

8/5/13

State.co.us Executive Branch Mail - Rulemaking



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Rulemaking

1 message

G. Harris Adams - DORA <harris.adams@state.co.us>
To: "Zeller, Jason" <jason.zeller@cpuc.ca.gov>

Wed, Jun 19, 2013 at 10:14 AM

Thanks for all your work and hospitality at the conference. I'd appreciate your sending the draft document we discussed. At this point, I haven't been able to connect with the person you said was more familiar with Uber's operations in California. If it isn't too much trouble, I'd also appreciate your connecting me with her.

Thanks!

Harris

G. Harris Adams
Chief Administrative Law Judge
Colorado Department of
Regulatory Agencies
Public Utilities Commission
Administrative Hearings
1560 Broadway, Suite 250
Denver, CO 80202
P 303.894.2840 | F 303.894.2065
www.dora.state.co.us

On Apr 9, 2013, at 1:24 PM, "Zeller, Jason" <jason.zeller@cpuc.ca.gov> wrote:

Mr. Adams, This is the tentative NCRA agenda.

<2013 NCRA Agenda 2.doc>

8/5/13

State.co.us Executive Branch Mail - Uber et al.



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Uber et al.

1 message

Zeller, Jason <jason.zeller@cpuc.ca.gov>

Thu, Jun 20, 2013 at 3:54 PM

To: "harris.adams@state.co.us" <harris.adams@state.co.us>

Mr. Adams,

I enjoyed meeting you at the NCRA Conference this week. Per your request, I asked the people who developed our proposed alternate regulatory regime for Uber et al. to forward a copy of the same to you. They were reluctant to do so. Because how and if we regulate these entities is so controversial here, and their proposal has not been shared with other parties in our rulemaking (aside from the Presiding ALJ), they want to wait until a proposed decision is issued in the case before the proposal is publicly shared. (Just for the record, I don't share their concern because this is a rulemaking and there are no ex parte restrictions, nonetheless I am honoring their request to not distribute this proposal at this time.) The proposed decision in this case will be issued on July 9th and their alternate regulatory regime will be incorporated into the decision. I'll see that a copy of that decision is sent to you once it is issued.

I have asked Ms. Shek to get in touch with you. She was involved in negotiating interim operating agreements with Uber, Sidecar and Lyft, the three major operators here in California.

Let me know if I can be of any other assistance to you.

8/5/13

State.co.us Executive Branch Mail - Re: Uber in California



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Re: Uber in California

1 message

G. Harris Adams <harris.adams@state.co.us>

Wed, Jun 26, 2013 at 10:50 AM

To: "Shek, Selina" <selina.shek@cpuc.ca.gov>

Thanks so much for following up! I'm hoping to hear about how they are operating in California to compare and contrast their operations here. I have no scheduled appointments tomorrow and should generally be available all day. If you have a few minutes, I'd appreciate a call. Otherwise, we can find a time later.

Thanks,

Harris

P.S. I might also ask about Lift (I think it is). I understand they may be about to start up here as well.

G. Harris Adams
Chief Administrative Law Judge

**Colorado Department of
Regulatory Agencies**

Public Utilities Commission
Administrative Hearings
1560 Broadway, Suite 250
Denver, CO 80202
P 303.894.2840 | F 303.869.0332

Please note my new email address is Harris.Adams@state.co.us.



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient you are not authorized to disseminate, distribute or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail and any attachments from your system.

On Mon, Jun 24, 2013 at 2:05 PM, Shek, Selina <selina.shek@cpuc.ca.gov> wrote:

Hi Harris,

I'm sorry I missed you at the conference last week. Hope you had a good trip back home. I have settlement meetings later this afternoon, but let me know if you want to talk over the phone later this week. Or otherwise, you can email me about questions you have on Uber and the settlement agreement we have with them.

8/5/13

State.co.us Executive Branch Mail - Re: Uber in California

Thanks,
Selina

8/5/13

State.co.us Executive Branch Mail - Uber in California



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Uber in California

1 message

Shek, Selina <selina.shek@cpuc.ca.gov>
To: "harris.adams@state.co.us" <harris.adams@state.co.us>

Mon, Jun 24, 2013 at 2:05 PM

Hi Harris,

I'm sorry I missed you at the conference last week. Hope you had a good trip back home. I have settlement meetings later this afternoon, but let me know if you want to talk over the phone later this week. Or otherwise, you can email me about questions you have on Uber and the settlement agreement we have with them.

Thanks,

Selina

8/5/13

State.co.us Executive Branch Mail - Uber & Lyft in California



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Uber & Lyft in California

1 message

Shek, Selina <selina.shek@cpuc.ca.gov>

Wed, Jul 3, 2013 at 2:32 PM

To: "harris.adams@state.co.us" <harris.adams@state.co.us>

Hi Harris,

Here's a quick summary of what Uber is doing in California. They originally just started out with the black town cars that are already regulated by the CPUC under our charter party carrier rules, but have since expanded to having "lower scale" vehicles like Black Toyota Priuses driven by "random people" similar to Lyft's business model. Specifically, not commercial drivers that have any oversight, but are actually acting as "commercial drivers" since many of them we have learned are people out of work and needing to make some money.

Uber expanded their business to these type of drivers so it could better compete with Lyft and another company SideCar that both use "random people" to drive others around for a "donation."

Have you seen a copy of our settlement agreement with Uber? The key provisions include: background checks on the "random" drivers, a zero tolerance policy on intoxicated drivers, and a \$1,000,000 insurance policy covering each and every accident. These provisions are primarily geared to the non-black town car service Uber is providing.

And Lyft as I described above has random drivers driving people around for donations. Uber sets the rates for both their black town car services and their Toyota Prius rides. Lyft "suggests" the donation rates for their rides.

Hope this helps a little- email or call me with any questions. Happy 4th of July!

selina

8/5/13

State.co.us Executive Branch Mail - Re: Uber & Lyft in California



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Re: Uber & Lyft in California

1 message

G. Harris Adams <harris.adams@state.co.us>

Mon, Jul 8, 2013 at 10:43 AM

To: "Shek, Selina" <selina.shek@cpuc.ca.gov>

Thanks for the info! I just left you a lengthy voicemail, but I haven't seen your settlement agreement. I'm not sure how portable it would be for me, but I'd love to see it if you have it handy.

We don't regulate brokerage of passenger transportation service, which is what it seems Uber is mostly doing here. But, there are some quirks I'm trying to sort out for general application in a pending rulemaking proceeding on our transportation rules.

Thanks,

Harris

G. Harris Adams
Chief Administrative Law Judge

**Colorado Department of
Regulatory Agencies**

Public Utilities Commission

Administrative Hearings

1560 Broadway, Suite 250

Denver, CO 80202

P 303.894.2840 | F 303.869.0332

Please note my new email address is Harris.Adams@state.co.us.



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient you are not authorized to disseminate, distribute or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail and any attachments from your system.

On Wed, Jul 3, 2013 at 2:32 PM, Shek, Selina <selina.shek@cpuc.ca.gov> wrote:

Hi Harris,

Here's a quick summary of what Uber is doing in California. They originally just started out with the black town cars that are already regulated by the CPUC under our charter party carrier rules, but have since expanded to having "lower scale" vehicles like Black Toyota Priuses driven by "random people" similar to Lyft's business model. Specifically, not commercial drivers that have any oversight, but are actually acting as

8/5/13

State.co.us Executive Branch Mail - Re: Uber & Lyft in California

"commercial drivers" since many of them we have learned are people out of work and needing to make some money.

Uber expanded their business to these type of drivers so it could better compete with Lyft and another company SideCar that both use "random people" to drive others around for a "donation."

Have you seen a copy of our settlement agreement with Uber? The key provisions include: background checks on the "random" drivers, a zero tolerance policy on intoxicated drivers, and a \$1,000,000 insurance policy covering each and every accident. These provisions are primarily geared to the non-black town car service Uber is providing.

And Lyft as I described above has random drivers driving people around for donations. Uber sets the rates for both their black town car services and their Toyota Prius rides. Lyft "suggests" the donation rates for their rides.

Hope this helps a little- email or call me with any questions. Happy 4th of July!

selina

8/5/13

State.co.us Executive Branch Mail - Re: (Service of R.12-12-011) - Cmmr Peevey Proposed Decision



STATE OF
COLORADO

Adams - DORA, G. Harris <harris.adams@state.co.us>

Re: (Service of R.12-12-011) - Cmmr Peevey Proposed Decision

1 message

G. Harris Adams <harris.adams@state.co.us>
To: "Zeller, Jason" <jason.zeller@cpuc.ca.gov>

Fri, Aug 2, 2013 at 2:48 PM

Thanks for following up! This is interesting and I think will prove helpful. I anticipate a big part of the scope of your proceeding is foreshadowing what we'll see.

I'm attaching a copy of my recommended decision that will issue today. You may recall, we're dealing with a general rulemaking that somewhat got hijacked with Uber issues. We're not seeing the ridesharing approach yet. Interesting, we have the same undefined term "prearranged" as to luxury limousine service. In the past we've required quite a bit of detail in the charter order than California. We also require it to exist prior to commencement of the charter. I'm recommending a more comprehensive application of the term that applies to all of our luxury limousine service. The LL rules are the 6300s

Obviously our statutes differ as well. We really don't have any authority over Uber if they do what they say.

We'll see where it goes from here and I'll keep watching yours.

Thanks again,

Harris

G. Harris Adams
Chief Administrative Law Judge

**Colorado Department of
Regulatory Agencies**

Public Utilities Commission
Administrative Hearings
1560 Broadway, Suite 250
Denver, CO 80202
P 303.894.2840 | F 303.869.0332

Please note my new email address is Harris.Adams@state.co.us.



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient you are not authorized to disseminate, distribute or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail and any attachments from your system.

8/5/13

State.co.us Executive Branch Mail - Re: (Service of R.12-12-011) - Cmmr Peevey Proposed Decision

On Wed, Jul 31, 2013 at 10:47 AM, Zeller, Jason <jason.zeller@cpuc.ca.gov> wrote:

Harris, Please note this is not a final decision yet. It is a proposed decision and the Commission will receive opening and reply comments about it. Thus, it may change before it becomes final. We anticipate a Commission vote on this decision in early September.

From: Zeller, Jason
Sent: Tuesday, July 30, 2013 5:02 PM
To: harris.adams@state.co.us
Subject: FW: (Service of R.12-12-011) - Cmmr Peevey Proposed Decision

Harris, You'll find the Commission's decision on Uber, Sidecar & Lyft et al. attached. I hope you find this useful.

To: Zafar, Marzia
Subject: (Service of R.12-12-011) - Cmmr Peevey Proposed Decision

This email provides service of Cmmr Peevey's Proposed Decision. The full text is made available through the link provided below on July 30, 2013. A Notice of Availability has been served by mail to all persons on the service list.

Summary: Proposed Decision Decision adopting rules and regulations to protect public safety while allowing new entrants to the transportation industry. Opening comments, which shall not exceed 15 pages, are due no later than August 19, 2013. Reply comments, which shall not exceed 5 pages, are due 5 days after the last day for filing opening comments. .

In the event of problems with the e-mail or the internet link, please contact Antonina Swansen at avs@cpuc.ca.gov, (415) 703-2546.

[View Document](#)

3 attachments

 **R13-0943B_13R-0009TR.pdf**
346K

 **R13-0943_13R-0009TR.pdf**
162K

 **R13-0943A_13R-0009TR.pdf**
472K