

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

AUGUST 2022



**California Public
Utilities Commission**

Contents

TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)	3
Processing Carrier Applications	3
Compliance with Ordering Paragraphs	7
Docket Activity.....	8
Joint Agency Collaboration/Outreach/Training	9
TRANSPORTATION ENFORCEMENT BRANCH	10
Transportation Safety Management System	10
UTILITIES ENFORCEMENT BRANCH (UEB)	18
Monthly Highlights	18
Key Activities.....	19
Citations/Fines/Reparation.....	20
Compliance with Ordering Paragraphs	22
UEB-Related Proceedings	23
Outreach/Training/Other Activities	24

TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)

TLAB's Licensing Section analyzes applications from carriers, issues permits and certificates to carriers that meet state requirements, writes proposed decisions to approve or deny carriers' CPCN applications, manages changes to carrier operations, communicates with carriers, and tracks carrier compliance with permit requirements. **TLAB's Analysis Section** functions as the Commission's subject matter expert on policy matters, providing technical and advisory support to commissioners, administrative law judges, and all levels of agency management on transportation matters.

Processing Carrier Applications

TLAB's Licensing Section is processing and managing applications for over 5,500 carriers throughout California. Items processed in August 2022 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the Transportation Carrier Portal (TCPortal), an online system that allows carriers to submit applications and other requests electronically and make payments online. The TCPortal tracks certain licensing activities as shown in the following tables and figures.

Figure 1. Total Permits & Certificates

Total Permits and Certificates. Figure 1 shows the total number of operating authorities (active and suspended) by month.

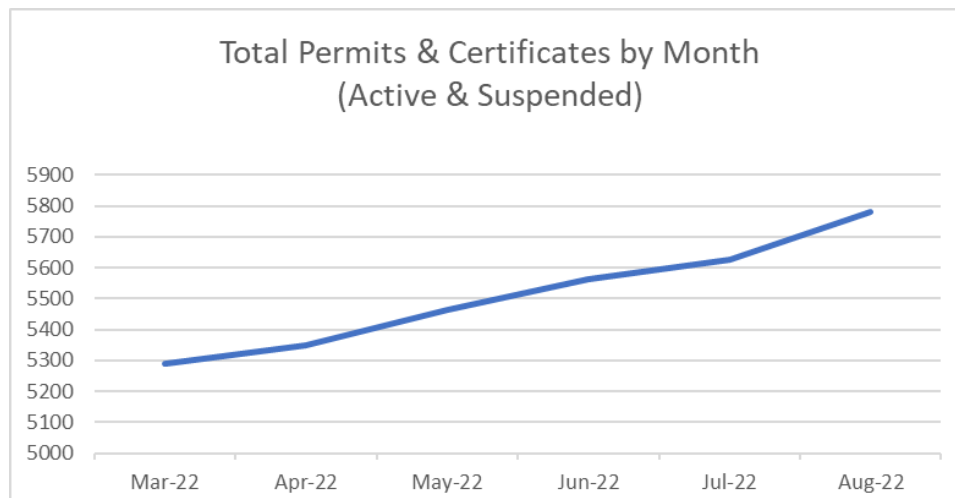


Table 1. Permits and Certificates by Category

Permits and Certificates by Category. The Commission grants permits and certificates for five categories of transportation carriers. Table 1 shows total numbers for those categories in the current month.

Carrier Type	Current Total
Transportation Charter Party	5627
Passenger Stage Corporation	114
Vessel Common Carrier	18
Transportation Network Company	16
Autonomous Vehicle	7

Figure 2. Monthly Completions of Permit Categories

Monthly Completions of Permit Categories. In addition to new applications for operating authorities, TLAB processes refile applications, transfer applications, and renewal applications. Figure 2 shows the numbers of each category completed by month.

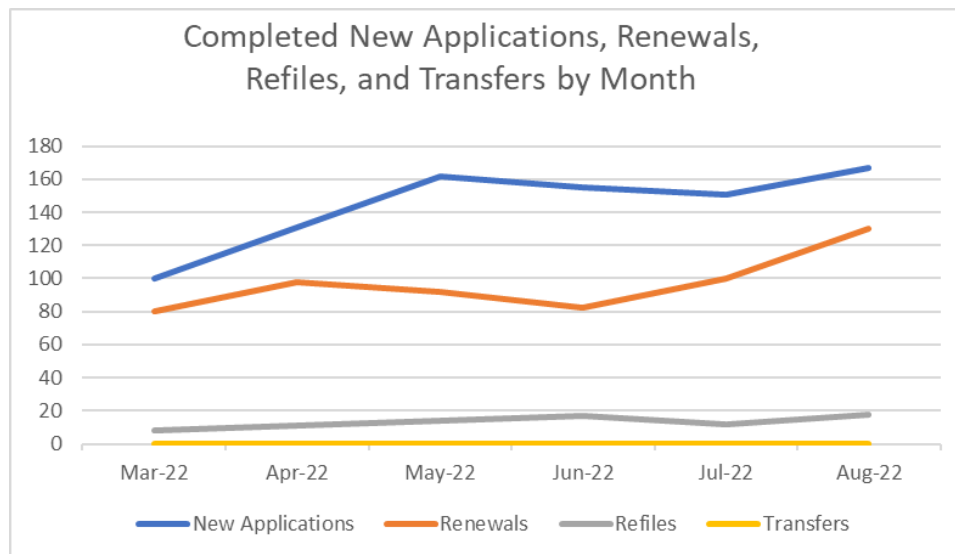


Figure 3. Suspensions and Revocations by Month

Suspensions and Revocations. Carriers can be suspended or revoked for various reasons such as failing to maintain active insurance. Carriers may also voluntarily suspend operations. Figure 3 shows both types of suspensions/revocations by month.

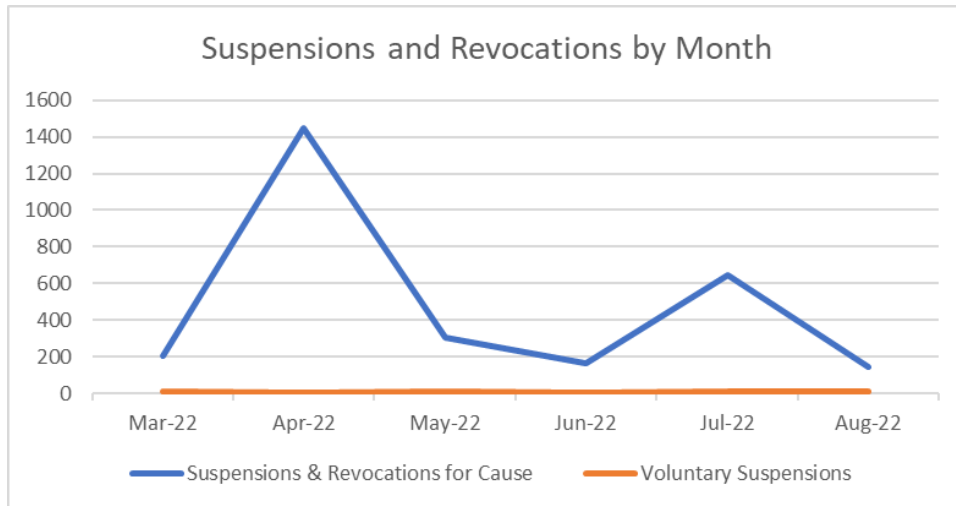


Figure 4. Average Processing Times

Average Processing Times. The total time to process an application, from initial receipt to issuance or denial of a permit or certificate, depends on internal processing time and on the time for external entities to provide necessary information. Upon receipt of applications application, CPUC staff review them for completeness and issue deficiency notices to carriers for any outstanding items.

Examples of these items include evidence of insurance coverage filed by the carrier’s insurance agent; evidence of compliance with drug and alcohol testing requirements; and inspection by the California Highway Patrol for vehicles with a seating capacity of 11 or more. Figure 4 shows the average total processing time for the major categories of permits and certificates processed by TLAB.

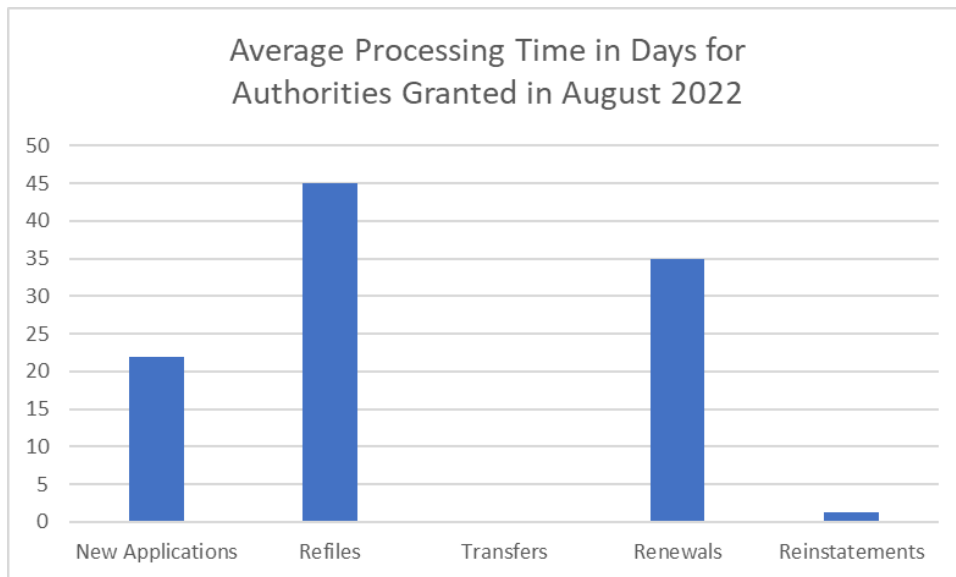
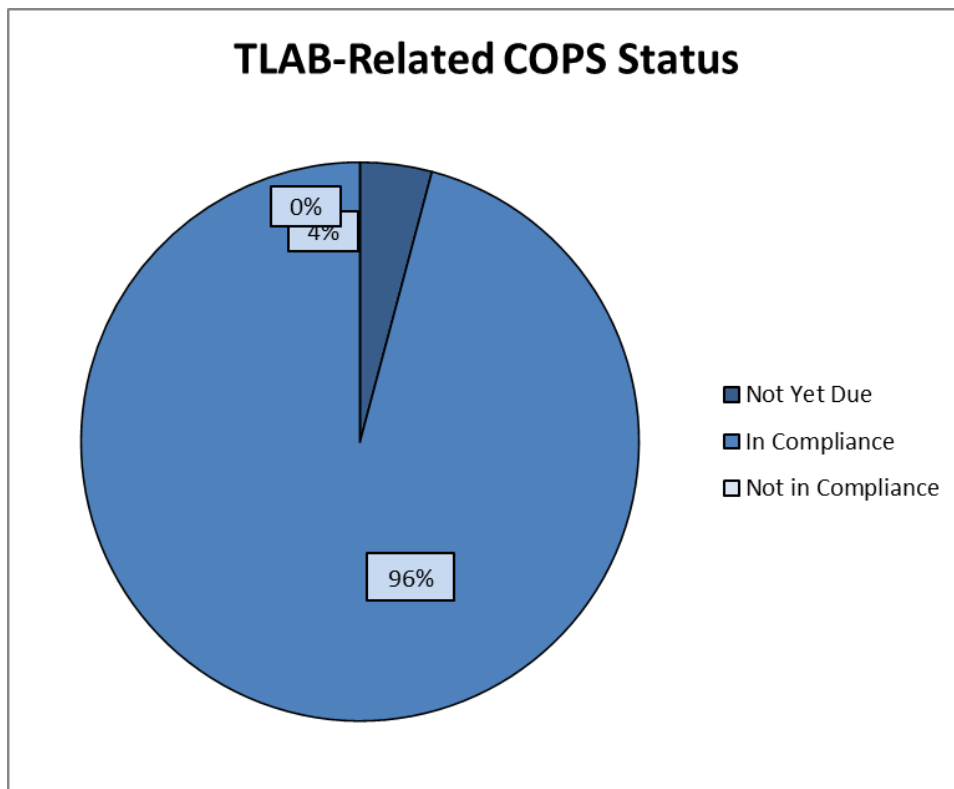


Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for **690** separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and California Department of Motor Vehicles (DMV) pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. OPs also introduce new reporting requirements and transportation policies. Figure 5 shows compliance with the Ordering Paragraphs.



Current Policy Proceedings. The Transportation Analysis Section supports three current proceedings. **R.12-12-011** develops regulations relating to transportation network companies and autonomous vehicles. **R.19-02-012** implements Senate Bill 1376, incentivizing transportation network companies to provide on-demand service for persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle. **R.21-11-004** implements the California Clean Miles Standard and Incentive Program, enacted through Senate Bill 1014, requiring the California Air Resources Board and the Commission to jointly work to lower greenhouse gas emissions from transportation network companies.

R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.

1. August 11, 2022: Assigned Commissioner's Ruling extending deadline for portions of TNCs' 2022 Annual Reports

R.19-02-012 / TNC Rulemaking / Chiv / Shiroma.

1. No docket activity in August 2022

R.21-11-004 / Clean Miles Standard / Wang / Shiroma.

1. No docket activity in August 2022

Carrier Application Proceedings. The Transportation Licensing Section assists the Commission in the regulation of Passenger Stage Corporations and Vessel Common Carriers. **Passenger Stage Corporations (PSCs)** are carriers that transport passengers between points on an individual fare basis. Examples are fixed-route bus services and "share-the-ride" airport shuttle services. **Vessel Common Carriers (VCCs)** are carriers that transport persons or property between points within the state. Examples are commute ferry services in the San Francisco Bay and services between California mainland points and Catalina. PSCs and VCCs are common carriers and must file with the Commission through a formal process. Both carrier types require a "certificate of public convenience and necessity" (CPCN) from the Commission for the authority to operate in California.

- **A.22-01-017 / Application of Uber Technologies, Inc. (TCP38150) to Provide High-Capacity Vehicle Service / 08/02/2022 Scoping Ruling issued.**

Joint Agency Collaboration. Information sharing and collaboration with other transportation agencies is a critical part of TLAB's work.

- August 3, 2022: TLAB monthly meeting w/ SFO Ground Transportation Unit
- August 10, 2022: TLAB/DMV AV Branch bi-monthly AV check-in meeting
- August 17, 2022: Monthly Interagency Transportation Electrification Meeting (CEC host)
- August 18, 2022: Monthly meeting with TNC Access for All Local Access Fund Administrators
- August 22, 2022: TLAB monthly meeting with California Highway Patrol (CHP) Commercial Vehicle Section
- August 24, 2022: TLAB meeting with Federal Government Accountability Office staff regarding study of TNCs and recalls
- August 26, 2022: Bi-monthly TLAB/CARB Clean Miles Standard implementation coordination meeting
- August 31, 2022:
 - TLAB/DMV AV Branch bi-monthly AV check-in meeting
 - TLAB, DMV coordination meeting with NHTSA on autonomous vehicles

Outreach and Education. TLAB provides outreach and education to potential and current carriers through presentations on application fundamentals at venues such as SFO and LAX, and attendance at functions sponsored by transportation-related organizations such as the Greater California Livery Association and the California Bus Association.

Training. TLAB managers and staff regularly attend all trainings required by the Commission, as well as trainings for developing work skills and industry-specific trainings.

- Hot Weather Heat training
- New Employee Training
- Covid-19 Prevention Program Training
- TCT Phase 1-training
- Ethics Training
- Word Essential Training

TRANSPORTATION ENFORCEMENT BRANCH

The Transportation Enforcement Branch (TEB) regulates Charter-Party Carrier of Passengers (TCP) (e.g., limousines, airport shuttles, chartered and scheduled bus operators, Transportation Network Companies (TNC)) and vessels in California to safeguard the public by ensuring compliance with Commission General Orders (GO), Public Utilities (PU) Codes, and other applicable laws and regulations. TEB ensures compliance through investigations, enforcement, proactive compliance inspections, and field surveillance and inspections. TEB also supports a consumer complaint 800 phone line ([Transportation Complaint \(ca.gov\)](https://www.cpuc.ca.gov/transportation-complaint)), and conducts outreach and training activities for passenger carriers, law enforcement, and prosecutors, on regulations that affect passenger carriers.

Consistent with the Commission's Strategic Directives¹ and Enforcement Policy², TEB developed the TEB Safety Management System that is implemented through the following concepts Transportation Safety Assurance, Transportation Risk Management, and Transportation Safety Promotion.

Transportation Safety Management System

TEB reports the following progress for August 2022, for the following program elements.

1. **Transportation Safety Assurance** – Assuring that the entities the Commission regulates comply with the law and have sufficient training and resources to ensure the safety of the public, their workers, and the environment. For TEB, this includes Investigations, Carrier Inspections, Field Operations, and related Enforcement Activities.

¹ [CPUCs Strategic Directives \(ca.gov\)](https://www.cpuc.ca.gov/strategic-directives)

² [CPUC Adopts Enforcement Policy to Promote Maximum Compliance, Transparency, and Public Safety](#)
CPED Monthly Activity Report / August 2022

➤ **Formal Enforcement Proceedings**

- **I.21-12-001/Uber Technologies, Inc., and Uber Black Sub-carriers/ALJ Stevens/Commissioner Shiroma.** On December 2, 2021, the Commission opened an Order Instituting Investigation (OII) to determine whether passenger carriers violated any provisions of the Public Utilities Code or other applicable rules and regulations.
 - ADR was terminated after CPED rejected a counter-offer.
 - The schedule for this proceeding was stayed as of September 1, 2022 by ALJ Brian Stevens. A status conference is expected in October 2022.

2. **Transportation Risk Management** – Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.

- Management review of risk assessment reports based on available data sources.

3. **Transportation Safety Promotion** – Supporting efforts to assure that the public and regulated transportation entities can make informed choices and know how to respond to unsafe situations. For TEB, this includes Training and Education, Outreach Efforts with Industry and Law Enforcement, and Commission Engagement.

- August 2022 - Training given by TEB staff at Arcata/Eureka Airport.

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Total
Open Investigations	64	74	62	60	46	42	48	66	82	98	90	72	N/A
New Investigations	15	26	18	6	22	21	33	8	7	24	7	3	190
Investigations Completed	5	38	20	20	26	15	15	14	3	7	10	16	189
Investigations Open Longer than 6 Months	7	6	4	9	19	19	23	25	24	27	35	23	N/A
% Of investigations Open Longer than 6 Months	11%	8%	6%	15%	41%	45%	48%	38%	29%	28%	39%	32%	N/A
Cease and Desist Notices	8	10	14	4	12	9	16	14	10	17	12	16	142
Warning Letters	6	3	7	4	2	2	5	6	2	3	4	1	45
Telephone Disconnects	0	0	1	0	0	0	0	0	0	0	0	0	1
Citations	6	3	4	3	8	3	1	4	1	4	1	2	40
Civil Compromise Actions	2	2	0	0	2	9	5	7	3	5	12	10	57
Vehicle Impounds	4	0	0	1	6	3	11	6	9	7	9	14	70

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
September 2021 – August 2022**

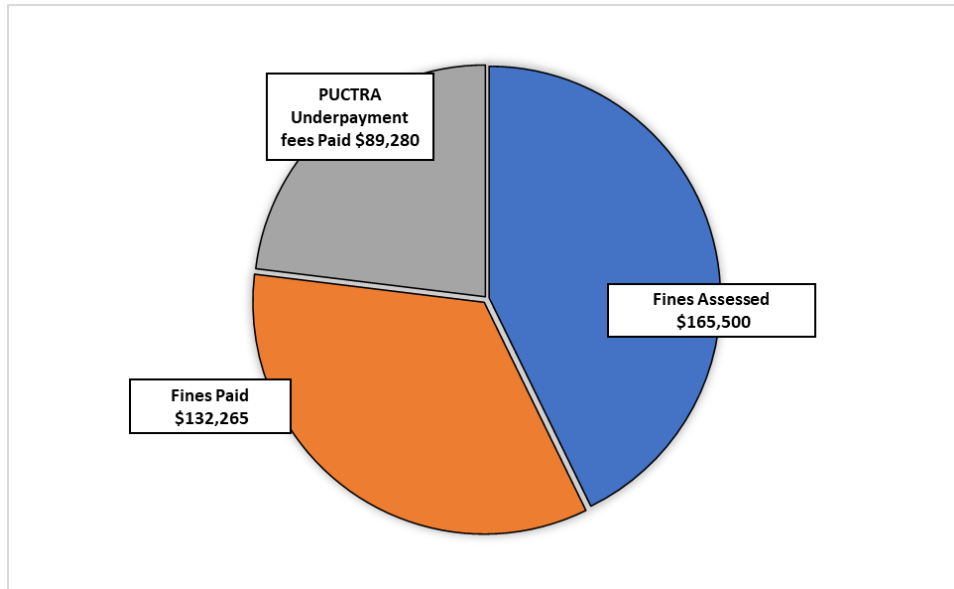


Table 3. Consumer Intake Unit (CIU) Statistics

CIU Statistics	
Open complaints as of August 1, 2022	2
New complaints received during month	6
Subtotal	8
Less: Complaints closed by CIU directly	4
Complaints Referred to Enforcement during month	3
Open CIU complaints as of August 31, 2022	1

Table 4. Citation Appeal Proceedings

Docket No.	Entity	Status
K.19-09-015	Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z)	On August 25, 2022, ALJ ruled the appeal has been granted and the citation has been dismissed. Case closed.
K.20-06-003	David Gorgoyan dba Celebrity Rides (TCP 35518)	On August 4, 2022, ALJ ruled the appeal is denied. Carrier has 30 days to pay \$20,000. Case closed
K.21-01-019	About Time Limousines LLC (TCP 21892)	On August 25, 2022, ALJ ruled the appeal is denied. Carrier has 30 days to pay \$4,000. Case closed.
K.21-02-001	Bogale Getu Abebe., Hayward (TCP 32714)	On August 16, 2022, ALJ ruled the appeal is denied. Carrier has 30 days to pay \$2,000. Case closed.
K.21-10-007	PLS Transportation Group, Pasadena, (TCP 32070)	On June 7, 2022, CPED filed the Joint Motion for Adoption of Settlement Agreement. No updates for August 2022.
K.22-01-004	Taco Tour LLC, San Diego, (TCP 38185)	On May 11, 2022, carrier agreed to make 12 monthly payments. No update for August 2022.
K.22-02-004	Earl McLeod, Hayward, unlicensed	Hearing held on May 2, 2022. Waiting ALJ decision. No updates for August 2022.
K.22-06-007	Amore' Limousine Service, Inc (TCP 25876)	Temporary hearing date of September 29, 2022, pending approval by ALJ Wercinski.

Table 5. TEB Field Operations – Probable Violations and Observation Summary

Month	Transportation Charter-Party (TCP)		Transportation Network Companies (TNC)		Passenger Stage Corporations (PSC)	
	Observed	Probable Violations	Observed	Probable Violations	Observed	Probable Violations
Aug 2022	470	23	562	109	0	0
July 2022	208	6	366	45	1	0
June 2022	160	15	500	45	2	0
May 2022	143	7	356	71	2	0
Apr 2022	129	1	510	49	0	0
Mar 2022	155	7	465	74	0	0
Feb 2022	96	0	558	131	0	0
Jan 2022	49	0	228	35	0	0
Dec 2021	148	4	487	40	0	0
Nov 2021	42	0	253	21	0	0
Oct 2021	192	10	862	107	0	0
Sept 2021	136	4	693	114	0	0

Table 6. Joint Operations with Law Enforcement Agencies

Agency	Operation
Napa County District Attorney's Office and St. Helena Police Department	TCP Passenger carrier inspection in Napa County
Oakland International Airport (OAK)	TCP/TNC Passenger carrier inspection at OAK
Los Angeles International Airport (LAX)	TCP Passenger carrier operation at LAX

UTILITIES ENFORCEMENT BRANCH (UEB)

UEB protects California utility consumers from fraud and abuse by developing enforcement mechanisms and ensuring service providers comply with consumer protection laws and regulations. UEB investigates alleged violations by utilities, including communications (both wireline and wireless), energy (both electric and gas), and water companies. When sufficient evidence of violation is uncovered, UEB brings cases before the Commission to seek appropriate penalties and remedies for consumers.

Monthly Highlights

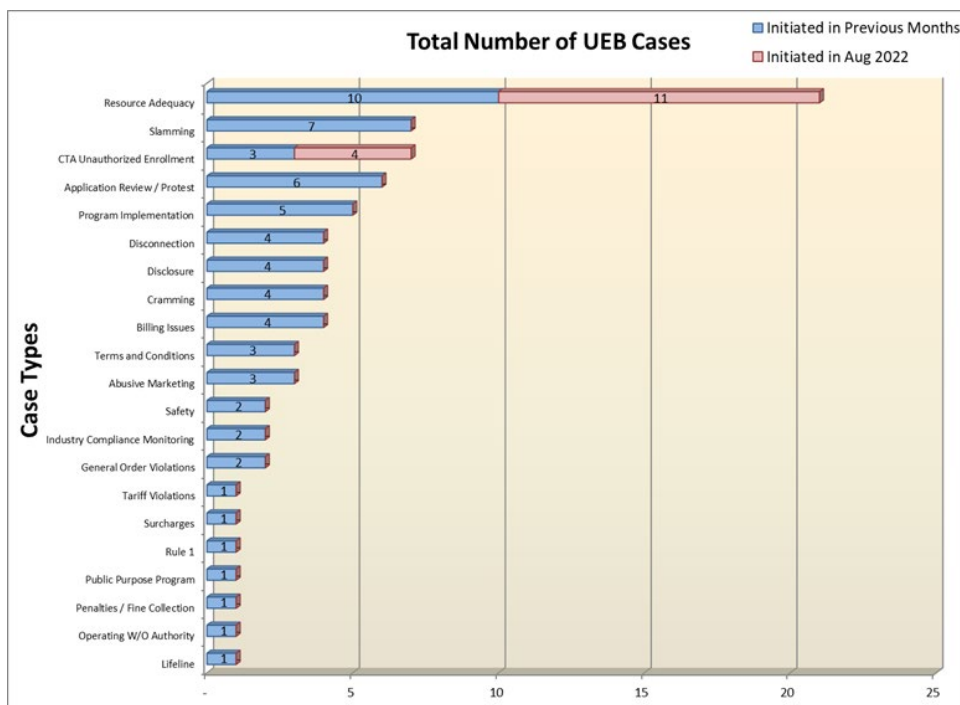
- **MetroPCS OII (I.22-04-005):** On August 16, 2022, the Assigned Commissioner issued a Scoping Memo and Ruling bifurcating the investigation into two tracks. Track one consists of the issues that the Commission will resolve now as these issues are under our purview and are not implicated in the Federal Litigation. Track two consists of the issues that, while under the Commission's purview, the Commission will resolve later depending on the outcome of the Federal Litigation which is currently scheduled to begin trial on March 23, 2023. This decision is based on MetroPCS' claim that the Prepaid Act, along with the Commission Resolutions implementing the Prepaid Act, are preempted by federal law. If MetroPCS is successful in the Federal Litigation, there may not be a need to address and resolve the Track two issues.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-03-005):** On August 24, 2022, ALJ Wercinski issued a ruling setting forth a status conference to address (1) the possible admission into evidence of the documents referenced in the June 15, 2022 email from Ty Tosdal, Counsel for San Diego Community Power, to the service list in this proceeding and (2) any other matters before issuance of a draft resolution on the merits for comment by the parties. The ruling also directed parties to meet and confer and to serve a joint statement addressing the two issues above to the service list by September 12, 2022.
- **SoCalTel (Resolution UEB-010):** On August 25, 2022, the Commission adopted Resolution UEB-010 approving a settlement agreement between CPED and SoCalTel. CPED alleged that SoCalTel failed to remit public program surcharges. SoCalTel agrees to pay \$457,363 to the Commission to resolve all issues. On July 28, as per the agreement, SoCalTel made an initial payment of \$150,000 to the Commission.

- SoCal Edison (Resolution UEB-011):** On August 25, 2022, the Commission adopted Resolution UEB-011 approving an Administrative Consent Order (ACO) between CPED and SCE to resolve issues relating to noncompliance with California Alternate Rates for Energy (CARE) and Level Payment Plan (LLP) communications requirements. SCE agrees to pay \$2.5 million to the Energy Assistance Fund (EAF) and \$0.5 million to the State General Fund. In addition, SCE agrees to provide documentation of CARE and LPP communication compliance on a quarterly basis to UEB for a term of two years.

Key Activities

UEB is working on a total of 81 cases. Investigations center primarily on Resource Adequacy, Slamming and CTA Unauthorized Enrollment. UEB’s cases come from a variety of sources, with Inter-Division referrals and UEB’s own scanning activities playing key roles.

Figure 7. UEB Total Number of Cases by Type as of August 31, 2022



Citations/Fines/Reparation

On August 25, 2022, the Commission adopted Resolution UEB-010, approving a settlement agreement whereby SoCalTel agrees to pay \$457,363 to the Commission to resolve all issues relating to unpaid surcharges. The Commission also adopted Resolution UEB-011, approving an ACO and settlement agreement whereby SCE agrees to pay \$2.5 million to the Energy Assistance Fund and \$0.5 million to the State General Fund to resolve non-compliance issues with CARE and LLP Communication requirements.

In August 2022, UEB issued two Resource Adequacy citations totaling \$6,500.

Cumulative 2022 fines, reparations and penalties imposed are shown below.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2022	\$11,498,426
July 2022	\$3,463,863

- **Resource Adequacy (RA) Citation Program:** UEB issues citations and levies fines to enforce Load Serving Entities' (LSE) compliance with system, local, and flexible resource adequacy requirements pursuant to Resolution E-4195, as modified by Decisions 10-06-036, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, and 20-06-031. UEB received 11 case referrals and issued 2 citations totaling \$6,500.00 in August 2022.

Table 8. RA Citation August 2022

RESOURCE ADEQUACY CITATIONS AUGUST 2022					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
E-4195-0120	8/26/2022	Silicon Valley Clean Energy	\$5,000.00	9/26/2022	Awaiting payment/appeal
E-4195-0121	8/30/2022	EDF Industrial Power Services	\$1,500.00	8/29/2022	Awaiting payment/appeal

- Core Transport Agent (CTA):** UEB reviews CTA-related complaints received by the Commission to enforce compliance with the standards for verification of change in provider requirements in D. 18-02-002, and to identify acts constituting grounds for suspension or revocation of registration pursuant to Pub. Util. Code Section 983.5.

In August, UEB reviewed 66 CTA-related complaints received by the Consumer Affairs Branch (CAB) in July 2022 and identified 17 needing investigation for potential unauthorized enrollment. Staff issued four data requests for proof of enrollment authorization for 12 customers as three cases already contained TPV and information available on CIMS for staff’s review, and one did not have enough information in CIMS to identify the customer. Staff also contacted one customer for more information and the customer revealed that they were enrolled in 2015, prior to UEB-003. UEB received proof of enrollment authorization for the 11 customers because one customer did not have a service account with the subject CTA. The August CTA investigation is ongoing and UEB is awaiting customer declarations.

Table 9. UEB CTA-Related Complaints

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total Reviewed	Unauthorized Enrollment				
August	66	12	4	11	0	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of August. UEB was responsible for 41 separate Ordering Paragraphs. As of August 2022, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

Ordering Paragraphs related to UEB’s work are attributable to the imposition of fines, adoption of settlements, ordering of consumer refunds or reparation and other remedies and corrective actions, including reporting requirements, resulting from UEB’s investigations of violations of law and wrongdoing against consumers.

The numbers reported above tracks compliance with ordering paragraphs assigned to UEB and do not include tracking for compliance with payment of fines, penalties, surcharges, or the like, which are assigned to Fiscal Office under the COPs system. However, UEB staff also tracks such payments separately in our case management system and informs fiscal of any identified issues.

Table 9. UEB-Related Proceedings

Docket No.	Title	ALJ	Commissioner
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Houck
K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A
K.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.21-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Golberg	N/A
K.21-03-006	Appeal of Western Community Energy to citation E-4195-99 issued on February 9, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
K.21-08-001	Appeal of Commercial Energy to citation E-4195-100 issued on July 1, 2021 by Consumer Protection & Enforcement Division.	Chiv	N/A
K.21-11-018	Appeal of Shell Energy North America to citation E-4195-113 issued on October 21, 2021 by Consumer Protection & Enforcement Division.	Wercinski	
K.22-05-017	Appeal of Orange County Power Authority to citation E-4195-116 issued on April 20, 2022 by Consumer Protection & Enforcement Division.		
I.22-04-005	Order Instituting Investigation on the Commission's Own Motion into MetroPCS California LLC Failure to Remit Prepaid Mobile Telephony Service Surcharges and User Fees	Mason	Houck

Resolution UEB-010	Approving a Settlement Agreement Between CPED and SoCalTel in Resolution of a Surcharge Payment Investigation	N/A	N/A
Resolution UEB-011	Approving ACO and Settlement Agreement of UEB and SCE Regarding CARE and LLP Communication Requirements Pursuant to Resolution M-4846	N/A	N/A

Outreach/Training/Other Activities

State National Action Plan (SNAP): No meeting was scheduled in August due to illness.