



FILED

08/19/25

04:59 PM

R1212011

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

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

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

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

JEAN PAUL VELEZ
Principal Transportation Planner, Technology Policy
San Francisco County Transportation Authority
1455 Market Street, 22nd Floor
San Francisco, CA 94103
(415) 593-1668
jean.paul.velez@sfcta.org

Dated: August 19, 2025

I. INTRODUCTION

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

II. DISCUSSION

A. **The Transportation Authority Agrees with Lyft, Inc.’s (Lyft’s) Request for Explicit Identification of Confidentiality Designations, but Disagrees that Census Tract and Census Block May Be Redacted**

Lyft states that, “[t]o avoid confusion and promote clarity for all parties, Lyft respectfully requests that the Commission provide a detailed appendix specifying which fields may be redacted for each Annual Report between 2014-2024, and which fields may be redacted in future years.”¹ We agree with the spirit of this request, while noting that the 2020 and 2021 Annual Reports have confidentiality rulings that already provide this explicit guidance and do not need to be duplicated for those reporting years (and should not be superseded). Lyft correctly recognizes a contradiction between Ordering Paragraphs 1, 5, 7, and 9, which allow redaction of Census Tract and Census Block on the one hand, and text on pages 32-33 of the Proposed Decision suggesting they must be reported.² However, as noted in the Transportation Authority’s Opening Comments, the record and argumentation of the Assigned Administrative Law Judge’s Ruling on Uber Technologies, Inc.’s (“Uber”) and Lyft’s Motion for Confidential Treatment of Certain Information in Their 2020 Annual Reports, issued on December 21, 2020 (“2020 Confidentiality Ruling”), Assigned Commissioner’s Ruling on the Motions of Uber, Lyft, HSD, and Nomad for Confidential Treatment of Portions of Their 2021 Annual Transportation Network Company Reports, filed on November 24, 2021 (“2021 Confidentiality

¹ Lyft’s Opening Comments on Proposed Decision Resolving Pending Transportation Network Company Claims of Confidentiality Regarding Information in the Annual Reports for 2021-2024 and Setting the Guidelines for the Submittal of Future Annual Reports, Modifying Decision [sic] 20-03-014, and Closing Proceedings (“Lyft’s Opening Comments”) at 2.

² *Id.*, at 2-3.

Ruling”), and Decision (“D.”) 22-05-003 Denying Appeal of Lyft Re: Ruling Denying, In Part, Motions by Uber and Lyft for Confidential Treatment of Certain Information in Their 2020 Annual Reports (“D.22-05-003 Denying Lyft’s Appeal”) clearly favor disclosure.³

B. Lyft’s Claim That the Public Version of Their 2020 Annual Reports are Available on the CPUC Website is False

In their Opening Comments, “Lyft seeks clarification that it may resubmit a public version of its 2020 report, which is currently available on the CPUC website, consistent with the foregoing appendix, and that the previously submitted public version will be removed from the CPUC website.”⁴ This is wrong in two ways. First, a version of Lyft’s 2021 Annual Report, not their 2020 Annual Report, is posted on the CPUC’s TNC Data Portal.⁵ Second and more importantly, this version of the 2021 Annual Report does not conform to the requirements of the 2021 Confidentiality Ruling, instead redacting vast quantities of public information. Note that Uber’s 2021 Annual Report makes similar redactions flying in the face of the 2021 Confidentiality Ruling.

C. The Proposed Decision Correctly Concludes that Shielding the Annual Report Data from Public Disclosure Would Result in Injustice

Lyft takes issue with the Proposed Decision’s conclusion that allowance of Evidence Code § 1060’s trade secret privilege would work an injustice. The Commission has considered and rejected similar arguments from Lyft numerous times in this proceeding,⁶ and Lyft has not presented

³ Opening Comments of the Transportation Authority on the Assigned Commissioner’s Proposed Decision Resolving Pending Transportation Network Company Claims Of Confidentiality Regarding Information In The Annual Reports For 2021-2024 and Setting the Guidelines for the Submittal of Future Annual Reports, Modifying Decision 20-03-014, and Closing Proceeding (“Transportation Authority’s Opening Comments”) at 1-2.

⁴ Lyft’s Opening Comments at 2.

⁵ CPUC, “TNC Data Portal”, last updated March 26, 2024. <https://www.cpuc.ca.gov/regulatory-services/licensing/transportation-licensing-and-analysis-branch/transportation-network-companies/tnc-data-portal>.

⁶ See 2021 Confidentiality Ruling at 56; D.22-05-003 Denying Lyft’s Appeal at 76, 78; Order Modifying D.22-05-003 and Denying Rehearing of the Decision, as Modified, at 23-28; D.23-12-015 Requiring TNCs to Submit Their Annual Reports for the Years 2014-2019 to the Commission with Limited Redactions, issued on December 15, 2023 (“D.23-12-015”), at 76-77; Order Modifying D.23-12-015 and Granting Limited Rehearing of the Decision, issued on October 22, 2024 (“Order Modifying D.23-12-015”), at 9; D.25-05-006 Following Limited Rehearing of D.23-12-015, issued on May 20, 2025.

arguments in their Opening Comments that suggest a different result. Specifically, Lyft argues that the Proposed Decision errs in its use of the Government Code § 6255 (now § 7922.00) balancing test to analyze whether allowance of the trade secret privilege would work an injustice.⁷ The Commission recently addressed arguments from Lyft related to the Evidence Code § 1060 balancing in D.25-05-006 Following Limited Rehearing of D.23-12-015. As discussed in D.25-05-006, in weighing whether allowance of the trade secret privilege would amount to an injustice, courts balance the interest of the parties.⁸ This balancing tracks the catch-all balancing test set out in Government Code § 7922.00.⁹ The Proposed Decision correctly weighed the public’s interest in disclosure against the Moving Party’s trade secret claims, and found any claim of trade secret to be outweighed by the significant public interest in gaining access to TNC trip data, subversion of which would be an injustice.¹⁰ However, the contours of the balancing required under Evidence Code § 1060, including the guidance provided in *Uribe v. Howie*, were more completely analyzed in prior Commission decisions.¹¹ The Transportation Authority encourages the Commission to add a similar analysis to the PD as further support for the PD’s (correct) injustice finding.

D. The Commission Should Continue to Reject Lyft’s Time Stamp and Re-Identification Arguments

Lyft continues to point to the declarations of Professors Whittington and Sun to argue against the aggregation approach adopted by the Commission.¹² The Transportation Authority has thoroughly

⁷ Lyft’s Opening Comments at 4.

⁸ D.25-05-006 at 8-13, 14-17, citing *e.g. Uribe v. Howie*, 19 Cal. App. 3d 194, 210 (Ct. App. 1971).

⁹ *See Coal. of Univ. Emps. v. Regents of Univ. of California*, No. RG03 089302, 2003 WL 22717384, at *4 (Cal. Super. Ct. July 24, 2003) (stating that “[t]he *Uribe* court construed the ‘work injustice’ language as essentially embodying a balancing test analogous to that set forth in the ‘catch-all’ exemption of Section 6255(a)” and that “[i]n essence, therefore, the second part of the two-part trade secret test dovetails with PRA law, especially the balancing required by the ‘catch-all’ exemption of Section 6255(a).”)

¹⁰ PD at 52 (“Accordingly, assuming that the trip data was a trade secret, keeping that trip data private is outweighed by the injustice inflicted on governmental entities who would be denied access to trip data. As we will demonstrate, the Moving Parties have failed to overcome the significant public interest in gaining access to TNC trip data for 2021-2024.”) The Transportation Authority notes that following the procedure set out in the PD, this conclusion should apply to all future Annual Reports, not only the 2021-2024 reports. *See* PD at 73.

¹¹ *See, e.g.,* D.25-05-006, at 8-13, 14-17.

¹² Lyft’s Opening Comments at 6-13.

addressed the declarations of Whittington and Sun in prior comments in the proceeding,¹³ as well as proposals regarding timestamp aggregation.¹⁴ As has the Commission.¹⁵ None of the arguments put forward by Lyft in their instant comments demand a different result in the PD.

E. Miles Traveled Do Not Constitute an Invasion of Privacy and Should Not Be Redacted

Lyft claims, without any supporting evidence, that “disclosing the exact distance traveled might allow for identification of precise pick-up and drop-off points”.¹⁶ This claim is unserious and should be dismissed outright. A trip distance does not disclose direction of travel, may reflect a path that is indirect, and is subject to measurement error. Furthermore, the latitude and longitude of the origin and destination are redacted. It is not possible even in the simplest case to infer a precise destination from an imprecise origin or vice versa. Lyft is throwing spaghetti at the wall to see if it will stick.

F. Driver Pay Should Not Be Redacted

In line with San Francisco’s Joint Response to the TNC’s 2023 Confidentiality Motions, the Transportation Authority supports the public disclosure of the Driver Pay category.¹⁷

¹³ Joint Response of the San Francisco Municipal Transportation Agency and the Transportation Authority (“San Francisco”) to Motions of Uber, Lyft, Nomad Transit, and HopSkipDrive for Confidential Treatment of Certain Data in their 2023 Annual Reports; filed on July 3, 2023, at 3-10.

¹⁴ See Joint Opening Comments of San Francisco on the Ruling Reopening the Record, filed on June 15, 2023; Joint Reply Comments of San Francisco on the Ruling Reopening the Record, filed on June 29, 2023; Joint Opening Comments of San Francisco on the Proposed Decision Requiring TNCs to Submit their Annual Reports for the Years 2014-2019 to the Commission with Limited Redactions, filed on November 29, 2023; Response of San Francisco on Lyft’s Application for Rehearing of the Decision Requiring TNCs to Submit their Annual Reports for the Years 2014-2019 to the Commission with Limited Redactions, filed on January 31, 2024.

¹⁵ D.23-12-15 at 107-18; Order Modifying D.23-12-015 at 15-18.

¹⁶ *Id.*, at 13.

¹⁷ Joint Response of the San Francisco Transportation Agency and the Transportation Authority to Motions of Uber, Lyft, Nomad Transit, LLC, and HopSkipDrive, Inc. for Confidential Treatment of Certain Data in their 2023 Annual Reports, filed on July 3, 2023, at 17.

G. The Commission Should NOT Permit a Two-Year Lag Before Publication of Annual Report Data

The public has been deprived of access to TNC Annual Report data for more than a decade, despite the Commission adopting rules favoring disclosure and repeatedly reaffirming those rules since the 2020 Confidentiality Ruling, in no small part due to delay tactics deployed by Lyft. Enough is enough. The PD recognized the legitimate interests the public holds in TNC Annual Report data and continued and ongoing delay of access to that data would deny the public's right to access information concerning the conduct of the people's business.¹⁸

Dated: August 19, 2025

Respectfully submitted,

DAVID CHIU
City Attorney
LILLIAN A. LEVY
Deputy City Attorney
(415) 554-3876
lillian.levy@sfcityatty.org

By: _____/s/_____
LILLIAN A. LEVY

On behalf of: THE SAN FRANCISCO COUNTY
TRANSPORTATION AUTHORITY

¹⁸ PD at 66-72.