golde explains on the basis of his personal knowledge of Nomad’s services *and* his subject matter expertise in data science why the likelihood of rider and driver re-identification through the release of quasi-identifiers in Nomad’s Annual Report remains significant and not speculative.

Mr. Golde reviewed Nomad’s reporting data from between April 1, 2022 and June 1, 2022 and found that on a daily basis, 41% of trips originate in a census tract from which they are the *only trip* to originate that day. Golde Declaration ¶ 10. Based on the same data, there is a 78% chance that there were fewer than five trips per day originating in a given census tract. *Id.* Trips are even more sparse when reported in census blocks, which are smaller units than census tracts. Significantly, 57% of the trips between April 1, 2022 and June 1, 2022 were the *only trip* leaving a census block that day and 75% of trips originated in census blocks that had two or fewer trips that day. *Id.* The result of these characteristics is that if one knows that Jane Doe

traveled from a particular census block or census tract on a given date, it is probable that she was the *only* person who traveled from that area on that day. *Id.* The Annual Report would thus show the specific trip Jane Doe took, revealing her destination, the precise time of her departure and arrival, the type of vehicle she traveled in, any significant events that may have occurred to her on that trip (e.g., an accident or an assault), and other private details about her experience.

Mr. Golde also found that between April 1, 2022 and June 1, 2022, 29% of the census blocks appearing in our data had only a single rider who ever took a trip from there – on any day in that two-month period. *Id.* ¶ 11. That means that for a significant portion of trips recorded in the Annual Report, a specific rider and their trip are re-identifiable with the mere knowledge that the rider traveled from a certain census block – even if the precise date of their trip is unknown.

The risk of violations of privacy resulting from the disclosure of trip data is far from remote. In 2014, Gawker – notorious for its “Gawker Stalker” celebrity tracking website and its bankruptcy in the wake of a \$140 million judgment from an invasion of privacy lawsuit – used a pseudonymized trip data disclosure from New York City’s Taxi & Limousine Commission to map out routes taken by specific celebrities in taxi trips throughout New York City, and even reveal how much they tipped their drivers.<sup>1</sup>

In commenting on other TNCs’ 2021 confidentiality motions, the Commission stated that quasi-identifiers, such as census blocks, do not implicate constitutionally recognized privacy protections because they are unlikely to reveal an individual’s “actual starting and ending address” or “home contact information.” 2021 Confidentiality Ruling at pp. 12, 81. However, this analysis overlooks three key points:

---

<sup>1</sup> See J.K. Trotter, “Public NYC Taxicab Database Lets You See How Celebrities Tip,” October 23, 2024, *Gawker*, <https://www.gawker.com/the-public-nyc-taxicab-database-that-accidentally-track-1646724546>.

*First*, an individual’s privacy is not just violated by the release of their contact information; an individual also has a privacy interest and a reasonable expectation of privacy in their work schedules, travel patterns, and other information found in the Annual Reports’ data, which can include accidents or allegations of assault or harassment. *See Carpenter v. U.S.*, 138 S. Ct. 2206, 2209-10 (2018) (“[I]ndividuals have a reasonable expectation of privacy in the *whole* of their physical movements.”) (emphasis added); *see also United States v. Jones*, 565 U.S. 400, 415 (2012) (J., Sotomayor, concurring) (“GPS monitoring generates a precise, comprehensive record of a person’s public movements that reflects a wealth of detail about her familial, political, professional, religious, and sexual associations.”); *id.* at 430 (J., Alito, concurring) (collection of vehicle location information over an extended period of time is a violation of reasonable expectation of privacy). The above-referenced publication by Gawker of individuals’ travel patterns and tipping practices using New York City’s botched taxi data disclosure reveals the ease with which trip data can be used to publicize personal information and perpetuate privacy violations.

*Second*, the Commission’s focus on whether the release of any one individual quasi-identifier (e.g., a census block) would reveal private information is misplaced. In the Annual Report, discrete quasi-identifiers like census blocks do not exist in a vacuum, but amid combinations of multiple other quasi-identifiers tied to the same trip or incident, and in a comprehensive database of an entire year’s worth of granular data. In fact, in the Commission’s TNC annual reporting templates, the “Date” of any given trip is reported down to the *minute* and *second*, and it is tied to data points about the vehicle that transported the rider, as well as the census blocks and census tracts in which the trip began and ended. To identify specific individuals, this data does not need to be “manipulated” in any way, *cf.* 2021 Confidentiality

Ruling at p. 81; it simply needs to be read in conjunction with other information already known to the reader, found elsewhere in the Annual Report, or tied to direct identifiers linked from other data sets. According to Mr. Golde's declaration, a member of the public who has any knowledge of a given trip's timing, route, vehicle, or some other characteristic can use the Annual Reports to identify that specific trip because so many quasi-identifiers tied to the same trip are provided and especially given the temporal and geographic sparsity of trips in the data. Golde Declaration ¶ 14. In other words, if you know *anything* about a specific trip, you can learn *everything* contained in the Annual Report about that trip.

Finally, Nomad's model of providing its TNC services to municipal or corporate clients limits the number of driver partners who are authorized to operate on the platform in geo-fenced service zones at any given time. Few driver partners use a vehicle of any given make, model, and year, on a particular date. *See* Golde Declaration ¶ 13. Based on Nomad's data between April 1, 2022 and June 1, 2022, Mr. Golde found that during 18% of the hours of operation of any given Nomad service at any given hour, there was *only one* driver partner active on Nomad's platform. *Id.* ¶ 12. This means that there would be a 100% certainty of identifying an individual driver and their trips (which may include an alleged incident of harassment, a zero tolerance violation, or an accident) if an individual knew that driver was operating in a particular zip code at one of those times. *Id.* In other words, even if a driver's unique identification number or vehicle identification number are both omitted from disclosure, as the Commission agreed was necessary to protect drivers' privacy in its 2020 and 2021 Confidentiality Rulings, the driver would still be re-identifiable on the basis of quasi-identifiers like the time and location of a trip.

If the Commission is not willing to remove entire columns from the data set, such as census blocks and census tracts, we ask that it please consider an alternative approach that helps

to preserve the privacy of California riders and drivers. In particular, we respectfully request that the Commission generalize the “Date” field in the Annual Reports by splitting it into two data points: (i) the actual date of a trip (day, month, year) and (ii) the specific time of a trip (which is currently reported in the “Date” field). Given that the Commission has agreed that latitude and longitude values could be redacted to generalize the trip data (while revealing more generalized information about the location of a trip), it can also redact the specific time of a trip while revealing its date. Additionally, for any days in which there are fewer than some reasonably low number of trips between a zip code pair (e.g., under five trips), those trips should be reported in the public data set only after locational values are generalized to zip codes (rather than census blocks or census tracts) or excluded from more sensitive data sets, such as the ones revealing whether a sexual assault or accident occurred on that trip. More generalized data is not a perfect solution, but it will at least make it harder to isolate a particular rider, driver, trip, or event from the combination of quasi-identifiers in the Annual Reports. *Id.* ¶ 15.

**2. Certain information in Nomad’s trip data is exempted from disclosure on trade secret grounds.**

Government Code § 6254(k) exempts from disclosure “[r]ecords, the disclosure of which is exempted or prohibited by federal or state law including, but not limited to, provisions of the Evidence Code relating to privilege.” Under Evidence Code § 1060, holders of trade secrets have the privilege to refrain from disclosing it. The California Uniform Trade Secret Act (“CUTSA”) defines trade secrets as information that (1) “derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use” and (2) “is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” Civil Code § 3426.1(d).

Nomad's Algorithms and business methods raise unique concerns in the trade secret context and justify confidential treatment in its Annual Report. In contrast to other TNCs in California, Nomad is not engaged in the direct-to-consumer business in California, but rather operates almost exclusively in the highly competitive TransitTech market, participating in competitive procurements around the world. The disclosure of the information detailed in Exhibits A and B – especially given the trove of information comprising a year's worth of data – would reveal Nomad's unique trade secrets and cause it clear competitive harm. Specifically, the disclosure of this information would enable Nomad's competitors – which are primarily non-TNC entities – to reverse-engineer or duplicate its technology and business models in California and elsewhere around the world.

*(i) The Algorithms are trade secrets and will be revealed through the disclosure of the trip data.*

A critical element of Nomad's success is its use of Via's Algorithms to efficiently aggregate riders who are traveling in the same direction and facilitate microtransit solutions as an affordable alternative to private passenger transportation. These Algorithms provide Nomad with several key competitive advantages against other bidders in procurements and enable it to facilitate successful microtransit services across the world. The Algorithms are at the heart of Nomad's business and were developed at great effort and cost. *See Golde Declaration ¶ 16.* They derive value from not being generally known; if competitors learned the Algorithms' logic and were able to assess them using detailed trip data, they would be able to reverse-engineer and copy them to better compete with the Company in competitive procurements.

On the limited occasions when the Company shares trip data and driver data with third parties that are not bound by confidentiality obligations, it does so by reporting aggregated data,

carefully limiting trip-level reporting in a way that seeks to prevent the reverse-engineering of the Algorithms, and carefully identifying the information as confidential. *Id.* ¶ 18.

Nomad undertakes significant efforts to preserve the confidentiality of its Algorithms and any reports that could reveal details about them. For example, information about the Algorithms and their inputs is closely guarded within Via, the whole owner of Nomad. Golde Declaration ¶¶ 19-22. It is protected through a secure information technology network and all employees who have access to information that could reveal the Algorithms' logic are subject to contractual obligations of confidentiality. *Id.* ¶ 19. As a standard commercial practice, Nomad uses non-disclosure agreements with all of its private partners and invokes the relevant sections of public disclosure laws if disclosing information to public partners or through submissions to regulators. *Id.* ¶ 20. On occasions when Nomad's public partners need to share granular trip data with academic researchers or think tanks, Nomad requires the recipients to sign non-disclosure agreements. *Id.*

The Commission has previously taken issue with other TNCs' claims that they maintain trip data confidentially by pointing out that drivers know details about the trips they provide and are not bound by confidentiality obligations. 2021 Confidentiality Ruling at pp. 50-52. This concern is inapplicable here. While the driver partners who use Nomad's TNC platform are familiar with their own trips, they are not privy to information about other drivers' trips and certainly do not have access to the types of large data sets of trips through which the Algorithms would be reverse-engineered. Golde Declaration ¶ 21. Just as a business's customer list remains a trade secret, *see, e.g., Morlife, Inc. v. Perry*, despite any individual customer's inescapable awareness that they are on such a list, an individual driver partner's awareness of the particulars of their own trip does not extinguish the full data set's trade secret status. 56 Cal.App.4th 1514,

1522 (1997). Moreover, Nomad’s terms of use expressly prohibit users from “attempt[ing] to interfere with, harm, reverse engineer, [or] steal from” its technology. “Terms of Use,” <https://ridewithvia.com/terms-of-use/>; *see also* Golde Declaration ¶ 21. Additionally, Nomad requires all driver partners to sign independent contractor agreements that contain highly protective non-disclosure provisions to maintain the secrecy of a broad swath of confidential information, including but not limited to rider and driver information and business information that includes the Algorithms. Golde Declaration ¶ 21.

The danger in the disclosure of elements of the trip data in Nomad’s Annual Report is that its trade secret Algorithms will be accessible to its sophisticated current and would-be competitors. In particular, the reports for “Ride Requests Accepted,” “Ride Requests Accepted Period,” and “Ride Requests Not Accepted” include highly detailed data about Nomad’s trips. When analyzed by a sophisticated competitor, the reports would disclose the logic behind the Algorithms’ ability to efficiently match riders with drivers and route multiple passengers sharing rides – thereby facilitating reverse-engineering. Golde Declaration ¶ 17. Given the low density of Nomad’s services in California and the large volume of data submitted on an annual basis to the Commission, sensitive information about the Algorithms and their logic could be ascertained by reviewing census block data, not just precise latitude and longitude positions. Golde Declaration ¶ 17.

Since Nomad submitted its 2021 motion for confidential treatment, the Commission has further increased the risk of reverse-engineering by making the reporting of “RideIDs” mandatory in the templates for the 2022 Annual Report and finding that “Waybill” information must be released publicly in its ruling on the 2021 motion for confidential treatment. *See* 2021 Confidentiality Ruling at p. 5; Golde Declaration ¶ 17. The disclosure of this information will



further increase the risk of reverse-engineering by making it easier for a competitor to reconstruct the full route of a shared ride (the only type of service Nomad offers in California). Golde Declaration ¶ 17.

(ii) *Nomad's confidential business methods are trade secrets and will be revealed through the disclosure of the trip data.*

In addition to information regarding its Algorithms and their performance, several other data sources identified in Exhibit B below reveal trade secret information about Nomad's business methods, such as its customer support processes and its trip pricing factors. A company's unique business methods are quintessential trade secrets. *See* Cal. Civ. Code § 3426.1 (defining trade secret to include a "method, technique, or process").

Unlike other TNCs in California, Nomad does not offer a direct consumer service and instead works under contract with public and private partners. Its goal is to increase access to reliable and affordable transit and to fulfill contractual obligations – not necessarily to maximize revenue from paying riders. Accordingly, Nomad has designed unique business methods to offer its services efficiently and at an affordable cost to its partners, and it derives economic value from them. Nomad also derives value from being able to compile trip data (periodically transferred into the format of the Annual Reports), which it evaluates to develop insights that will help it to improve its business methods further, and better position itself in response to direct competition in competitive procurements. *See Lyft, Inc. v. City of Seattle*, 190 Wash. 2d 769, 782-83 (Wash. 2018) (reviewing the Uniform Trade Secrets Act and determining that Uber's and Lyft's zip code-based trip data carry "independent economic value" in part because they can be used by the companies to help evaluate and develop new services). Nomad is able to win competitive procurements largely because its business methods are not widely known to

competitors who would otherwise be able to replicate them in their own proposals and service structures.

The Company undertakes significant efforts to preserve the confidentiality of the trade secret information regarding its business methods. The Company imposes strict controls on this information, including by using secure information management systems, requiring employees to agree to confidentiality obligations, using highly protective non-disclosure agreements with private partners, including highly protective non-disclosure provisions in the independent contractor agreements signed by drivers, and ensuring that it identifies information as subject to public disclosure exemptions whenever public entities require its disclosure. Golde Declaration ¶¶ 19-22.

*(iii) The release of Nomad's confidential information would result in an unfair business disadvantage to the detriment of the value of Nomad's trip data.*

While not required by the CUTSA, the Commission's D. 16-01-014 orders TNCs claiming unfair competitive impacts to identify their competitors and the unfair business disadvantage that would be caused if their annual reports were to be released. *See* D. 20-03-014, Ordering Paragraph (2)(f).

Here, the competitive harm that would be caused by the disclosure of Nomad's Algorithms and other trade secrets is apparent given its business model. Nomad enters into new partnerships largely by participating in competitive procurements, bidding against numerous other companies, which may provide similar "microtransit" services or software, but are not necessarily regulated as TNCs.

Nomad’s direct competitors include traditional motor carriers, as well as transportation software companies and microtransit service providers like RideCo, Inc.<sup>2</sup> RideCo – which Nomad had previously named as a competitor in its 2021 motion for confidential treatment – is the defendant in a current patent infringement action filed in the Western District of Texas by Via. Via’s complaint alleges *inter alia* that RideCo has a business strategy of copying Via in the “microtransit” marketplace.<sup>3</sup>

Because Nomad’s competitors in public and private procurements are often not TNCs and may not operate in California at all, they are not required to submit public reports providing the same level of detail about their operations and service designs which are required under the Commission’s annual reporting. Revealing Nomad’s trade secrets would unfairly position it with respect to its competitors, which are able to continue to maintain their most sensitive data confidentially. Furthermore, because Nomad does not only participate in procurements in California and the TransitTech market is not limited to California, Nomad’s competitors would rely on the trade secrets disclosed through its annual reporting to the Commission to gain an unfair competitive advantage over Nomad and its affiliates outside of the State.

### **3. Public interest balancing weighs in favor of non-disclosure of Nomad’s trip data.**

Under California Government Code section 6255(a), information may be exempted from disclosure even if the information does not qualify for an exemption under any other section of the California Public Records Act. Section 6255(a) allows for non-disclosure where the public

---

<sup>2</sup> See Deloitte, *The Future of Urban Mobility: Flexible, Scalable, On-Demand Transit*, p. 4, [https://www2.deloitte.com/content/dam/Deloitte/ca/Documents/public-sector/ca-en-public-sector-Urban%20Mobility%20Rpt-VRT-EN-v4\\_AODA.pdf](https://www2.deloitte.com/content/dam/Deloitte/ca/Documents/public-sector/ca-en-public-sector-Urban%20Mobility%20Rpt-VRT-EN-v4_AODA.pdf).

<sup>3</sup> See Compl., *Via Transportation, Inc. v. RideCo Inc.*, No. 6:21-cv-00457 (W.D. Tex. 2021).

interest that is served by “not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

The public’s interest in the non-disclosure of Nomad’s information identified in Exhibits A and B is substantial. The right of privacy, which the California Constitution itself affords to all residents, unquestionably extends to the privacy of users of regulated platforms and services. *See Carpenter v. U.S.*, 138 S. Ct. 2206, 2218 (2018). The Commission has recognized privacy as a compelling basis for non-disclosure. *See* 2021 Confidentiality Ruling at p. 5; 2020 Confidentiality Ruling at p. 5. As noted above, given the structure and scale of Nomad’s services, the release of Nomad’s trip data in the Annual Report would significantly contravene the public’s interest in privacy.

While there are significant public interests weighing against disclosure of the data identified in Exhibits A and B, Nomad maintains that there is no significant countervailing public interest advanced by the disclosure of Nomad’s data in light of its unique business model. In its 2021 Confidentiality Ruling, the Commission largely equates the “public’s” interest with the governmental interests of municipalities in transparency of TNC data. *See* 2021 Confidentiality Ruling at pp. 56-60. However, Nomad’s unique model of partnership with public entities significantly alters the evaluation of the public interest that may exist with respect to the transparency of this data. As noted above, Nomad *already* shares metrics and regular updates about its services in California with its partners – but does so in a way that enables its partners to assess and monitor its services while protecting Nomad’s intellectual property and the privacy of individual users. Golde Declaration ¶ 22. Requiring disclosure of the massive data sets found in Nomad’s Annual Report would not advance Nomad’s public partners’ interests in regulating

Nomad's activities or overseeing its services because they are *already* able to receive the reporting they need.

As a result, the considerations unique to Nomad's business model ensure that it cannot be subjected to the same balancing test applied to TNCs offering direct-to-consumer services. Disclosure would do little to advance public interests but would do substantial harm to the privacy interests of California residents.

#### **IV. CONCLUSION**

For all foregoing reasons, Nomad respectfully requests that the Commission grant this Motion and afford confidential treatment for the specific data fields identified by Nomad in Exhibits A and B.

New York, New York

Date: June 21, 2022

Respectfully Submitted,

*/s/ Erin Abrams*

---

Erin Abrams

Officer, Nomad Transit, LLC

10 Crosby St. 2<sup>nd</sup> Fl. NY, NY 10013

[compliance@ridewithvia.com](mailto:compliance@ridewithvia.com)

Attorney for

**NOMAD TRANSIT, LLC**

## EXHIBIT A

The data fields that are listed below include those that the California Public Utilities Commission (“Commission”) has previously agreed to treat as confidential. Nomad respectfully requests confidential treatment for these same data fields in Nomad’s 2022 Annual Report.

<b>Accessibility Complaints</b>
DriverID
<b>Accidents &amp; Incidents</b>
DriverID
VIN
IncidentAccidentLat
IncidentAccidentLong
IncidentAccidentParty
IncidentParty1 to IncidentParty5
IncidentAccidentGuiltyParty
Liability - if the proceeding is a criminal proceeding and the record has been sealed by the court
ProceedingInProgress - if the proceeding is a criminal proceeding and the record has been sealed by the court
CourtFileNum - if the proceeding is a criminal proceeding and the record has been sealed by the court
ProceedingStatus - if the proceeding is a criminal proceeding and the record has been sealed by the court
AmountPaidAnyParty
AmountPaidDriverIns
AmountPaidTNC
AmountPaidOther
<b>Assaults &amp; Harassments</b>
DriverID
VIN
AssaultHarassLat
AssaultHarassLong
AssaultHarassType - only for sexual assault and sexual harassment

AssaultHarassDescr
AssaultHarassDef - only for sexual assault and sexual harassment
ComplaintResolveDescr
<b>Driver 50,000+ Miles</b>
DriverID
VIN
<b>Driver Names &amp; Identifiers</b>
DriverID
DriverFirstName
DriverMI
DriverLastName
DriverLicNum
DriverLicState
DriverLicExp
<b>Driver Number of Hours</b>
DriverID
<b>Driver Number of Miles</b>
DriverID
<b>Law Enforcement Citations</b>
DriverID
VIN
CitationReason
<b>Off-platform Solicitations</b>
DriverID
VIN
OffPlatformSolicitationLat
OffPlatformSolicitationLong
OffPlatformSolicitationDescr
ComplaintResolvedDescr
<b>Ride Requests Accepted</b>
DriverID
VIN
AppOnOrPassengerDroppedOffLat
AppOnOrPassengerDroppedOffLong

TripReqRequesterLat
TripReqRequesterLong
TripReqDriverLat
TripReqDriverLong
ReqAcceptedLat
ReqAcceptedLong
PassengerPickupLat
PassengerPickupLong
PassengerDropoffLat
PassengerDropoffLong
<b>Ride Requests Accepted Periods</b>
DriverID
VIN
PeriodStartLat
PeriodStartLong
PeriodEndLat
PeriodEndLong
<b>Ride Requests Not Accepted</b>
DriverID
VIN
TripReqRequesterLat
TripReqRequesterLong
TripRequesterDestinationLat
TripRequesterDestinationLong
NotAcceptedDriverLat
NotAcceptedDriverLong
<b>Suspended Drivers</b>
DriverID
SuspensionReason
<b>Zero Tolerance</b>
DriverID
VIN
ZeroToleranceLat



ZeroToleranceLong
ZeroToleranceDescr
ComplaintResolveDescr

## EXHIBIT B

Nomad respectfully requests confidential treatment for the data fields listed below.

### Accidents and Incidents Report:

Field	Rationale
RideID	Personal information of riders and driver partners (see Section III.1 above)  Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
Waybill1-7	Personal information of riders and driver partners (see Section III.1 above)  Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
ComplaintID	Personal information of riders and driver partners (see Section III.1 above)  Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
VehicleMake	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
VehicleModel	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
VehicleYear	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)

IncidentAccidentDate* <sup>1</sup>	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
IncidentAccidentZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
IncidentAccidentTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
IncidentAccidentCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ComplaintFiledDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
IncidentAccidentType	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
IncidentAccidentClaim	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

---

\* Nomad respectfully requests that the Commission generalize all “Date” fields by splitting it into two data points: (i) the actual date of a trip (day, month, year) and (ii) the specific time of a trip (which is currently reported in the “Date” field), and report only the data in field (i). Nomad’s 2022 Motion for Confidential Treatment at pp. 10. Additionally, the Commission can modify the “Date” field of any trip in the Annual Report templates to report only the date, and not the time. Nomad’s 2022 Motion for Confidential Treatment at pp. 3-4.

IncidentAccidentDescr	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PrimaryCollisionFactor	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
IncidentAccidentGuiltyParty	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
Liability <sup>2</sup>	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ProceedingInProgress <sup>3</sup>	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
CourtFileNum <sup>4</sup>	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

---

<sup>2</sup> Nomad respectfully requests that this data field be treated confidentially without the qualifications that confidential treatment only be afforded if the proceeding is a criminal proceeding and the record has been sealed by a court.

<sup>3</sup> Nomad respectfully requests that this data field be treated confidentially without the qualifications that confidential treatment only be afforded if the proceeding is a criminal proceeding and the record has been sealed by a court.

<sup>4</sup> Nomad respectfully requests that this data field be treated confidentially without the qualifications that confidential treatment only be afforded if the proceeding is a criminal proceeding and the record has been sealed by a court.

ProceedingStatus <sup>5</sup>	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
PoolTrip	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
ComplaintResolveDate*	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
AccidentPeriodWaybill 1-7	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)

**Assaults and Harassments Report:**

<b>Field</b>	<b>Rationale</b>
RideID	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
Waybill1-7	Personal information of riders and driver partners (see Section III.1 above)

<sup>5</sup> Nomad respectfully requests that this data field be treated confidentially without the qualifications that confidential treatment only be afforded if the proceeding is a criminal proceeding and the record has been sealed by a court.

	Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
ComplaintID	Personal information of riders and driver partners (see Section III.1 above)  Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
VehicleMake	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
VehicleModel	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
VehicleYear	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
AssaultHarassDate*	Personal information of riders and driver partners (see Section III.1 above)  Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
AssaultHarassZip	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
AssaultHarassTract	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
AssaultHarassCB	Personal information of riders and driver partners

	<p>(see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ComplaintFiledDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
Investigation	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
DriverSuspendDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerSuspendDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ComplaintResolveDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

AssaultHarassType <sup>6</sup>	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
AssaultHarassDef <sup>7</sup>	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
DriverConsequence	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
PassengerConsequence	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)

**Driver Number of Hours Report:**

<b>Field</b>	<b>Rationale</b>
DriverHoursYear	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
DriverHoursMonth	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
DriverHoursDay	Trade secrets and confidential business information

<sup>6</sup> Nomad appreciates that the Commission has treated this data field confidentially for sexual assault and sexual harassment, and respectfully requests that this data field receive confidential treatment for all other non-sexual assaults and harassments.

<sup>7</sup> Nomad appreciates that the Commission has treated this data field confidentially for sexual assault and sexual harassment, and respectfully requests that this data field receive confidential treatment for all other non-sexual assaults and harassments.



	(see Section III.2 above) Public interest balancing (see Section III.3 above)
DriverHoursRecordedDay	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)

**Driver Number of Miles Report:**

Field	Rationale
DriverMilesYear	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
DriverMilesMonth	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
DriverMilesDay	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
DriverMilesRecordedDay	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)

**Law Enforcement Citations Report:**

Field	Rationale
RideID	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
Waybill1-7	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
CitationID	Personal information of riders and driver partners

	(see Section III.1 above) Public interest balancing (see Section III.3 above)
VehicleMake	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
VehicleModel	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
VehicleYear	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)

**Off-Platform Solicitations Report:**

<b>Field</b>	<b>Rationale</b>
	Personal information of riders and driver partners (see Section III.1 above)
VehicleMake	Public interest balancing (see Section III.3 above)
	Personal information of riders and driver partners (see Section III.1 above)
VehicleModel	Public interest balancing (see Section III.3 above)
	Personal information of riders and driver partners (see Section III.1 above)
VehicleYear	Public interest balancing (see Section III.3 above)
	Personal information of riders and driver partners (see Section III.1 above)
	Trade secrets and confidential business information (see Section III.2 above)
IncidentDate*	Public interest balancing (see Section III.3 above)
ComplaintFiledDate*	Personal information of riders and driver partners (see Section III.1 above)

	<p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ComplaintResolveDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
OffPlatformSolicitationZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
OffPlatformSolicitationTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
OffPlatformSolicitationCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
InvestigationConducted	<p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
DriverConsequence	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

**Ride Requests Accepted Report:**

<b>Field</b>	<b>Rationale</b>
RideID	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
Waybill1-7	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
VehicleMake	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
VehicleModel	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
VehicleYear	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
AppOnOrPassengerDroppedOffZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
AppOnOrPassengerDroppedOffTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

AppOnOrPassengerDroppedOffCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
AppOnOrPassengerDroppedOffDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqRequesterZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqRequesterTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqRequesterCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqDriverZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqDriverTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

TripReqDriverCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodOneMilesTraveled	<p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ReqAcceptedDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ReqAcceptedZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ReqAcceptedTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ReqAcceptedCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

PassengerPickupDatePresched*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerPickupDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodTwoMilesTraveled	<p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerPickupZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerPickupTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerPickupCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerDropoffDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PassengerDropoffZip	<p>Personal information of riders and driver partners</p>

	(see Section III.1 above) Public interest balancing (see Section III.3 above)
PassengerDropoffTract	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
PassengerDropoffCB	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
PeriodThreeMilesTravelled	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
PoolRequestUnmatch	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
PoolRequestMatch	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
Tip	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
FareFactor1 to FareFactor15	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
VehicleOccupancyP1	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
VehicleOccupancyP2	Trade secrets and confidential business information



	(see Section III.2 above) Public interest balancing (see Section III.3 above)
VehicleOccupancyP3	Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
RideIDMilesTraveledP23	Trade secrets and confidential business information (see Section III.2 above)
RideIDMilesTraveledP3	Trade secrets and confidential business information (see Section III.2 above)
WAVReq	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
AccessibleVehReq	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)

**Ride Requests Accepted Period Report:**

<b>Field</b>	<b>Rationale</b>
Waybill	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
VehicleMake	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
VehicleModel	Personal information of riders and driver partners (see Section III.1 above) Public interest balancing (see Section III.3 above)
VehicleYear	Personal information of riders and driver partners (see Section III.1 above)

	Public interest balancing (see Section III.3 above)
PeriodStartDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodStartZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodStartTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodStartCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodEndDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodEndZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
PeriodEndTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p>

	Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
PeriodEndCB	Personal information of riders and driver partners (see Section III.1 above)  Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
PeriodMilesTraveled	Trade secrets and confidential business information (see Section III.2 above)  Public interest balancing (see Section III.3 above)
PoolRequestUnmatch	Trade secrets and confidential business information (see Section III.2 above)
PoolRequestMatch	Trade secrets and confidential business information (see Section III.2 above)

**Ride Requests Not Accepted Report:**

<b>Field</b>	<b>Rationale</b>
VehicleMake	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
VehicleModel	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
VehicleYear	Personal information of riders and driver partners (see Section III.1 above)  Public interest balancing (see Section III.3 above)
TripReqDate*	Personal information of riders and driver partners (see Section III.1 above)

	<p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqRequesterZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqRequesterTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripReqRequesterCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripRequesterDestinationZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripRequesterDestinationTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
TripRequesterDestinationCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

NotAcceptedDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
NotAcceptedDriverZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
NotAcceptedDriverTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
NotAcceptedDriverCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
WAVReq	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
AccessibleVehReq	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>

**Suspended Drivers Report:**

<b>Field</b>	<b>Rationale</b>
ComplaintID	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information</p>

	(see Section III.2 above) Public interest balancing (see Section III.3 above)
SuspensionDate*	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
ReactivationDate*	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
SuspensionReason	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)

**Zero Tolerance Report:**

<b>Field</b>	<b>Rationale</b>
RideID	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above) Public interest balancing (see Section III.3 above)
Waybill1-7	Personal information of riders and driver partners (see Section III.1 above) Trade secrets and confidential business information (see Section III.2 above)

	Public interest balancing (see Section III.3 above)
ComplaintID	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
VehicleMake	Personal information of riders and driver partners (see Section III.1 above)
VehicleModel	Personal information of riders and driver partners (see Section III.1 above)
VehicleYear	Personal information of riders and driver partners (see Section III.1 above)
ZeroToleranceDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ZeroToleranceZip	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ZeroToleranceTract	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ZeroToleranceCB	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ComplaintFiledDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p>

	Public interest balancing (see Section III.3 above)
ComplaintResolveDate*	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ZeroToleranceDescr	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
DriverConsequence	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>
ComplaintResolveDescr	<p>Personal information of riders and driver partners (see Section III.1 above)</p> <p>Trade secrets and confidential business information (see Section III.2 above)</p> <p>Public interest balancing (see Section III.3 above)</p>



**SAAR GOLDE DECLARATION IN SUPPORT OF  
NOMAD TRANSIT LLC'S MOTION FOR CONFIDENTIAL TREATMENT**

I, Saar Golde, declare and state as follows:

1. I make this declaration in support of Nomad Transit LLC's ("Nomad") request for confidential treatment of certain data included in its Transportation Network Company ("TNC") 2022 Annual Report ("Annual Report"). This declaration is submitted pursuant to Decision (D.) 20-03-014, as modified by D. 21-06-023 and consistent with General Order 66-D. I hereby declare that the below statements are true and correct to the best of my knowledge, belief, and information currently available to me.
2. I obtained my Bachelor of Science in Physics and Mathematics at the Hebrew University of Jerusalem. I also hold a Master of Science in Management Science from Tel Aviv University and a Ph.D. in Economics from Stanford University. I have over fifteen years of experience in data science. Additionally, I have worked on privacy and anonymization issues for at least three corporations across various industries for at least nine years.
3. I am currently Chief Data Scientist at Via Transportation, Inc. ("Via"), the parent company of Nomad. I have held this position since March 2016. In my role, I oversee the Data Science team, which is responsible for collecting and reporting aggregated and trip-level data to regulators, as well as to Nomad's public and private commercial partners. In this declaration, I will use the "Company" to refer to Nomad, Via, and their affiliates, collectively.
4. I am familiar with Nomad's operations in the State of California, as well as its annual data reporting obligations to the Public Utilities Commission of the State of California (the "Commission"). The Annual Report provided to the Commission requires Nomad to share

data that includes information for every Nomad trip in California, including details that are personal to riders and driver partners.

5. I understand that the Commission has made certain changes to its reporting requirements in an effort to protect user privacy. For example, in 2020, the Commission allowed TNCs to withhold longitude and latitude information from disclosure in their Annual Reports. Nevertheless, even if the precise longitude or latitude information is withheld and geolocation data is aggregated, the likelihood of re-identification of a rider or driver using other quasi-identifiers, such as the relevant date and time, is high. This is largely attributable to the massive volume of quasi-identifiers that are disclosed in the Annual Reports. For instance, knowledge of the destination's census block, census tract, or zip code is sufficient for re-identification if someone knows the time of a person's ride request or pick-up time.
6. I understand that similar information has been used to determine rider identity and personal trip information in New York City, another jurisdiction which requires annual public reporting of trip-level data regarding for-hire services. Members of the general public re-identified this information to pinpoint individual trips and identify passengers. This occurred despite the fact that New York City uses specialized reporting fields (taxi zones) that are larger than zip codes; there are approximately 480 zip codes in New York City but just 265 taxi zones.
7. New York City engages in this level of generalization even though it is significantly more densely populated than the areas of California in which Nomad operates. For example, New York City is approximately 12 times more densely populated than West Sacramento.

The likelihood of re-identification is significantly higher in these California jurisdictions that Nomad serves than in New York City – where re-identification actually occurred.

8. The likelihood of re-identification is further heightened in conditions where there is (i) low trip density, or (ii) a limited set of riders and drivers using a service in a particular area. Both of these conditions are characteristic of the services that Nomad provides in California.
9. The relatively low trip density found in Nomad’s Annual Report data is a function of the fact that its services involve much smaller sets of riders and drivers than those of traditional TNCs in the State. For example, certain Nomad services allow only select, limited groups of riders in a specific geographic area to use the service, e.g., for transportation to and from office locations. In such instances, employees are likely to live in dispersed areas, with just one or two employees traveling between the work campus and any given census block, census tract, and possibly even zip code.
10. It also becomes progressively easier to isolate a single trip to re-identify a rider or driver as the size of a geographical unit decreases from a zip code or census tract to a census block. However, neither census tracts nor census blocks provide a significant degree of anonymity to an individual in isolation if the number of people who travel from or to any such census tract or census block in a given time or date is very small. From my review of Nomad’s reporting data between April 1, 2022 and June 1, 2022, I found that 41% of trips originate in a census tract from which they are the only trip to originate that day, and there is a 78% chance that fewer than five trips per day originated in a given census tract. Significantly, 57% of trips are the *only* trips leaving a census block that day, and 75% of trips originated in census blocks that had two or fewer trips that day. The result of these characteristics is

that if one knows that Jane Doe traveled from a particular census block or census tract on a given date, it is probable that she was the *only* person who traveled from that area on that day.

11. I also observed that between April 1, 2022 and June 1, 2022, 19% of census tracts and 29% of census blocks appearing in our data had only a single rider who took a trip from there – on any day in that two-month period. Given the limited number of trips that occur between these geolocational pairs on Nomad’s services and that the number of unique pairs is even lower, a person who knows the trip’s origin and destination could use Nomad’s data reporting to identify the trip, learn the exact time that the rider left, discern their destination, and use the Ride ID for that trip to link it to other data in the Annual Report, including whether that rider was involved in an accident or assault.
12. Nomad also partners with a much smaller set of drivers than that of larger volume TNCs like Uber and Lyft. As a result, the likelihood of re-identification associated with the public disclosure of Nomad’s Annual Report dataset is higher than with larger TNCs operating in the State. From my review of Nomad’s reporting data between April 1, 2022 and June 1, 2022, I found that during 18% of the hours of operation of any given Nomad service at any given hour, there was only one driver partner active on Nomad’s platform. This means that there would be a 100% certainty of identifying an individual driver and their trips (which may include an alleged incident of harassment, a zero tolerance violation, or an accident) if an individual knew that driver was operating in a particular zip code at one of those times. During almost 44% of the service hours, fewer than five drivers were active.
13. Considering that so few driver partners use a vehicle of any given make, model, and year, on a particular date, the likelihood of re-identifying a driver partner using other quasi-

identifiers – even if a driver partner’s unique identification number or vehicle identification number are both omitted from disclosure – is significantly increased. For example, a driver partner implicated in a (potentially unsubstantiated) zero tolerance complaint, assault, or other incident could be identified with relative ease if the specific time, location, and vehicle information associated with the incident were to remain public.

14. Although Nomad implements best practices to protect customer and driver partner privacy, re-identification is highly likely if quasi-identifiers such as the general location of an origin or destination or the date and time of the trip remain public. A member of the public who has any knowledge of a given trip’s timing, route, vehicle, or some other characteristic can use the Annual Reports to identify that specific trip because so many quasi-identifiers tied to the same trip are provided and given the temporal and geographic sparsity of trips in the data.

15. To protect user privacy, the Commission could generalize the “Date” field in the Annual Reports by splitting it into two data points: (i) the actual date of a trip (day, month, year) and (ii) the specific time of a trip (which is currently reported in the “Date” field). The Commission can also redact the specific time of a trip while revealing its date.

Additionally, for any days in which there are fewer than some reasonably low number of trips between a zip code pair (e.g., under five trips), those trips should be reported in the public data set only after locational values are generalized to zip codes (rather than census blocks or census tracts) or those trips should be excluded from more sensitive data sets, such as those revealing whether a sexual assault or accident occurred on that trip. Although more generalized data is not a perfect solution, it will at least make it harder to isolate a

particular rider, driver, trip, or event from the combination of quasi-identifiers in the Annual Reports.

16. Nomad's services in the State of California are all shared ride services, which use Via's proprietary algorithms (the "Algorithms") to match riders with drivers and provide routing for each vehicle in a way that optimizes travel times, wait times, and costs. The Company's Algorithms are confidential and proprietary trade secrets resulting from a significant investment of our resources.
17. Nomad's reports for "Ride Requests Accepted," "Ride Requests Accepted Period," and "Ride Requests Not Accepted" include large volumes of highly detailed data about Nomad's trips. Given the low density of Nomad's services in California and the large volume of data submitted on an annual basis to the Commission, sensitive information about the Algorithms and their logic could be ascertained by reviewing census block data, not just precise latitude and longitude positions. The likelihood that this information would reveal trade secrets is high, as the data reflects the logic behind the Algorithms' ability to efficiently match riders with drivers and route multiple passengers sharing trips. The Commission has further increased the risk of reverse-engineering by making the reporting of "RideIDs" mandatory in the templates for the 2022 Annual Report and finding that "Waybill" information must be released publicly in its ruling on the 2021 motion for confidential treatment. Sophisticated current or would-be competitors could ascertain how the Algorithms constructed the full route of the shared ride. Upon information and belief, other TNCs often use the trip data of competitors for their own research purposes.
18. On the limited occasions when the Company shares trip data and driver data with third parties that are not bound by confidentiality obligations, it does so by reporting aggregated

data, carefully limiting trip-level reporting in a way that seeks to prevent the reverse-engineering of the Algorithms, and carefully identifying the information as confidential.

19. The Company undertakes significant efforts to preserve the confidentiality of the Algorithms, any reports that could reveal details about them, and the Company's unique business methods and practices. Upon information and belief, the Company's trade secrets are protected through secure information management systems, protected by appropriate security controls, and access is limited to a subset of employees who have been approved to use such information and who are subject to contractual obligations of confidentiality.
20. As a standard commercial practice, Nomad uses highly protective non-disclosure agreements with all of its private partners. It also invokes the relevant sections of the California Public Records Act whenever disclosing information, such as the information in its Annual Reports, to public partners and in data submissions to regulators. On occasions when Nomad's public partners share trip data provided by Nomad, which may reveal information about its Algorithms or other trade secrets, with academic researchers or think tanks, the Company requires the recipients to sign non-disclosure agreements.
21. Nomad also requires driver partners to sign independent contractor agreements that contain highly protective non-disclosure provisions to maintain the confidences of a broad swath of confidential information, including but not limited to rider and driver information and business information. Nomad's Terms of Use expressly prohibit users – both riders and drivers alike – from “attempt[ing] to interfere with, harm, reverse engineer, [or] steal from” the Service. While the driver partners who use Nomad's TNC platform are familiar with their own trips, they are not privy to information about other drivers' trips and certainly do

not have access to the types of large data sets of trips through which the Algorithms would be reverse-engineered.

22. Nomad currently shares metrics and regular updates about its services in California with its public and private partners. When public partners require data disclosure, Nomad identifies the information as subject to public disclosure exemptions. I have personally worked with colleagues to design data sharing metrics that enable Nomad's partners to appropriately assess and monitor its services while protecting Nomad's intellectual property and the privacy of individual users.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 21, 2022 at Forest Hills, NY.

*/s/ Saar Golde*

---

Saar Golde

Chief Data Scientist, Via Transportation, Inc.

10 Crosby St. 2<sup>nd</sup> Fl.

New York, NY 10013



**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

**[PROPOSED] RULING GRANTING NOMAD TRANSIT, LLC’S MOTION FOR  
CONFIDENTIAL TREATMENT OF PORTIONS OF ITS 2022 ANNUAL TNC REPORT**

On June 21, 2022, Nomad Transit, LLC (“Nomad”) filed a motion (the “Motion”) for confidential treatment of portions of its 2022 annual transportation network company (“TNC”) report (“Annual Report”).

Having reviewed the Motion, we find that the disclosure of the information identified in the Motion would constitute an unwarranted invasion of the privacy of users of the Via platform, including riders, driver partners, and other third parties; is confidential, proprietary, and trade secret information and would place Nomad and its affiliates at a significant competitive disadvantage pursuant to Government Code sections 6254(c) and 6254(k); and that it would not be in the public interest to disclose this information pursuant to Government Code section 6255(a).

Good cause having been shown,

IT IS HEREBY RULED that Nomad’s Motion is granted. The identified information in the 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 the Commission and its staff.

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

\_\_\_\_\_  
Administrative Law Judge