

Docket No.: I.21-12-001
Commissioner Genevieve Shiroma
ALJ: Brian Stevens
Exhibit No.: _____
Date: June 2, 2022
Witness: Peter Sauerwein

**REBUTTAL TESTIMONY OF PETER SAUERWEIN
ON BEHALF OF UBER TECHNOLOGIES, INC.**

(PUBLIC VERSION)

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I. INTRODUCTION AND BACKGROUND.

1. Q. Please state your name and your business address.

A. My name is Peter Sauerwein. My business address is 1191 2nd Ave, Seattle, WA 98101.

2. Q. What is the purpose of your rebuttal testimony?

A. The purpose of this testimony is to provide Uber's perspective on the issues and allegations against Uber raised in CPED's May 18, 2022 Opening Testimony.

3. Q. Please summarize your rebuttal testimony.

A. Uber categorically rejects CPED's assertion that Uber does not take TCP compliance issues seriously. Uber invests substantially in compliance and is regularly enhancing its compliance efforts, including its fraud prevention efforts. In fact, we have consistently sought to identify bad actors and strengthen our fraud prevention program by proactively creating and enhancing multiple processes to verify the information submitted by putative fleet partners. This rebuttal will clarify those processes, and identify inaccuracies and inconsistencies in CPED's violations analysis. Furthermore, because CPED's Investigative Report covered the period between January 1, 2019 and December 31, 2019, this rebuttal testimony is Uber's first opportunity to respond to the allegations in CPED's testimony concerning 2020, 2021, and 2022.

II. CPED FAILS TO ACKNOWLEDGE HOW GAPS IN AVAILABLE DATA LIMIT UBER'S ABILITY TO VERIFY FLEET PARTNER COMPLIANCE

1. Q. With respect to the requirement that each fleet partner must obtain and maintain an active TCP license to provide charter-party carrier services on Uber's platform, what are the gaps in the available data that limit Uber's ability to prevent subcarrier fraud?

A. California law and the CPUC requires subcarriers to meet and remain in compliance with a number of regulatory requirements to possess and maintain valid operating authority. These include maintaining worker's compensation and liability insurance; enrollment

in the Department of Motor Vehicles' Employer Pull Notice ("EPN") program; commercial vehicle registration; submitting annual Equipment Statements listing the number of vehicles in use per fleet partner; and compliance with Drug and Alcohol Testing Program requirements. CPUC has access to information unavailable to private actors that allow it to enforce these requirements and suspend subcarriers that are not compliant. It is critical that CPUC enforces these requirements directly against subcarriers who wish to operate on the Uber platform. Uber does not have access to the non-public information available to CPUC to make compliance decisions as effectively. It would be unfair to hold Uber liable for failing to act in circumstances where CPUC, which has greater information available, has not acted. A major reason why Uber has not been able to eliminate subcarrier fraud on the Uber platform is that the CPUC and other state agencies have not shared (and, with respect to the EPN information, cannot lawfully share) the data that Uber needs to check the documents its fleet partners submit to identify fraud.

2. Q: Does the fact that Uber removed fleet partners without valid TCP licenses and uninsured or unregistered vehicles from its platform after the Order Instituting Investigation was issued in December 2021 mean that Uber has the ability to identify all fraud and noncompliance on its own?

A. No. Uber was only able to take those actions because the CPUC used information about Uber's fleet partners that Uber did not have access to for identifying partners that were potentially noncompliant, either because they were operating using a valid TCP license without authorization, or because some underlying requirement for their own TCP license had lapsed or had not been completed. As I testified previously, Uber has continually improved its processes to identify when fleet partners are operating using another person's TCP license to the best of its ability given the available information. But, as set forth below, there is no way for Uber to validate that a fleet partner has satisfied the various requirements needed to maintain a TCP license in good standing because of a profound lack of available information. That includes, among

other things, Uber's ability to confirm whether a fleet partner's vehicle is commercially registered and disclosed to the CPUC through equipment statements, whether fleet partners have complied with EPN and drug testing program requirements, and whether the copies of TCP license documents and PLPD insurance documents submitted to Uber are genuine.

A. Commercial Registration

3. Q: Does the CPUC's publicly accessible Transportation Carrier Portal provide the commercial registration number for each fleet partner and each of their drivers?

A. No. The CPUC Transportation Carrier Portal does not provide commercial registration information for TCP license holders and their drivers. Furthermore, Uber has no access to the DMV's records of commercial vehicle registrations to otherwise verify commercial registration numbers.

4. Q: If not, then how does Uber verify that all the vehicles its fleet owners and their drivers use are commercially registered?

A. Uber requires its fleet partners to submit proof of commercial registration in person (if they have the original documentation) or a copy of commercial registration via the Uber application, where they are subjected to image tampering fraud detection software and manual document fraud review, and agents are instructed to review them for validity.

5. Q: What steps does Uber take to verify the commercial registration submitted by its fleet partners?

A. Uber checks to ensure that the provided registration documents have a valid expiration date, reflect commercial rather than regular registration, that the vehicle identification number (VIN) matches the fleet partner's other submitted documents (such as PLPD insurance policy), and that the registration provides that the vehicle is registered to the same company as the fleet partner TCP license, that the account holder is the registered owner, or that the registered owner is listed on the Secretary of State's Business Information profile page for that fleet partner.

B. Vehicle Identification Numbers (VINs) and Vehicles in Use

6. Q: Does the CPUC provide adequate data for Uber to verify the VIN and number of vehicles in use for every TCP license holder?

A. No. CPUC's Transportation Carrier Portal only lists the TCP license number, the entity to which the license was issued, any other business names used by that entity, whether the license is in active, suspended, expired, or revoked, and the city where the licensee is located. This means that there is no way, based on the CPUC data available to Uber, to verify that a fleet partner or the vehicle they drive is approved to operate using the TCP license they submitted to Uber. Uber can only verify that the license is valid. TLAB, on the other hand, has this information because all TCP licensees must report the vehicles in use to TLAB. Uber does, however, compare VINs on registration documents against other uploaded documents (such as insurance documents).

C. Equipment Statements

7. Q: Does the CPUC provide Uber with copies of annual equipment statements, or updates to those statements, for each vehicle associated with an active TCP license?

A. No, CPUC does not provide copies of these statements, or their updates—which are required within 10 days of a vehicle being put in or out of service—to Uber. Uber has served a Data Request on CPED seeking relevant annual equipment statement documents to better understand what records are available to the CPUC which are not available to Uber. See Exhibit A. Moreover, if Uber collected equipment statements from fleet partners, it would have nothing to compare the statements against since CPUC does not share them.

D. Employer Pull Notice (“EPN”) Program

8. Q: Does the CPUC make available adequate data for Uber to verify the Employer Pull Notice Program (“EPN”) enrollment status of its fleet partners?

A. No. Subcarriers are required to submit an EPN account approval letter from the DMV to the CPUC with their TCP application, but CPUC does not make those letters publicly available or available to Uber. Subcarriers are also required to submit a list to the CPUC of all drivers that they propose to employ. CPUC does not publish that information or make it available to Uber, either.

9. Q: Can Uber use the same source which CPED uses to discern whether a fleet partner is enrolled in the EPN Program?

A. CPED relies on access to the DMV’s EPN Program Participant List to confirm a fleet partner’s enrollment in the EPN Program, but the DMV does not provide Uber with access to that list, and the CPUC does not share the list with Uber. In addition, DMV requestor codes are confidential under DMV rules which means Uber is not permitted to obtain this information. Since only CPED (and not Uber) can access this information, it is particularly important for CPUC to directly enforce EPN Program enrollment requirements with subcarriers.

10. Q: Why hasn’t Uber proactively enrolled its fleet partners in the EPN Program to ensure coverage?

A. California law only allows an employer to enroll a driver in the EPN Program. Because Uber does not employ its fleet partners, it would be illegal for Uber to enroll any of its operators in the EPN Program. The California Legislature carved out a narrow exception for TNC drivers in Cal. Pub. Utils. Code § 5444, but that exception does not extend to the TCP fleet partners (or their drivers) on the Uber platform. Uber expressly raised this limitation with CPUC when applying for its TCP permit in 2018.

11. Q: Given the lack of access to data, has Uber done anything to try to ensure that its fleet partners are enrolled in the EPN?

A. Yes. We do what we can reasonably do with our limited information. In particular, and as with all the other requirements I just discussed, Uber requires its fleet partners to attest they are enrolled in the DMV's EPN through the Platform Access Agreement (formerly the Technology Services Agreement). Compliance is, therefore, a required condition for fleet partners to use the Uber Platform. Uber has no other means to independently verify a fleet partner's enrollment, but does conduct annual motor vehicle records background checks for drivers operating under a fleet partner on the Uber platform.

E. Worker's Compensation Insurance Coverage

12. Q: Does the CPUC provide adequate information for Uber to verify that its fleet partners and all of their drivers are enrolled in or covered under a worker's compensation insurance policy?

A. No. Every TCP applicant must demonstrate proof of coverage in order to be issued a TCP license, so Uber expects that CPUC is directly enforcing coverage requirements and relies on the CPUC's issuance of the TCP license as proof of compliance. And as I explained, Uber reinforces that and other continuous compliance obligations through its Platform Access Agreement. But the publicly available information available to Uber does not otherwise provide a basis for Uber to independently verify a fleet partner's workers' compensation insurance status. Not all TCP license profiles on the CPUC's Transportation Carrier Portal provide basic information about a TCP licensee's worker's compensation policy. And even in instances where such information is provided, the Portal does not provide a copy of the actual policy documents. Exhibit B shows a TCP licensee profile which provides no information about whether the licensee has a worker's compensation policy, and provides only basic information about their liability insurance policy, without providing the policy itself.

13. Q: Does TLAB share the copies of the worker’s compensation policies that fleet partners file with the CPUC with Uber?

A. No.

14. Q: Could Uber directly confirm enrollment with the issuing insurer?

A. There are numerous insurers who issue worker’s compensation policies and no central clearinghouse where Uber can search for a fleet partner’s active policy, including the employee drivers that fleet partner’s policy covers. Even if Uber collected copies of its fleet partners’ policies, there is no available mechanism for Uber to independently confirm the validity of the policies and the names of drivers covered under the policy.

F. Drug and Alcohol Testing

15. Q: Does the CPUC provide Uber with adequate information to confirm the enrollment of its fleet partners in a mandatory Controlled Substance and Alcohol Testing Certification Program ?

A. No. Putative TCP applicants who employ drivers must certify they understand and will comply with the Commission’s controlled substances and alcohol testing certification program (or federal corollary). Although CPED’s Investigative Report indicates that CPUC maintains a “Drug Testing Program Participant List” that could be referenced to determine (at least partly) whether a fleet partner has completed this certification and established compliance, CPUC does not provide Uber with access to that list or provide Uber with any other information that would allow Uber to determine if specific drivers are enrolled in a program. Uber understands that CPUC would not issue or renew a TCP license if a fleet partner had not demonstrated compliance with the CPUC’s drug testing requirements. But Uber still requires fleet partners to represent, when they agree to the Platform Access Agreement, that they are in compliance with these requirements.

16. Q: Why doesn't Uber enroll its fleet partners in drug testing programs?

A. Each subcarrier already bears the responsibility to ensure that its drivers comply with the CPUC's drug testing program requirements, and through the Platform Access Agreement, Uber makes compliance with these requirements a mandatory condition to operate on the Uber platform.

G. Liability Insurance Coverage

17. Q: What processes has Uber implemented to verify that its fleet partners and their drivers are covered by a commercial insurance policy (PLPD Policy) in good standing?

A. Commercial insurance coverage is a prerequisite for a TCP license, so Uber relies on the CPUC's decision to issue a permit as proof of compliance with this requirement. Nevertheless, Uber also requires its fleet partners to submit copies of their commercial insurance policies. Uber's agents receive training and are instructed to follow a protocol which requires them to check that the submitted insurance documents have valid start and expiration dates, appear to be unaltered, and that they meet the required level of liability coverage.

18. Q: Does the CPUC make available adequate data for Uber to verify that the PLPD insurance enrollment documentation that its fleet partners submit is authentic?

A. Unlike the other TCP licensing requirements that form the basis of CPED's Investigative Report and testimony—EPN and drug testing enrollment, worker's compensation insurance coverage, and the vehicles in use, registration status, equipment statements, and authorized drivers associated with each fleet partner's TCP license—the CPUC posts basic information about a TCP's insurance policy on its profile in the Transportation Carrier Portal. See Exhibit B at 2.

19. Q: How does Uber use that information?

A. Our agents compare the policy number, fleet partner's business information,

and the insurer's name on the policy documents submitted to Uber with the policy information on the CPUC's Transportation Carrier Portal. This cross-validation process substantially reduces fraud and demonstrates the benefits that arise when CPUC shares with Uber information CPUC possesses concerning fleet partners' compliance, but the policy information shared by the CPUC is still limited, which limits Uber's ability to conduct compliance checks.

20. What are the limits of that cross-validation process?

A. The CPUC Transportation Carrier Portal does not contain a copy of the actual insurance policy. This means that some forgeries may escape detection, even though Uber has implemented fraud detection practices like human review and digital software which checks for altered or changed documents. Furthermore, because there is no centralized commercial insurance clearinghouse, Uber has no source to externally validate the authenticity of the insurance certificates or insurance identification cards that fleet partners submit.

III. CPED'S OPENING TESTIMONY OVERREACHES AND CONFUSES CLAIMS AGAINST UBER WITH CLAIMS AGAINST FLEET PARTNERS OPERATING ON UBER'S PLATFORM

1. Q. Does CPED's methodology accurately tally the number of violations by fleet partners?

A. No. CPED's calculations assume that every fleet partner operated 365 days a year, and was in violation each of those 365 days. But many fleet partners identified in CPED's Investigative Report and by Uber's internal investigation cured the defects that had made them potentially noncompliant, and many others were actually authorized to operate at all times or else only operated without valid TCP authority for a discrete number of days within a given year. Other fleet partners did not operate every day, or operated for only a limited period of a given year. By extrapolating a violation for each day of each year that a given fleet partner was operating, CPED grossly overestimates the number of violations by Uber's fleet partners.

2. Q. Did Uber fail to disclose the current status of six partner accounts that were identified by Uber, but not by the CPED Investigative Report, as potentially operating without proper authorization?

A. No. Uber conducted an internal investigation after the release of CPED's Investigative Report, which covered potential fraud and abuse by fleet partners in 2019, to identify ongoing conduct by those fleet partners or any other fleet partners in 2020, 2021, and 2022. On March 25, 2022, Uber disclosed an additional 67 fleet partner accounts that had completed trips using potentially unauthorized TCP licenses, meaning that the operators' information did not match currently available Secretary of State records affiliated with the entity that holds the license, and we have continued to review records to identify any other third-party operators using potentially unauthorized TCP licenses. See Exhibit C.

In addition to disclosing those 67 partners, Uber later realized that a system error had caused the revenue and tax information for six of the partner accounts for subcarriers identified in CPED's Investigative Report to be set at \$0.00, and provided a correction of to the prior data request response to CPED on May 17, 2022. See Exhibits D and E. Again, the corrected disclosure did not name new fleet partners who might have violated CPUC rules, it simply corrected the amount of revenue and taxes on the disclosure to make it consistent with what Uber had reported on those fleet partners' 1099 forms. We understand that after serving its Opening Testimony, CPED realized it had mischaracterized these six fleet partners and plans to address this in later briefing.

3. Q: Has Uber continued to look for other potentially noncompliant fleet operators?

A. Yes. As mentioned in my Opening Testimony, Uber conducted an audit which began on February 10, 2022. That audit took a snapshot of data reflecting all active fleet operators on that date, and identified the 67 fleet partners previously discussed. As a result of that

audit, Uber implemented enhanced anti-fraud measures in April, 2022—reassigning its TCP compliance document review to more highly trained analysts and implementing a Quality Assurance program with second-level review for all TCP partners. Uber subsequently reviewed any TCP licenses that had been approved after the audit snapshot was taken and before the enhanced measures were in place. We identified six third- party operators that provided rides and rejected their TCP licenses under the enhanced measures as potentially noncompliant. It is possible some or all of the third-party operators cure the reasons we rejected them. For example, two of these third-party operators’ TCP licenses were rejected because the first names on the TCP licenses they submitted were different from the operators’ first names in Uber’s system, even though their last names were present. It is possible the names appearing on the TCP licenses are family members of the individuals, and that they were authorized to use the TCP license. Nevertheless, Uber promptly rejected their TCP licenses after applying the enhanced measures, and promptly disclosed their names and TCP license information to CPED along with the revenue they retained using the potentially unauthorized TCP license, the VINs and license plate numbers of vehicles they used, and their PLPD insurance documentation submitted to Uber.

4. Q. Did CPED’s testimony correctly identify the revenue earned by the 67 potentially noncompliant partners and by Uber?

A. No, there is a very important error in CPED’s opening testimony. Table 3 of CPED’s testimony relays the total amount of revenue earned in 2019, 2020, 2021, and 2022 by 67 potentially noncompliant fleet partners who were not identified in CPED’s Investigative Report, but were later discovered in Uber’s internal investigation and disclosed to CPED. Column E, the 2022 revenue reporting, transposes the smaller share of the total revenue retained by Uber with the larger share obtained by the fleet partners. Table 3 currently shows that the 52 partners who were active in 2022 brought in **REDACTED** in total revenue, retained **REDACTED** for themselves, and

paid Uber **REDACTED**. But these numbers should be reversed, according to the data which Uber previously produced to the Commission: Uber only retained **REDACTED** of the total revenue. See Exhibit C. Based on that report, CPED has inflated the amount of revenue which Uber earned from 2019-2022 from the cohort of 67 accounts by more than **REDACTED**. Instead of **REDACTED** Uber actually only earned **REDACTED**. And, as explained below, at least 25 of the 67 partners have subsequently been validated through information demonstrating they were, in fact, authorized to operate. Thus, the numbers in CPED's tables overstate revenue from potentially non-compliant activities because they presume all 67 were actually unauthorized when at least 25 were authorized.

5. Q: What share of Uber's revenue from 2019 to 2022 is derived from those 25 partners who have now demonstrated they possessed valid operating authority?

A. Revenue from these 25 partners constitutes a substantial share of Uber's revenue from the cohort of 67. Removing the revenue from those 25 partners from CPED's revenue analysis reduces total revenue from potentially unauthorized trips by nearly **REDACTED** (from **REDACTED** to **REDACTED**). Uber's share is reduced by over **REDACTED** from **\$REDACTED** to **REDACTED**

REDACTED

6. Q: Why does Uber’s share of revenue matter in this proceeding?

A. CPED emphasized the amount of Uber’s revenue from unauthorized drivers as one potential type of penalty in its Investigative Report. If CPED misattributes revenue to Uber that was actually kept by operators as a basis for a proposed penalty, then it risks improperly fining Uber based on revenue it never earned, while allowing the bad actors responsible for the misconduct who earned a greater share of the illegal revenue to avoid punishment.

7. Q: Does CPED’s testimony distinguish between Uber’s revenue and Uber’s profits from potentially noncompliant TCPs?

A. CPED’s analysis appears to conflate the revenue Uber retained from completed passenger trips and its profits from those trips. Tables 1 and 3 represent the share of the waybills for all the completed trips that Uber retained in 2019, 2020, and 2021. That raw revenue is not Uber’s profit. It does not account for Uber’s fixed and unfixed costs to facilitate passenger service on the Uber platform or for subsequent reimbursement to drivers for tolls or fees. Therefore, CPED has not demonstrated that Uber earned “millions in profit...from unauthorized operations.”¹

8. Q: Does CPED’s testimony distinguish between violations by Uber and violations by Uber’s fleet partners?

A. No. While CPED’s Investigative Report distinguished between a wide variety of fleet partner misconduct and Uber’s narrower alleged failure to detect one type of that misconduct concerning TCP authorization, CPED’s testimony makes no such distinction. Instead of containing separate sections discussing violations by Uber and then violations by its fleet partners, the Violations Analysis on Pages 11 to 16 of CPED’s testimony discusses all the alleged

¹ CPED’s Opening Testimony on Uber OII at 5:17-19 (May 18, 2022).

violations it found by year, regardless of whether they are alleged to have been committed by the fleet partners or Uber.

9. Q. What is the effect of CPED combining its allegations against Uber and the fleet partners?

A. It threatens to penalize Uber for misconduct Uber had no role in committing, where Uber was the direct intended victim, and where Uber would have had no ability to prevent it absent receiving more information from CPUC or other state agencies. For example, several of the alleged violations concern conduct like counterfeiting and forgery, or falsifying insurance certifications. Uber never took part in falsifying documents. To the extent that Uber was deceived into allowing fleet partners to use falsified or forged documents to access the Uber platform, many of those decisions were caused by the gaps in data described in Part II. Similarly, fleet partners, not Uber, are responsible for operating vehicles with valid VINs or complying with EPN or Drug Testing Program requirements, and CPUC—not Uber—possesses information needed to determine whether a fleet partner’s representations are accurate and truthful.

10. Q. Have any of the eight subcarrier respondents named in this proceeding participated in this proceeding?

A. As far as Uber is aware, no subcarrier respondent has participated in this proceeding. Uber has not received any responses to its Data Requests to the Subcarrier Respondents, which were due on May 26, 2022. See Exhibit F. And there is no indication from CPED’s testimony that it has issued any data requests or made any effort to engage the other Respondents. Moreover, there is no indication that CPED has taken any enforcement action against Respondent Jolie Limo, which has not made an appearance in this proceeding, but still appears to have an active license on the CPUC’s Transportation Carrier Portal. See Exhibit G. Instead, CPED appears entirely focused on making claims against Uber.

11. Why does their absence matter?

A. The subcarriers' refusal to participate in this proceeding has deprived Uber of an opportunity to present a complete defense. Subcarrier testimony and evidence would underscore the degree to which Uber was a victim of deliberate third-party deception, not a willing participant. It would demonstrate that some of the potentially unauthorized subcarriers were, in fact, authorized. It would confirm that Uber has been vigilant in attempting to intercept and eliminate fraud on its platform. And it would help the CPUC determine exactly how many violations occurred in 2019. All told, the subcarriers' absence limits Uber's ability to fully respond to CPED's allegations. In fact, despite making no distinction between Uber and the subcarriers in its Opening Testimony, CPED has not sought any information from the subcarriers or proposed any punishment for the subcarriers. Uber deserves a fair hearing. But the subcarriers' absence from this proceeding, in combination with CPED's unwillingness to fairly distinguish the subcarriers' conduct from Uber's conduct, means that cannot be guaranteed.

IV. CPED IGNORES UBER'S SUBSTANTIAL EFFORTS TO COMPLY WITH TCP RULES AND REGULATIONS

1. Q. Do you agree with CPED's conclusion that Uber does not take any responsibility for TCP compliance of drivers on the Uber platform?

A. Absolutely not. Uber implemented fraud prevention efforts before CPED's Investigative Report was issued because it is committed to removing access to the platform from third-party operators that do not have valid operating authority and comply with all state laws and regulations. Uber has admitted that its fraud prevention efforts have evolved and improved with experience, and it is true that fraud can never be completely eliminated. Nevertheless, Uber is committed to transparency and improvement; has cooperated fully with CPED's investigation and in this proceeding; and has already proposed additional information CPUC could make available to address the gaps in data that create compliance challenges. CPED's own testimony shows that

since 2019, Uber has made substantial progress reducing the number of violations by its subcarriers, and that Uber supports CPUC taking steps to help support efforts to identify fraud.

2. Q: What evidence demonstrates that Uber takes its regulatory responsibilities seriously?

A. CPED's testimony overlooks Uber's substantial efforts to prevent TCP fraud by third-party operators, including: (a) requiring each fleet partner to sign a Platform Access Agreement agreeing to comply with all applicable rules and regulations as a condition to operate on Uber's platform; (b) training Specialized Risk and Compliance analysts to review every TCP document submitted to Uber and compare it against information (i.e. TCP license number, active status, expiration date, individual and/or company names) available on the CPUC's TCP Portal, and to compare TCP licenses submitted to Uber by putative fleet partners with the corporate filings on the Secretary of State's website to prevent third party operators from co-opting valid TCP licenses; (c) reviewing and comparing vehicle registration (e.g. VIN numbers, registered owner information, expiration dates, etc.) and insurance documents (i.e. cross-checking with the CPUC's TCP portal and against commercial registration documents) to combat fraud; and (d) running regular compliance checks based on data on the status of TCP licenses (e.g. expired, suspended) that CPUC provides to Uber in an Excel spreadsheet on a weekly basis. These processes enabled Uber to identify and deactivate 67 potentially unauthorized fleet partners during its February 10, 2022 audit and an additional six potentially unauthorized fleet partners identified from the period between that audit and early April, 2022.

3. Q: Have any of the cohort of 67 been reactivated?

A. Yes. At least 25 of these fleet partners have since been validated based on documents currently available on the Secretary of State's website, demonstrating they were, in fact, authorized to operate using the TCP licenses that were initially rejected.

4. Q: So the Secretary of State cross-check may have inadvertently caused the rejection of TCP licenses that fleet partners were authorized to use?

A. Yes. In its efforts to compensate for the gaps in available data on the CPUC's Transportation Carrier Portal or otherwise available to Uber, Uber instituted the SOS cross-check—which is an over-inclusive review process. Uber rejected the 67 fleet partners disclosed to CPED because Uber could not validate their licenses based on documents available on the Secretary of State's website, or any other available information, at that specific point in time. Uber has since discovered that many of those partners *actually had valid authority* to use a TCP license, but the TCP license-holder had not updated their Secretary of State filing, or else the information was not available at the time of Uber's audit. Uber's use of the SOS cross-check is an example of Uber emphasizing compliance efforts over profit because the SOS cross-check causes rejection of some fleet partners with valid operating authority who have, for a variety of reasons, not provided or kept current SOS or other information. If a rejected fleet partner actually held legal authority to use the TCP license they provided to Uber, then that fleet partner's conduct – whether measured as a number of violations or by amount of revenue generated – should not be considered a violation by CPED.

5. Q: Can you provide an example?

A. REDACTED an Uber fleet partner using REDACTED TCP license, was deactivated from the Uber platform because his name did not appear on the Secretary of State's website filings for REDACTED. After he was deactivated, REDACTED updated its Statement of Information filing so that REDACTED now appears as a manager or member. In other words, the TCP license-holder has confirmed that REDACTED had authority to use its TCP license. Similarly, REDACTED also updated its Statement of Information filing so that REDACTED, REDACTED, and REDACTED —partners using REDACTED's TCP

license whom Uber had deactivated from the Uber platform—now appear as directors.

6. Q: How is Uber determining which of the 67 operators were demonstrably compliant?

A. Uber is working to confirm which of the cohort of 67 fleet partners have been reactivated by proving they were authorized to operate, and will share those results with CPED on an ongoing basis. So far, 25 of those fleet partners have been validated with currently available SOS documents or updated TCP permits, demonstrating their authority to operate. Those fleet partners appear to have been authorized to operate at all times and either did not realize the requirement to provide or update SOS documents or there were technical or other reasons why Uber was unable to initially validate their status. Thus, 42 of the 67 remain potentially unauthorized at this time, but that number may be further reduced as more information becomes available.

7. Q: What is the best way to prevent bad actors from claiming TCP authority under licenses that do not belong to them?

A. CPUC should print the names of each individual authorized to use a TCP license on the license itself, and publish that information on the CPUC Transportation Carrier Portal. CPED did not address this possibility in its Opening Testimony.

8. Q: If Uber was aware that some of the subcarriers had submitted fraudulent documents to the CPUC TCP Portal, why did Uber continue to rely on the information from that Portal to confirm fleet partner compliance with TCP requirements?

A. Because no other official data exists. To be sure, Uber nevertheless attempted to compensate for the limitations in the CPUC's database by using external sources to independently validate the TCP documentation submitted by its fleet partners, such as the SOS cross-check. And in a recent meeting, Uber asked TLAB to consider printing names of authorized individuals on TCP licenses to help increase the accuracy of the SOS cross-check.

9. Q: Can Uber eliminate all TCP fraud on the platform?

A. No, but we are committed to trying to do so, as I explained in my opening testimony. Even if CPUC were to share enough information to allow Uber to verify the authenticity of every type of document that a fleet partner submits, new fraudulent patterns and practices will emerge as bad actors adapt and evolve. No fraud prevention system is perfect, and although Uber has proven adept at reducing, intercepting, and remedying fraud when it occurs, it is not realistic to expect that Uber will completely eliminate all instances of fraud committed by TCP subcarriers.

10. Q: Has CPED ever suggested what measures Uber could or should adopt to strengthen its anti-fraud policies beyond the steps that Uber has already implemented?

A. No. Uber has been very transparent about the multi-layered fraud prevention and compliance program it has developed to prevent unauthorized drivers from operating on the Uber platform. We have told CPED that limitations in the types of data the CPUC makes public or available to Uber prevent us from verifying the documents our fleet partners submit, and we have even suggested changes that could ameliorate those limitations. CPED's testimony does not identify any other steps Uber could have taken, or should have taken, to prevent this fraud. Nor does CPED's testimony address the common-sense solutions that Uber has proposed.

V. CONCLUSION

1. Q: Was this material prepared by you or under your supervision?

A. Yes, it was.

2. Q: Insofar as this material is factual, do you believe it to be correct?

A. Yes, I do.

3. **Q: Insofar as this material is opinion, does it represent your best judgment?**
- A. Yes, it does.
4. **Q: Do you represent that all exhibits are true and correct copies?**
- A. Yes, I do.
5. **Q: Do you adopt this rebuttal testimony as your sworn testimony?**
- A. Yes, I do.
6. **Q: Does this conclude rebuttal testimony?**
- A. Yes.

EXHIBIT A

**UBER TECHNOLOGIES, INC.'S SECOND SET OF DATA
REQUESTS TO THE CONSUMER PROTECTION AND
ENFORCEMENT DIVISION**

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S SECOND SET OF DATA REQUESTS TO THE
CONSUMER PROTECTION AND ENFORCEMENT DIVISION**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S SECOND SET OF DATA REQUESTS TO THE
CONSUMER PROTECTION AND ENFORCEMENT DIVISION**

Uber Technologies, Inc. ("Uber") requests that the Consumer Protection and Enforcement Division ("CPED") provide the information and produce and serve upon Uber the documents requested below by June 10, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of CPED, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if CPED acquires additional information after any Request has been answered initially, CPED is required to supplement its response following the receipt of such additional information, giving the information to the same extent as originally requested. If CPED is unwilling to supplement its responses, so state in the

form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that CPED asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that CPED asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether CPED would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in CPED’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d) the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain, deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”

11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.

12. “Uber” means Uber Technologies, Inc.

13. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.

14. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S SECOND SET OF DATA REQUESTS TO THE
CONSUMER PROTECTION AND ENFORCEMENT DIVISION**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 31, 2022
REQUEST NO.:	UBER-CPED-002	RESPONSE DATE:	June 10, 2022
REQUESTER:	UBER	RESPONDER:	

DATA REQUESTS

Request 1:

For each of the 67 accounts identified in Confidential Attachment B to Uber's March 25, 2022 Data Request Responses to CPED-UBER-DR01, please provide the following information and documentation for each account, including the carriers whose license information was claimed by each account (as Uber identified in its response to Data Request 1, Question 7), for the years 2019, 2020, 2021, through May of 2022:

- a) Documentation showing participation of all the drivers employed by each account listed in Confidential Attachment B in the Department of Motor Vehicles' Employer Pull Notice Program.
 - i. Documentation shall include evidence from each account that all drivers were uploaded to the Transportation Carrier Portal under their specific account.
- b) Documentation showing enrollment of all drivers for each account referenced in 1.a. in a mandatory Controlled Substance and Alcohol Testing Certification Program.
 - i. Documentation shall include evidence that the Drug and Alcohol consultant was provided to the CPUC via the Transportation Carrier Portal under the DBA's/Owner's specific account.
- c) The vehicle identification number (VIN) and license plate number for each vehicle associated with the 67 accounts' operation on the Uber Platform.
 - i. Include in your response evidence that each subject vehicle was submitted to the CPUC's Transportation Carrier Portal.
- d) Documentation of active PLPD insurance in effect and on file with the CPUC for all 67 accounts.
- e) Documentation of active WKCP insurance in effect and on file with the CPUC for all 67 accounts.

- f) Documentation of all annual gross intrastate revenue that was reported to the CPUC via the Transportation Carrier Portal for each DBA/owner.
- g) Documentation demonstrating whether each of the 67 accounts was authorized to use the license information each claimed (as identified in Uber's Response to Data Request 1, Question 7).

Request 2:

For each fleet partner named in the November 24, 2021, Investigative Report into the Operations, Practices, and Conduct of Uber Technologies, Inc., and Uber Black Sub-Carriers, provide the following information and documentation for the years 2020 and 2021:

- a) Documentation showing participation of all the drivers employed by each Doing Business As (DBA) and/or owner listed in the DMV Employer Pull Notice Program.
 - i. Documentation shall include evidence from each DBA and/or owner that all drivers were uploaded to the Transportation Carrier Portal under their specific account.
- b) Documentation showing enrollment of all drivers referenced in 2.a. above in a mandatory Controlled Substance and Alcohol Testing Certification Program.
 - i. Documentation shall include evidence that the Drug and Alcohol consultant was provided to the CPUC via the Transportation Carrier Portal under the DBA's/Owners specific account.
- c) Using the methodology described in the November 24, 2021, Investigative Report into the Operations, Practices, and Conduct of Uber Technologies, Inc., and Uber Black Sub-Carriers (CPED Investigative Report), provide a calculation of the number of TCPs shared among the named accounts.
- d) Documentation of active PLPD insurance in effect and on file with the CPUC for all subcarriers and their affiliates listed on all waybills for the named carriers.
- e) Documentation of active WKCP insurance in effect and on file with the CPUC for all subcarriers and their affiliates.
- f) Documentation of all annual gross intrastate revenue that was reported to the CPUC via the Transportation Carrier Portal for each DBA/owner.

Request 3:

Admit that the CPUC’s Transportation Carrier Portal does not provide Uber access to any copies of the subcarrier’s EPN account approval.

Request 4:

Admit that the Department of Motor Vehicles does not provide Uber access to the Department of Motor Vehicles’ EPN Program Participant List.

Request 5:

Admit that the CPUC does not provide Uber with access to the Department of Motor Vehicles’ EPN Program Participant List.

Request 6:

Admit that the CPUC does not provide Uber with access to copies of the Charter-Party Carrier Authority Driver Statement of Applicant forms (PL739A ([Microsoft Word - 3. PL739A Driver Statement of Applicant \(rev. 2019\)](#))) submitted by TCP licensees, which requires TCP licenseholders and applicants to submit a complete list of each driver they propose to employ or already employ.

Request 7:

Admit that the CPUC does not provide Uber with access to Drug Program participant lists for the programs which subcarriers enroll in to fulfill their obligations under General Order 157-3, Part 10, which requires participation in a “mandatory controlled substance and alcohol testing certification program.”

Request 8:

Admit that the public-facing version of the Transportation Carrier Portal does not show the vehicle identification number (VINs) or license plate numbers of the vehicles operated by each TCP permittee.

Request 9:

Admit that the CPUC does not publish Equipment Statements on the Transportation Carrier Portal or publish them in any other publicly available database.

Request 10:

Admit that the CPUC does not publish for the public or share with Uber the PUCTRA fees or revenue statements reported by any TCP subcarrier.

END OF REQUEST

EXHIBIT B

**SAMPLE OF PLPD INSURANCE AVAILABLE ON CPUC
TCP PORTAL**



[Back to Home](#)

Account Name VIP LANE LLC PSG / VCC # PSG0040842
 Authority Status Active Authority Group **1** TCP

Contracts (1)
 1 item • Sorted by Status • Updated 6 minutes ago

	Contract Nu... ▾	Contract Name ▾	Status ↓ ▾	Contract Start Date ▾	Contract End Date ▾	
1	00031441	TCP P PERMIT	Active	1/13/2022	1/13/2025	

[View All](#)

Active Policies (1)

Policy#	Policy Type	Policy Sub Type
0011268-01-CA	Stand Alone Policy	PL/PD Policy

[View Less](#)



HOME



Log in

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Details



Insurance Policy Information

Policy#	0011268-01-CA	Carrier	VIP LANE LLC
Policy Type ⓘ	Stand Alone Policy	Policy Sub Type ⓘ	PL/PD Policy
Policy Status ⓘ	Active	Insurance Company Name ⓘ	BERKSHIRE HATHAWAY INSURANCE COMPANIES

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EXHIBIT C

RESPONSE TO CPED-UBER-DR-01

(MARCH 25, 2022)

(ENTIRE EXHIBIT IS CONFIDENTIAL)

EXHIBIT D

**SUPPLEMENTAL NARRATIVE RESPONSE TO CPED-
UBER-DR-01 (MAY 17, 2022)**

(PUBLIC VERSION)

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

I.21-12-001
(Filed December 13, 2021)

**UBER TECHNOLOGIES, INC.'S RESPONSE TO
DATA REQUEST CPED-UBER-DR02**

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Attorneys for Uber Technologies Inc.

Attachment A

Uber Technologies, Inc.'s Narrative Response to Data Request: CPED-UBER-DR02 May 17, 2022

Pursuant to Data Request CPED-UBER-DR02 (“Data Request”) issued by the California Public Utilities Commission (“CPUC”) on April 28, 2022, Uber respectfully submits information responsive to the Data Request in this Confidential Attachment A, which seeks to clarify how Uber interpreted certain requests and the data provided.

I. EXPRESS RESERVATIONS

1. No response, limitation or lack thereof, set forth in this narrative shall be deemed an admission or representation by Uber as to the existence or nonexistence of the requested information or that any such information is relevant or admissible.
2. Uber has made best efforts to provide the requested data as it exists in our internal systems, but cannot guarantee the complete accuracy of the submitted data.
3. Uber reserves the right to modify or supplement its responses, and the provision of any information pursuant to any request is not a waiver of that right.
4. Uber reserves the right to rely, at any time, upon subsequently discovered information.
5. These responses are made solely for the purpose of this Data Request and for no other purpose.

II. NARRATIVE

Data Request:

1. Provide PDF copies of the 1099s used by Uber to create the excel document titled “Confidential Attachment C_2020 and 2021 1099 Information (April 5, 2022).xlsx”
 - a. If for any reason the responsive 1099s do not reflect the sixty-six (66) “Partner Names” identified in the excel document titled “Confidential Attachment C_2020 and 2021 1099 Information (April 5, 2022).xlsx”, provide a narrative explaining how Uber determined the sixty-six Partner Names identified.

Uber’s Response:

<<<BEGIN CONFIDENTIAL>>>

REDACTED

REDACTED

REDACTED

REDACTED

<<<END CONFIDENTIAL>>>

The information submitted in the designated portions of Attachment A, as well as Attachments B and C, shall be designated highly confidential and prohibited from public disclosure pursuant to General Order 66-D Section 3.2, the attached Declaration of Confidentiality (Attachment D), and the Uniform Trade Secrets Act. If publicly disclosed, this information would create a breach of consumer privacy, and, given the proprietary nature of the information, also cause substantial competitive harm to Uber.

EXHIBIT E

2020 AND 2021 1999 INFORMATION

(CORRECTED) (MAY 17, 2022)

(ENTIRE EXHIBIT IS CONFIDENTIAL)

EXHIBIT F

**FIRST SET OF UBER DATA REQUESTS TO SUBCARRIER
RESPONDENTS (MAY 16, 2022)**

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO ARMINE MANVELYAN**

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**BEFORE THE PUBLIC UTILITIES COMMISSION
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Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO ARMINE MANVELYAN**

Uber Technologies, Inc. ("Uber") requests that Armine Manvelyan ("Manvelyan") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of Manvelyan, their employees and agents, and a person acting on their behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if Manvelyan acquires additional information after any Request has been answered initially, Manvelyan is required to supplement its response following the receipt of such additional information, giving the information to the same extent as originally requested. If Manvelyan is unwilling to supplement its responses, so

state in the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that Manvelyan asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that Manvelyan asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether Manvelyan would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in Manvelyan’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d) the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain, deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”
11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.
12. “Uber” means Uber Technologies, Inc.
13. “You” or “you” means Armine Manvelyan, including any of their employees, principals, or agents.
14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.
15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO ARMINE MANVELYAN**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER- MANVELYAN-001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	ARMINE MANVELYAN

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those

services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using

the Uber platform knowing you were not authorized to provide those services, and without informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because you provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

**BEFORE THE PUBLIC UTILITIES COMMISSION
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Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO ART TOBEK INC**

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Attorneys for Uber Technologies, Inc.

**BEFORE THE PUBLIC UTILITIES COMMISSION
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Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO ART TOBEK INC**

Uber Technologies, Inc. ("Uber") requests that Art Tobek Inc ("Art Tobek") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of Art Tobek, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if Art Tobek acquires additional information after any Request has been answered initially, Art Tobek is required to supplement its response following the receipt of such additional information, giving the information to the same

extent as originally requested. If Art Tobek is unwilling to supplement its responses, so state in the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that Art Tobek asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that Art Tobek asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether Art Tobek would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in Art Tobek’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d)

the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain,

deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”

11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.

12. “Uber” means Uber Technologies, Inc.

13. “You” or “you” means Art Tobek, including any of its employees, principals, or agents.

14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.

15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO ART TOBEK INC.**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER- ART TOBEK - 001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	ART TOBEK INC

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using the Uber platform knowing you were not authorized to provide those services, and without

informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because You provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS TO ERIC'S
LUXURY LIMOUSINE LLC (TCP 3236-P)**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS TO ERIC'S
LUXURY LIMOUSINE LLC (TCP 3236-P)**

Uber Technologies, Inc. ("Uber") requests that Eric's Luxury Limousine LLC (TCP 3236-P) ("ELL") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of ELL, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if ELL acquires additional information after any Request has been answered initially, ELL is required to supplement its response following the receipt of such additional information, giving the information to the same extent as

originally requested. If ELL is unwilling to supplement its responses, so state in the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that ELL asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that ELL asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether ELL would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in ELL’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d) the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain, deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”

11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.

12. “Uber” means Uber Technologies, Inc.

13. “You” or “you” means Eric's Luxury Limousine LLC, including any of its employees, principals, or agents.

14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black's Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.

15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS TO ERIC'S
LUXURY LIMOUSINE LLC**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER-ELL-001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	ERIC'S LUXURY LIMOUSINE LLC

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using the Uber platform knowing you were not authorized to provide those services, and without

informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because you provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you DID inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO JOLIE LIMO LLC (TCP 33256 – B)**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO JOLIE LIMO LLC (TCP 33256 – B)**

Uber Technologies, Inc. ("Uber") requests that Jolie Limo LLC (TCP 33256 – B) ("Jolie Limo") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of Jolie Limo, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if Jolie Limo acquires additional information after any Request has been answered initially, Jolie Limo is required to supplement its response following the receipt of such additional information, giving the information to the

same extent as originally requested. If Jolie Limo is unwilling to supplement its responses, so state in the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that Jolie Limo asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that Jolie Limo asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether Jolie Limo would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in Jolie Limo’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d)

the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain,

deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”

11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.

12. “Uber” means Uber Technologies, Inc.

13. “You” or “you” means Jolie Limo, including any of its employees, principals, or agents.

14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.

15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO JOLIE LIMO LLC (TCP 33256 – B)]**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16 , 2022
REQUEST NO.:	UBER- JOLIE LIMO 001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	JOLIE LIMO LLC

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those

services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using

the Uber platform knowing you were not authorized to provide those services, and without informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because You provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO SUREN SIMONYAN**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO SUREN SIMONYAN**

Uber Technologies, Inc. ("Uber") requests that Suren Simonyan ("Simonyan") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of Simonyan, their employees and agents, and a person acting on their behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if Simonyan acquires additional information after any Request has been answered initially, Simonyan is required to supplement their response following the receipt of such additional information, giving the information to the

same extent as originally requested. If Simonyan is unwilling to supplement its responses, so state in the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that Simonyan asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that Simonyan asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether Simonyan would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in Simonyan’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d)

the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain,

deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”

11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.

12. “Uber” means Uber Technologies, Inc.

13. “You” or “you” means Suren Simonyan, including any of their employees, principals, or agents.

14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.

15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO SUREN SIMONYAN**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER-SIMONYAN-001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	SUREN SIMONYAN

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using the Uber platform knowing you were not authorized to provide those services, and without

informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because You provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO FOX LIMO 2 INC. (TCP 33048 – B)**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO FOX LIMO 2 INC. (TCP 33048 – B)**

Uber Technologies, Inc. ("Uber") requests that Fox Limo 2 Inc. (TCP 33048 – B) ("Fox Limo") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of Fox Limo, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if Fox Limo acquires additional information after any Request has been answered initially, Fox Limo is required to supplement its response following the receipt of such additional information, giving the information to the same extent as originally requested. If Fox Limo is unwilling to supplement its responses, so state in

the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that Fox Limo asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that Fox Limo asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether Fox Limo would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in Fox Limo’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d) the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain, deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”

11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.

12. “Uber” means Uber Technologies, Inc.

13. “You” means Fox Limo, including any of its employees, principals, or agents.

14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.

15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO FOX LIMO 2 INC. (TCP 33048 – B)**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER-Fox Limo-001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	FOX LIMO 2 INC.

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using the Uber platform knowing you were not authorized to provide those services, and without

informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because You provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO 724 LUX LIMO (TCP 34031 – B)**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO 724 LUX LIMO (TCP 34031 – B)**

Uber Technologies, Inc. ("Uber") requests that 724 Lux Limo (TCP 34031 – B) ["724-Lux"] provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of 724-Lux, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if 724-Lux acquires additional information after any Request has been answered initially, 724-Lux is required to supplement its response following the receipt of such additional information, giving the information to the same extent as originally requested. If 724-Lux is unwilling to supplement its responses, so state in the

form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that 724-Lux asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that 724-Lux asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether 724-Lux would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in 724-Lux’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d) the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain, deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”
11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.
12. “Uber” means Uber Technologies, Inc.
13. “You” or “you” means 724-Lux, including any of its employees, principals, or agents.
14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.
15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO 724 LUX LIMO (TCP 34031 – B)**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER-724 LUX-001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	724 LUX LIMO

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using the Uber platform knowing you were not authorized to provide those services, and without

informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because You provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

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

Order Instituting Investigation on the
Commission's Own Motion into the
Operations, Policies and Practices of Uber
Technologies, Inc. (TCP 38150) and Uber
Black Sub-carriers Operating on the Uber
Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO WEST LIMO 7 (TCP 32757 – B)**

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Attorneys for Uber Technologies, Inc.

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

Order Instituting Investigation on the Commission's Own Motion into the Operations, Policies and Practices of Uber Technologies, Inc. (TCP 38150) and Uber Black Sub-carriers Operating on the Uber Black Platform.

Investigation 21-12-001

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO WEST LIMO 7 (TCP 32757 – B)**

Uber Technologies, Inc. ("Uber") requests that West Limo 7 (TCP 32757 – B) ("West Limo") provide the information and produce and serve upon Uber the documents requested below by May 26, 2022 to Robert Maguire (robmaguire@dwt.com), Adam S. Sieff (adamsieff@dwt.com), and Jean Fundakowski (jeanfundakowski@dwt.com).

INSTRUCTIONS AND DEFINITIONS

1. Each Request is intended to elicit discovery of all documents, tangible things, and knowledge or information of West Limo, its employees and agents, and a person acting on its behalf.
2. In responding to each Request, please state the text of the Request prior to providing the response, and provide the name of the person or persons answering, the title of such person(s), the person they work for, and the name of the witness or witnesses who will be prepared to testify concerning the matters contained in each response or document produced.
3. Each Request is continuing in nature. Thus, if West Limo acquires additional information after any Request has been answered initially, West Limo is required to supplement its response following the receipt of such additional information, giving the information to the same extent as originally requested. If West Limo is unwilling to supplement its responses, so

state in the form of an objection so that Uber may have the opportunity to seek updated information again at a later date.

4. In the event that West Limo asserts that any requested information is “public information” otherwise available to Uber, please identify the following: (a) the document or file in which the requested material is contained; (b) the title of the document or file; (c) the specific chapter, section, page and line number on which the requested material is contained; and (d) the office and location nearest San Francisco where such document or file with the requested material is maintained and available for public inspection.

5. In the event that West Limo asserts that any requested information is confidential or otherwise privileged and not subject to disclosure to Uber, please provide the following: (a) a general description of the document or information with respect to which such privilege is claimed; (b) the title of the document or file containing the information; (c) the date of the document or date on which the information was prepared; (d) the author and names of any recipients shown on the document and any other individuals known to have received copies; (e) the purpose for which the document or information was prepared; and (f) the privilege asserted with respect to the document. Please also state whether West Limo would agree to produce the information to Uber subject to a confidentiality agreement.

6. If any requested document no longer exists or is no longer in West Limo’s possession, custody or control, please: (a) describe the document, including its title and date; (b) identify the last known custodian and location of the document; and state with specificity; (c) the date upon which the document was lost, destroyed or otherwise became unavailable, and (d) the circumstances under which it was lost, destroyed or otherwise became unavailable, including the reason for its destruction or unavailability.

7. The term “identify” means to describe any document or tangible thing responsive to the request in clear and unambiguous terms, and with sufficient clarity so that Uber may correctly ascertain the identity of the document or thing.

8. The terms “document,” “documents,” or “documentary material” include, but are not limited to, the following items, whether printed, recorded, or written or reproduced by hand: reports, studies, statistics, projections, forecasts, decisions and orders, intra-office and interoffice communications, correspondence, e-mail, memoranda, financial data, summaries or records of conversations or interviews, statements, returns, diaries, calendars, work papers, graphs, notebooks, notes, charts, computations, plans, drawings, sketches, computer printouts, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, photographs, brochures, bulletins, records or representation or publications of any kind (including microfilm, videotape, and records however produced or reproduced), electronic or mechanical or electrical records of any kind (including, without limitation, tapes, tape cassettes, discs, and records) other data compilations (including, without limitation, input/output files, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, discs and recordings used in automated data processing, together with the programming instructions and other material necessary to translate, understand, or use the same), and other documents or tangible things of whatever description which constitute or contain information within the scope of a Request to Produce.

9. The terms “refer to,” “relate to,” or “regard” or any form of these words means to analyze, appraise, assess, characterize, comment on, concern, consider, constitute, contain, deliberate, delineate, describe, discuss, evaluate, evidence, explicate, pertain to, recommend, record, reflect, report on, set forth, show, summarize, or study.

10. The terms “include” or “including” means “including but not limited to.”
11. “CPUC” or “Commission” means the California Public Utilities Commission. “TEB” refers to the Transportation and Enforcement Branch of the Consumer Protection and Enforcement Division (“CPED”) of the CPUC.
12. “Uber” means Uber Technologies, Inc.
13. “You” or “you” means West Limo, including any of its employees, principals, or agents.
14. The term “Report” means the confidential *Investigative Report Into the Operations, Practices, and Conduct of Uber Technologies, Inc. and Uber Black’s Subcarriers*, prepared by Sang Soble for the California Public Utilities Commission Consumer Protection and Enforcement Division, dated November 24, 2021.
15. The term “TCP” means Transportation Charter-Party Carrier, as that term is defined in Cal. Pub. Util. Code § 5371 and in the Report.

**UBER TECHNOLOGIES, INC.'S FIRST SET OF DATA REQUESTS
TO WEST LIMO 7 (TCP 32757 – B)**

DOCKET NO.:	Investigation 21-12-001	REQUEST DATE:	May 16, 2022
REQUEST NO.:	UBER-WEST LIMO-001	RESPONSE DATE:	May 26, 2022
REQUESTER:	UBER	RESPONDER:	WEST LIMO 7

DATA REQUESTS

Request 1:

Please provide copies of all documents or communications you submitted to the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you submitted to the CPUC to obtain, retain, renew, or maintain a TCP license.

Request 2:

Please provide copies of all documents or communications you received from the CPUC related to your authorization to provide charter-party carrier transportation services in California, including any documents or communications you received from the CPUC related to granting, suspending, revoking, or reinstating a TCP license.

Request 3:

Please provide records of any communications between you and any of the other subcarriers, or their employees, principals, or agents, listed in Table 1 of the Report.

Request 4:

Please provide copies of all documents you submitted to Uber in relation to your authorization to provide charter-party carrier transportation services to passengers through the Uber platform, including each TCP permit you claimed to authorize your provision of those services.

Request 5:

Please identify the names of every person associated with each TCP permit you have used to provide charter-party carrier transportation services to passengers through the Uber platform.

Request 6:

Admit that you entered into an agreement with Uber entitled “Uber USA Technology Services Agreement.”

Request 7:

Admit that at all times, the Uber USA Technology Services Agreement requires you to hold and maintain an active and valid TCP license compliant with all CPUC rules in order to provide charter-party carrier transportation service to passengers through the Uber platform.

Request 8:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you falsely represented to Uber that you held an active and valid TCP license compliant with all CPUC rules at a time when you did not in fact hold an active and valid TCP license compliant with all CPUC rules.

Request 9:

Admit that despite your obligations under the Uber USA Technology Services Agreement, you failed to comply with all laws, licensing requirements, or CPUC rules and regulations that govern your provision of charter-party carrier transportation services to passengers using the Uber platform.

Request 10:

Admit that you provided charter-party carrier transportation services to passengers using the Uber platform knowing you were not authorized to provide those services, and without

informing Uber.

Request 11:

Has the CPUC ever contacted you or taken any enforcement action against you because You provided unauthorized transportation services or because you violated any law, CPUC rules, or regulations related to charter-party carrier transportation services? If so, please provide a description of any contacts or enforcement action from the CPUC, including the date, nature, and reason for the contact or enforcement action.

Request 12:

Please provide copies of any documents or communications you have received from the CPUC that discussed or referred to you providing any unauthorized transportation services or your violation of any CPUC rules or regulations related to charter-party carrier transportation services, including but not limited to any cease and desist letters, data requests, or other documents or communications.

Request 13:

Please provide copies of any documents or communications you provided to the CPUC in response to any of the documents and communications you identified in response to Request 12.

Request 14:

Admit that at no time did you inform Uber that you lacked CPUC authorization to provide transportation services. If you contend that you did inform Uber that you lacked CPUC authorization, provide copies of any documents or communications showing this/these representation(s). If you have no copies of any documents or communications, explain, to the best of your recollection, the dates and contents of the representation(s).

Request 15:

Please identify and list all rides which you completed as a charter-party carrier using the Uber platform without a valid and active TCP license, including their dates.

END OF REQUEST

EXHIBIT G

JOLIE LIMO CPUC TCP PORTAL PROFILE



HOME



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Account Name JOLIE LIMO LLC PSG / VCC # PSG0033256
 Authority Status Active Authority Group **1** TCP

Contracts (1) ⚙️ ↻

1 item • Sorted by Status • Updated a few seconds ago

	Contract Number	Contract Name	Status	Contract Sta...	Contract End Date	
1	00023276	TCP CLASS B CERTIFICATE	Active		5/12/2023	▼

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Active Policies (2) ↻

Policy#	Policy Type	Policy Sub Type
AU2021TLP08150	Stand Alone Policy	PL/PD Policy
9240690	Stand Alone Policy	Workers Compensation

[View All](#)



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California Public Utilities Commission

Contract Name

TCP CLASS B CERTIFICATE

Account Name

JOLIE LIMO LLC

Status

Active

Contract Number

00023276

EXHIBIT H

**DECLARATION OF CONFIDENTIALITY PURSUANT TO GENERAL ORDER 66-D,
SECTION 3.2 ON BEHALF OF UBER TECHNOLOGIES, INC.**

EXHIBIT H

DECLARATION OF CONFIDENTIALITY PURSUANT TO GENERAL ORDER 66-D, SECTION 3.2 ON BEHALF OF UBER TECHNOLOGIES, INC.

1. I, Leslie Boley, have been designated by Nelson Chai, Chief Financial Officer of Uber Technologies, Inc., (“Uber”) to submit this declaration, in accordance with the requirements set forth in General Order (“G.O.”) 66-D, Section 3.2 to assert that Exhibits and E in their entirety, certain information in Exhibit D, and certain information in the Prepared Rebuttal Testimony of Peter Sauerwein on behalf of Uber Technologies, Inc. submitted to the California Public Utilities Commission (“CPUC” or “Commission”) on June 2, 2022, contains confidential information that is not subject to public disclosure. The below referenced information is confidential pursuant to the California Public Records Act (“CPRA”) under Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law...” from public disclosure.
2. Designated information within the testimony identifying the revenue earned by and/or retained by Uber and/or its fleet partners is confidential and contains both trade secret and proprietary and commercially sensitive information that, if released by the Commission, could give Uber’s competitors an unfair business advantage. These data on Uber’s productivity are confidential trade secrets pursuant to 18 U.S.C. § 1832 and Cal. Civil Code § 3426 *et seq.*, and thus prohibited from public disclosure in conformance with Cal. Gov. Code § 6254(k). Furthermore, designated information within the testimony contains sensitive personal information and data that the fleet owner account holders, drivers, and/or riders did not themselves choose to release publicly. Specifically, it contains account holders’ names and dbas, which are protected from disclosure on the basis that it would be an unreasonable invasion of the person’s privacy to reveal this information to the public.

Protection of personal information arises under Cal. Gov. Code § 6255(a) of the Public Records Act in conjunction with the common-law privacy doctrine. Common-law privacy generally protects private information that (1) would be offensive and objectionable to a reasonable person, and (2) is not of legitimate concern to the public. Private individuals should not have their personal identifying information revealed to the public without their informed consent.

3. Exhibit C, “Response to CPED-UBER-DR-01 (March 25, 2022),” contains fleet owner account holders’ names, dba names, and revenue information, all of which are considered restricted and confidential information not subject to public disclosure, as they constitute sensitive personal information that the individuals themselves did not release publicly. A fleet owner account holder’s personal information is protected from disclosure on the basis that it would be an unreasonable invasion of the person’s privacy to reveal this information to the public. Protection of personal information arises under Government Code section 6255(a) of the Public Records Act in conjunction with the common-law privacy doctrine. Common-law privacy generally protects private information that (1) would be offensive and objectionable to a reasonable person, and (2) is not of legitimate concern to the public.¹ Private individuals should not have their personal identifying information, including information about their business revenue, revealed to the public without their informed consent. Further, data contained in Attachment B may contain unverified information about alleged and/or substantiated misconduct that would be deeply damaging to a fleet owner account holder’s reputation (and therefore, financial and social prospects) if disclosed

¹ See, e.g., *Catsouras v Department of Cal. Highway Patrol*, 181 Cal.App.4th 856, 874 (2010) (discussing the state Public Disclosure of Private Facts tort).

publicly. California has recognized these harms, and enacted numerous laws in order to mitigate them, including the California Consumer Protection Act of 2018 (“CCPA”).² Further, fleet owner account holders are not aware of their inclusion in such data or the disclosure of the same to the CPED, and will not have any control over that data once disclosed. This is contrary to California’s strong public policy of enabling individuals to understand, and control, how their information is used.³

4. Exhibit C also contains revenue information, including the fleet owners’ revenue and amounts retained by Uber, and information regarding the number of fleet owner account holders on Uber’s platform, that are confidential and contain both trade secret and proprietary and commercially sensitive information that, if released by the Commission, could give Uber’s competitors an unfair business advantage. These revenue figures are confidential trade secrets pursuant to 18 U.S.C. § 1832 and Cal. Civil Code § 3426 et seq., and thus prohibited from public disclosure in conformance with Government Code Section 6254(k). Uber is part of a rapidly developing industry and has been creating first-of-its kind processes and other materials to suit the evolution of this industry. Uber contributed and invested extensive time, effort, and resources into developing the billing and revenue processes and techniques associated with the information referenced in Exhibit C, which provide economic and commercial value for Uber’s business. Uber has taken all reasonable

² Cal. Civ. Code § 1798.198(a) (2018); *see id.* at § 2(f) (“The unauthorized disclosure of personal information and the loss of privacy can have devastating effects for individuals, ranging from financial fraud, identity theft, and unnecessary costs to personal time and finances, to destruction of property, harassment, reputational damage, emotional stress, and even potential physical harm.”); *see also id.* at § 2(b) (“[T]he California Legislature has adopted specific mechanisms to safeguard Californians’ privacy, including the Online Privacy Protection Act, the Privacy Rights for California Minors in the Digital World Act, and Shine the Light, a California law intended to give Californians the ‘who, what, where, and when’ of how businesses handle consumers’ personal information.”).

³ *Id.* at § 2(a) (“Fundamental to this right of privacy is the ability of individuals to control the use . . . of their personal information.”).

efforts to maintain the secrecy of these processes and tools by restricting access to the information to only relevant personnel. This information is protected pursuant to protection under Gov't. Code § 6254(k) and Calif. Evid. Code §1060 (“the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it”).⁴

5. Designated information in Exhibit D, “Supplemental Narrative Response to CPED-UBER-DR01 (May 17, 2022),” constitutes trade secrets, including proprietary information about Uber’s internal data, safeguards, document review policies, compliance and audit processes, tax reporting processes and vendor information, and business decisions regarding TCP subcarriers with access to its platform. This information should be considered confidential and not subject to public disclosure. Specifically, Exhibit D describes the processes and techniques by which Uber collects and reports tax information for fleet-owner partners, as well as information on the vendors and reporting solutions that Uber uses to complete these processes. Uber has invested extensive time, effort, and resources into developing the processes and techniques associated with the information referenced in Exhibit D. These processes and techniques provide economic and commercial value for Uber’s business. If disclosed, a competitor or new entrant into the market could use this information to gain an unfair competitive advantage by copying Uber’s proprietary processes that Uber has expended considerable resources to develop and improve. Uber has taken all reasonable efforts to maintain the secrecy of these processes and tools by restricting access to the information to only relevant personnel. As such, this information is entitled to protection under Gov’t. Code

⁴ Evid. Code § 1060 is incorporated into the CPRA through Gov’t. Code § 6254(k), which protects “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege” from public disclosure.

§ 6254(k) and Calif. Evid. Code §1060 (“the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it”).

6. Exhibit E, “2020 and 2021 1099 Information (corrected) (May 17, 2022),” contains sensitive personal information and data that the fleet owner account holders, drivers, and/or riders did not themselves choose to release publicly. Specifically, Exhibit E contains account holders’ names, address information, Tax Identification Numbers, and revenue information. All of this information should be considered restricted and confidential information not subject to public disclosure. A fleet owner account holder’s or driver’s personal information is protected from disclosure on the basis that it would be an unreasonable invasion of the person’s privacy to reveal this information to the public. Protection of personal information arises under Cal. Gov. Code § 6255(a) of the Public Records Act in conjunction with the common-law privacy doctrine. Common-law privacy generally protects private information that (1) would be offensive and objectionable to a reasonable person, and (2) is not of legitimate concern to the public.⁵ Private individuals should not have their personal identifying information, including information about their business revenue, revealed to the public without their informed consent.
7. As required under General Order 66-D, Section 3.2(d), persons to contact regarding the potential release of information by the Commission are as follows: (1) Lisa Tse (regulatory@uber.com and ltse@uber.com); (2) Alex Larro (alarro@uber.com); and (3) Jane Lee (jylee@uber.com).

/s/ Leslie Boley
Leslie Boley

⁵ See *Catsouras* at 874.