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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Service Employees International
Union, California State Council;
Service Employees International
Union, Local 521; Service Employees
International Union, Local 721; Service
Employees International Union, Local
1021,

Complainants,

vs.

Waymo LLC,

Defendant.

Case 26-03-035

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This scoping memo and ruling sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding under Public Utilities Code (Pub. Util. Code) section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure (Rule(s)).¹

¹ Unless otherwise indicated, all subsequent statutory references are to the Pub. Util. Code, and all subsequent Rule references are to the Rules of Practice and Procedure.

1. Procedural and Factual Background

On March 27, 2026, Service Employees International Union, California State Council, Service Employees International Union, Local 521, Service Employees International Union, Local 721, and Service Employees International Union, Local 1021 (collectively, SEIU or Complainants) filed a complaint against Waymo, LLC (Waymo or Defendant). The complaint alleges that Waymo transported minors in violation of Decision (D.) 20-11-046, Ordering Paragraph (OP) 7(k). OP 7(k) of D.20-11-046 requires autonomous vehicle (AV) charter-party carriers to ensure their service is available only to be chartered by adults 18 years and older. SEIU complains of three injuries: (1) a competitive injury; (2) a safety risk to members; and (3) a safety risk to members' children.² SEIU alleges that the competitive injury was sustained by members who are transportation network company (TNC) drivers.³ SEIU requests several forms of relief: financial penalties, additional requirements on Waymo's operation of driverless AV passenger services, and suspension of Waymo's permit to operate in California.⁴

Currently, there is an open rulemaking (Rulemaking (R.) 25-08-013) that is considering various issues related to AVs, including whether AVs can transport unaccompanied minors. Specifically, on April 14, 2026, Commissioner Baker issued a scoping memo and ruling in R.25-08-013 including the following issue in Track 1 of the proceeding: "[o]nce the DMV has approved an AV for use on the road in commercial operations, what additional qualifications, reporting, and

² Appendix to Complaint at 6-8.

³ *Id.* at 6.

⁴ *Id.* at 10.

safety protocols should be adopted for the AV to transport an unaccompanied minor?”⁵

On May 28, 2026, Waymo filed an answer to SEIU’s complaint. Waymo admits that its services have been used to transport unaccompanied minors but asserts that such rides do not constitute violations of law.⁶ Waymo contends that AV charter-party carriers are prohibited from allowing minors to *charter* their services, not from transporting minors.⁷ Waymo raises several affirmative defenses, including the doctrine of unclean hands.⁸ Waymo argues SEIU is barred from bringing a complaint on behalf of its TNC driver members due to a record of TNC drivers transporting unaccompanied minors in violation of Commission regulations.⁹

On June 23, 2026, SEIU and Waymo filed a joint prehearing conference (PHC) statement. Waymo asserts that no material facts are in dispute, and thus an evidentiary hearing is not necessary in this proceeding.¹⁰ SEIU contends that a hearing is necessary to consider whether Waymo implemented all reasonable measures to prevent its service from being used to transport unaccompanied minors.¹¹

The assigned Administrative Law Judge (ALJ) held a PHC on June 30, 2026, to address the issues of law and fact, determine the need for hearing, set the

⁵ R.25-08-013 Scoping Memo and Ruling at 4.

⁶ Waymo’s Answer at 11.

⁷ Prehearing Conference Transcript at 23.

⁸ Waymo’s Answer at 4.

⁹ *Id.*

¹⁰ Joint Prehearing Conference Statement at 6, 8.

¹¹ *Id.* at 8.

schedule for resolving the matter, and address other matters as necessary. After considering the Complainants' complaint, the Defendant's answer, and the discussion at the PHC, I have determined the issues and proceeding schedule to be set forth in this scoping memo. I have also determined that no environmental and social justice issues have been raised at this time.

2. The Commission's Complaint Proceedings

2.1. Authority of the Commission

The Commission is an independent state agency of constitutional origin with far-reaching duties, functions, and powers over privately-owned public utilities.¹² The Commission's powers include the ability to fix rates, establish rules, hold various types of hearings, provide specific monetary relief, and establish its procedures.¹³ With this broad authority, the Commission regulates privately owned providers of electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies to ensure services are provided safely, cleanly, reasonably, and in a nondiscriminatory manner.¹⁴ The Commission also regulates rates and rate design. As set forth in Pub. Util. Code section 451, "[a]ll charges demanded or received by any public utility...shall be just and reasonable.... Every public utility shall furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities...as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public." Customers aggrieved by, among other things, the services from a utility may file a formal

¹² *Pacific Gas and Electric Co. v. Public Utilities Commission* (2015) 237 Cal.App.4th 812, 820, citing to Cal. Const., Art. XII, Sections 1-6.

¹³ *San Diego Gas & Electric Co. v. Superior Court* (1996) 13 Cal.4th 893, 915.

¹⁴ Cal. Const., Art. XII, Section 3 and Pub. Util. Code Section 451.

complaint with the Commission under Article 4 of the Rules. The Commission can “hear and determine only such complaints as are germane to regulation and control of public utilities.”¹⁵

2.2. Burden of Proof

The Complainants have the burden of proving the facts that support each cause of action set forth in their complaint.¹⁶ The Defendant has the burden of proving the facts that support each asserted defense in its answer.¹⁷ The standard of proof is a preponderance of the evidence that obligates the party with the burden of proof to convince the ALJ as the trier of fact “to believe that the existence of a fact is more probable than its nonexistence.”¹⁸

2.3. Available Remedies

In most cases, the Commission’s authority to provide a complainant with financial relief is limited by Section 734 that provides in relevant part:

When complaint has been made to the commission concerning a rate for a . . . service performed by a public utility, and the commission has found, after investigation, that the public utility has charged an unreasonable, excessive, or discriminatory amount therefor in violation of any of the provisions of this part, the commission may order that the public utility make due reparation to the complainant therefor

¹⁵ D.79325 at 5, citing to *Motor Transit Co. v. Railroad Com. of California* (1922) 189 Cal. 573 and *Pacific Tel. & Tel. Co. v. Eshleman* (1913) 166 Cal. 640.

¹⁶ See D.88223 at 2 and D.08-04-043 at 56.

¹⁷ D.26-05-001 at 15-16.

¹⁸ *In re Angelia P.* (1981) 28 Cal.3d 908, 918; see also, Evid. Code Section 115.

Reparations, as used therein, means a rate refund or rate adjustment of all or part of a utility's rate charges for the service related to the dispute.¹⁹ Fines are not a form of reparations:

Reparations are not fines . . . **Reparations are refunds of excessive or discriminatory amounts collected by a public utility . . .** The purpose is to return funds to the victim which were unlawfully collected by the public utility. Accordingly, the statute requires that all reparation amounts are paid to the victims... **The purpose of a fine is to go beyond restitution to the victim and to effectively deter further violations by this perpetrator or others.** For this reason, fines are paid to the State of California, rather than to victims.²⁰

Policy-oriented relief is reserved for quasi-legislative proceedings. Section 1701.1 differentiates between the nature of adjudicatory and quasi-legislative proceedings. Adjudicatory cases are "enforcement cases and complaints except those challenging the reasonableness of any rate or charges,"²¹ while quasi-legislative cases are "cases that establish policy including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry."²² D.07-07-020 clarifies the distinct purposes of each proceeding category, finding that,

[f]orum selection significantly impacts the nature, extent, and scope of the Commission's decisionmaking inquiry, and its remedial consequences. An adjudicatory proceeding . . . is retrospective and can trigger remedies that address violation of statute, rule, or law. In

¹⁹ D.91-10-008 at 3, quoting D.91558 at 7. See also D.92-01-020 at 4; D.92-02-021 at 5; D.91-08-017 at 3; D.86-03-065 at 11; D.87958 at 13.

²⁰ D.98-12-075 at 35 (emphasis added).

²¹ Section 1701.1(d)(2).

²² Section 1701.1(d)(1).

contrast, a quasi-legislative proceeding is prospective and more policy oriented.²³

Relief in the form of new rules, or the initiation or modification of a rulemaking, is not appropriately considered in a complaint proceeding.²⁴ One may pursue this form of relief through a petition for rulemaking,²⁵ a petition for modification,²⁶ or participation in an existing rulemaking proceeding.²⁷

3. Issues

The issues to be determined or otherwise considered in this proceeding are:

1. Does SEIU have standing to pursue this Complaint on behalf of its members, and has it sufficiently demonstrated injury to identifiable members?
2. Did Waymo's transportation of unaccompanied minors violate D.20-11-046, Ordering Paragraph 7(k)?
 - a. If so, what are SEIU's proposed remedies, and can they be granted in a complaint proceeding? If they cannot, are the issues raised and the remedies proposed by SEIU more appropriate to consider in a quasi-legislative proceeding such as R.25-08-013?
3. Are there any safety issues associated with the transportation of unaccompanied minors? If so, can and should these safety issues be addressed in this proceeding?
4. Are SEIU members represented in the Complaint engaged in the same or similar conduct involving the transportation of unaccompanied minors, as alleged against Waymo? If

²³ D.07-07-020 at 13.

²⁴ D.19-06-001 at 4.

²⁵ Rule 6.3.

²⁶ Rule 16.4.

²⁷ D.19-06-001 at 4, 6.

so, should such conduct be addressed in the instant Complaint?

4. Need for Evidentiary Hearing

Several issues are contested, and material issues of fact may be in dispute. Therefore, the need for evidentiary hearing will be determined by the assigned ALJ following the status conference.

5. Schedule

The following schedule is adopted here and may be modified by the ALJ as required to promote the efficient and fair resolution of the complaint:

Event	Date
Discovery completed	September 30, 2026
Opening testimony, served	October 1, 2026
Rebuttal testimony, served	October 16, 2026
Joint Status Conference Statement regarding the need for evidentiary hearings stating whether evidentiary hearings are necessary and if so, providing lists of (1) all disputed material facts, (2) all witnesses and for each witness, the disputed material facts to which the witness will testify, and (3) direct and cross-examination estimate times for each witness a party proposes to conduct direct examination and cross-examination, filed and served	October 23, 2026
Status Conference, held	October 28, 2026
If no evidentiary hearing: Joint Motion to Admit Testimony into the Evidentiary Record, filed and served	October 31, 2026

Evidentiary hearing, held	November 19, 2026
Opening briefs, filed and served	December 7, 2026
Reply briefs, filed and served	December 23, 2026
Presiding officer decision	No later than 60 days after submission

The purpose of the October 28, 2026, status conference is to ascertain whether, under Rule 13.8(c), the parties stipulate to the receipt of prepared testimony into evidence without direct or cross examination or other need to convene an evidentiary hearing or, in the alternative, the parties' resources, readiness and needs for the effective conduct of the evidentiary hearing, including the number of witnesses, estimates of time requested for cross-examination and identification of anticipated exhibits.

The proceeding will stand submitted upon the filing of reply briefs, unless the assigned ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 12 months as required by Pub. Util. Code section 1701.2(i).

6. Alternative Dispute Resolution (ADR) Program and Settlements

The Commission's Alternative Dispute Resolution (ADR) program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties' request, the assigned ALJ can refer

this proceeding to the Commission's ADR Coordinator. Additional ADR information is available on the Commission's website.²⁸

Any settlement between parties regarding all or some of the issues must comply with Article 12 of the Rules and must be served in writing. Any settlement motion must include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

7. Category of Proceeding and Ex Parte Restrictions

The Commission determined that this is an adjudicatory proceeding.²⁹ Accordingly, ex parte communications are prohibited under Article 8 of the Rules.

8. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://cpuc.ca.gov/pao> or contact the Commission's Public Advisor at 866-849-8390 or send an e-mail to public.advisor@cpuc.ca.gov.

9. Filing, Service, and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct

²⁸ <https://www.cpuc.ca.gov/PUC/adr/>

²⁹ Instructions to Answer at 1.

and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party under Rule 1.4.³⁰

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding must serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents; however, the assigned ALJ only requires a paper copy of confidential documents.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters.

³⁰ The form to request additions and changes to the Service list may be found at <https://www.cpsc.ca.gov/-/media/cpsc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

10. Receiving Electronic Service from the Commission

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive emails from the Commission. Please add “@cpuc.ca.gov” to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

11. Assignment of Proceeding

Christine Harada is the assigned Commissioner and Leah Goldberg is the assigned Administrative Law Judge and presiding officer for the proceeding.

IT IS RULED that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. The category of this proceeding is adjudicatory.
4. Ex parte communications are prohibited in this proceeding.
5. Evidentiary hearing may be needed, at the discretion of the assigned Administrative Law Judge.
6. The presiding officer is Administrative Law Judge Leah Goldberg.

Dated August 21, 2026, at San Francisco, California.

/s/ CHRISTINE HARADA

Christine Harada
Assigned Commissioner