

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

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

R.12-12-011

(Filed December 20, 2012)

**TAXICAB PARATRANSIT ASSOCIATION
OF CALIFORNIA'S
REQUEST FOR OFFICIAL NOTICE**

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Date: June 30, 2014

Pursuant to Rule 13.9 of the Commission’s Rules of Practice and Procedure, TPAC hereby requests the Commission to take official notice of Attachments A through I hereto, all of which are relevant to the issues in this Rulemaking, including issues raised by the June 10, 2014 Proposed Decision Modifying D.13-09-045 (the “PD”). The April 2, 2013 Scoping Memo issued in this proceeding determined that evidentiary hearings would not be necessary. Therefore, the Commission has relied on evidence developed through the Parties’ submission of comments and briefing. Attachments A through I were not previously submitted in this proceeding because they post-date all prior deadlines imposed for briefing and submission of comments in R.12-12-011.

Attachment A is a true copy of the California State Auditor’s Report 2013-130, dated June 17, 2014, entitled “California Public Utilities Commission, It Fails to Adequately Ensure Consumers’ Transportation Safety and Does Not Appropriately Collect and Spend Fees From Passenger Carriers,” which was retrieved from the State Auditor’s website at <https://www.auditor.ca.gov/pdfs/reports/2013-130.pdf> and printed on June 25, 2014.

Attachment A is relevant to the issues in this proceeding and the issues raised by the PD, particularly the Commission’s enforcement capabilities and effectiveness concerning transportation safety regulations, including ensuring the regulated entities comply with minimum insurance requirements. (*See, e.g.* Attachment A at pp. 1, 10, 13, 25, 49.)

Attachment B is a true copy of the web page of Uber Technologies, Inc. (“Uber”), entitled “Can I Make a Reservation in Advance,” which was retrieved from Uber’s website at <https://support.uber.com/hc/en-us/articles/201831036-Can-I-make-a-reservation-in-advance-> and printed out on June 20, 2014. Attachment B is relevant to the issues in this proceeding and the issues raised by the PD, particularly the question of whether or not Uber and its

subsidiaries are in compliance with the Commission's regulations and charter party carrier statutes which require them to provide solely prearranged transportation of passengers and related issues of enforcement, insurance requirements and the Commission's improper assumption of regulatory jurisdiction over non-prearranged passenger transportation services.

Attachment C is a true copy of the web page of Lyft, Inc. ("Lyft"), entitled "Is it Possible to Schedule a Lyft in Advance?" which was retrieved from Lyft's website at <https://www.lyft.com/help?article=1515410> and printed out on June 20, 2014. Attachment C is relevant to the issues in this proceeding and the issues raised by the PD, particularly the question of whether or not Lyft is in compliance with the Commission's regulations and charter party carrier statutes which require it to provide solely prearranged transportation of passengers and related issues of enforcement, insurance requirements and the Commission's improper assumption of regulatory jurisdiction over non-prearranged passenger transportation services.

Attachment D is a true copy of search results from the web page of Sidecar Technologies, Inc. and/or Side.cr, LLC (collectively, "Sidecar"), for the terms "advance," "arrange" and "demand," which searches were executed and retrieved from the "Search" function on Sidecar's website at <http://support.side.cr/> and printed out on June 20, 2014. Attachment D is relevant to the issues in this proceeding and the issues raised by the PD, particularly the question of whether or not Sidecar is in compliance with the Commission's regulations and charter party carrier statutes which require it to provide solely prearranged transportation of passengers and related issues of enforcement, insurance requirements and the Commission's improper assumption of regulatory jurisdiction over non-prearranged passenger transportation services.

Attachment E is a true copy of the web page of Summon (fka “Instantcab”), entitled “Why should I use Summon?” which was retrieved from Summon’s website at <http://help.summon.com/customer/portal/articles/1389741-why-should-i-use-summon-> and printed out on June 20, 2014. Attachment E is relevant to the issues in this proceeding and the issues raised by the PD, particularly the question of whether or not Summon is in compliance with the Commission’s regulations and charter party carrier statutes which require it to provide solely prearranged transportation of passengers and related issues of enforcement, insurance requirements and the Commission’s improper assumption of regulatory jurisdiction over non-prearranged passenger transportation services.

Attachment F is a true copy of the Customer Support web page of Wingz (fka “Tickengo”), which was retrieved from Wingz’s website at <http://help.wingz.me/home> and printed out on June 20, 2014. Attachment F is relevant to the issues in this proceeding and the issues raised by the PD, particularly the question of whether or not Wingz is in compliance with the Commission’s regulations and charter party carrier statutes which require it to provide solely prearranged transportation of passengers and related issues of enforcement and insurance requirements.

Attachment G is a true copy of a letter dated May 9, 2014, addressed to Commission President Michael R. Peevey and signed by John L. Martin, Airport Director, San Francisco International Airport, which was retrieved from the website of the Taxi Library at <http://www.taxi-library.org/cpuc-2014/sfo-letters-re-tncs-2014-05-09.pdf> and printed out on June 20, 2014. Attachment G is relevant to the issues in this proceeding and the issues raised by the PD, particularly the question of whether TNCs are in compliance with the Commission’s regulations and charter party carrier statutes which require separate

authorization for operation at California's airports, as well as compliance with license, insurance and other regulations. (*See, e.g.* Attachment G at p. 1 (“several drivers did not have proof of insurance”).)

Attachment H is a true copy of a memorandum dated May 9, 2014, addressed to the San Francisco International Airport Commission from John L. Martin, Airport Director, San Francisco International Airport, which was retrieved from the website of the Taxi Library at <http://www.taxi-library.org/cpuc-2014/sfo-letters-re-tncs-2014-05-09.pdf> and printed out on June 20, 2014. Attachment H is relevant to the issues raised by the PD, particularly the question of whether TNCs are in compliance with the Commission's regulations and charter party carrier statutes which require waybill documentation of prearrangement and separate authorization for operation at California's airports, as well as compliance with license, insurance and other regulations. (*See, e.g.* Attachment H at p. 1 (the PD would “somewhat broaden insurance requirements” for TNCs; the Airport and SFMTA are concerned that TNC insurance policies “must be primary”; the Airport is monitoring pending legislation regarding TNC insurance, including one bill which “seeks to require that TNC insurance be primary”); and at p. 2 (three TNC drivers stopped at the airport in the past three weeks “did not have proof of insurance”).)

Attachment I is a true copy of a letter dated June 16, 2014, addressed to Commission President Michael R. Peevey and signed by Dave Jones, State of California Insurance Commissioner, which was retrieved from the website of the California Department of Insurance at <http://www.insurance.ca.gov/video/0030VideoHearings/upload/Peevey-6-17-14.pdf> and printed out on June 20, 2014. Attachment I is relevant to the issues raised by the

PD, particularly the question of the Insurance Commissioner's recommendations on closing the present gap in TNCs' liability insurance coverage.

TPAC respectfully requests the Commission take official notice of Attachments A through I, pursuant to Rule 13.9, because the documents are relevant to the issues which are before the Commission in this proceeding.

Dated: June 30, 2014

Respectfully submitted,

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