



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: Southwest Transportation, Inc.
Attn: Jorge Luis Sanchez, CEO
[REDACTED]
Chula Vista, CA 91910

File: Unlicensed
Date: January 11, 2024
Citation #: T.24-01-002
Case #: PSG-5887

VIOLATION

You are hereby cited with having violated sections of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below. These violations occurred during the period from March 13, 2023, through March 20, 2023.

- (1) Operated as a charter-party carrier without valid authority in violation of Pub. Util. Code Sections 5371, 5381, 5387 and CVC 14602.9 [3 counts];

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of carrier's records and substantiating documents obtained from other sources.

RESPONSE

TEB used the Penalty Assessment Methodology adopted in Resolution M-4846 and considered mitigating and exacerbating factors in setting the fine.

You are hereby called upon to answer this citation on or before February 2, 2024. By way of such answer, you may either:

- (1) Pay a fine of \$6,000.00 pursuant to P.U. Code Section 5378. (Submit your check or money order payable to California Public Utilities Commission using the attached *Citation Agreement*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the Commission staff will deem the matter closed, **or**
- (2) Contact the Supervisor below to make payment arrangements, **or**
- (3) Contest this Citation by filing an Appeal. See attached document "*How to File an Appeal and Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal.*"

If you fail to respond by February 2, 2024, you will be in default and will have forfeited your right to appeal the Citation. In addition, your operating authority will be immediately suspended and may be subsequently revoked pursuant to Resolution ALJ-187. The Commission may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

Rahmon Momoh

Rahmon Momoh
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number (415) 816-5754
E-mail address Rahmon.Momoh@cpuc.ca.gov

Attachments

INVESTIGATION REPORT

CARRIER: Southwest Transportation, Inc. dba Southwest Transportation
A California Corporation, Entity# 3628293

OFFICERS: Jorge Luis Sanchez, CEO
Patricia Sanchez, Secretary
Adrian Sanchez, SFO

AUTHORITY: Unlicensed

ADDRESSES: [REDACTED] Chula Vista, CA 91910
[REDACTED]

PHONE/EMAIL: ([REDACTED])
[REDACTED]
[REDACTED]

VEHICLE: 0

DRIVERS: 0

**PL&PD
INSURANCE:** None

**WORKERS'
COMPENSATION
INSURANCE:** Unknown

**DRUG
CONSORTIUM:** Unknown

REVENUE: Unknown

INTRODUCTION

On April 6, 2023, I was assigned to investigate the operations and practices of Southwest Transportation, Inc. dba Southwest Transportation after the Transportation Enforcement Branch (TEB) received a complaint on March 23, 2023, from the California Highway Patrol (CHP). The CHP complaint stated Southwest Transportation (Unlicensed) had brokered to have Baja Star Tours LLC (Unlicensed) transport 6th and 7th grade students to and from a Young Men's Christian Association (YMCA) [REDACTED], California on March 13, 2023, March 17, 2023, and March 20, 2023 [Attachment 1].

HISTORY OF ENFORCEMENT

The owners of Southwest Transportation (Jorge Luis Sanchez and Patricia Sanchez) had two prior TCP permits: ABC Charter Services LLC dba California Fun Rides (TCP 14914-Revoked 7/6/2004) and ABC Charter Services LLC dba California Fun Rides (TCP 19977-Expired 8/27/2012).

On April 29, 2013, the California Public Utilities Commission (CPUC) received a memorandum from CHP that a terminal inspection on March 15, 2013, revealed ABC Charter Services (TCP 19977-Expired 8/27/2012) operated tour buses after expiration [Attachment 2].

Prior Case, PSG-3742: On March 13, 2014, a CPUC Investigator sent a Notice to Cease and Desist to ABC Charter Services LLC (TCP 19977-Expired 8/27/2012) [Attachment 3]. On April 29, 2014, the CPUC Investigator met with the Accounting Manager at [REDACTED] High School, and she confirmed they use ABC Charter Services and had done so for a while.

VIOLATION

The investigation for March 13, 2023, through January 4, 2024, disclosed violations of the following provisions of the Public Utilities (Pub. Util.) Code and a Commission General Order (GO):

- **Operated as a charter-party carrier without valid authority in violation of Pub. Util. Code Sections 5371, 5381, 5387 and CVC 14602.9 [3 counts].**

On March 23, 2023, the CPUC received a complaint from the California Highway Patrol (CHP) stating Southwest Transportation (Unlicensed) had brokered to have Baja Star Tours LLC (Unlicensed) transport 6th and 7th grade students to/from a YMCA [REDACTED], CA on March 13, 2023 (Departure), March 17, 2023 (Return), and March 20, 2023 (Departure, one way only) [**Attachment 1**]. Also, on March 23, 2023, the Administrative Vice-Principal at [REDACTED] School in San Ysidro advised CHP that [REDACTED] would no longer use Southwest Transportation.

On May 23, 2023, I sent a Notice to Cease and Desist Letter to Southwest Transportation, and Jorge Luis Sanchez agreed that both Southwest Transportation and Baja Star Tours would apply for and obtain TCP permits [**Attachment 4**].

On April 4, 2023, and May 23, 2023, I emailed [REDACTED] and requested a copy of the March 20, 2023, Southwest Transportation invoice and copies of the checks for payment to Southwest Transportation.

On May 24, 2023, I received two Southwest Transportation invoices (Invoice# A-1847, \$2,100-Round trip and Invoice# A-1848, \$1,050-One-way) and two check stubs payable to Southwest Transportation (\$2,100-3/20/23-Round trip and \$1,050-3/30/23-One-way). On January 4, 2024, I received two front-back check copies payable to Southwest Transportation, endorsed by Southwest Transportation, and deposited to [REDACTED] Bank [**Attachment 5**].

DECLARATION

I have read the foregoing and know the contents thereof. I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and to those matters, I believe to be true.

Executed on January 11, 2024, in Los Angeles, California.

_____ *Steve Esquerra* _____
Steve Esquerra, TEB Enforcement Analyst

List of Attachments

- Attachment 1 --** CHP Complaint and photos (received 3/23/2023)
- Attachment 2 --** CHP Memorandum, ABC Charter Services LLC TCP 19977 (4/29/2013)
- Attachment 3 --** Prior Case, PSG-3742, Cease and Desist, 3/13/2014, ABC Charter Services LLC (TCP 19977-Expired 8/27/2012)
- Attachment 4 --** Notice to Cease and Desist, 5/23/23, Southwest Transportation, Inc. (Unlicensed)
- Attachment 5 --** Two Southwest Transportation invoices (Invoice# A-1847, \$2,100-Round trip and Invoice# A-1848, \$1,050-One-way), two check stubs and two front/back check copies (\$2,100-3/20/23 and \$1,050-3/30/23) payable to Southwest Transportation and deposited to [REDACTED] Bank

ATTACHMENT 1

**MOTOR CARRIER SAFETY OPERATIONS
COMPLAINT AGAINST MOTOR CARRIER**

CHP 356 (New 11-95) OPI 062

COMPLAINT RECEIVED VIA

Telephone In Person Letter

DATE RECEIVED

03/20/2023

NAME OF PERSON RECEIVING COMPLAINT

[REDACTED]

COMPLAINANT

NAME

[REDACTED]

TELEPHONE NUMBER, (INCLUDE AREA CODE)

[REDACTED]

ADDRESS (INCLUDE STREET NUMBER, CITY, STATE, ZIP CODE)

CONFIDENTIALITY REQUESTED

[REDACTED]

COMPLAINANT REQUESTS NOTICE OF FINDINGS

[REDACTED]

CARRIER INFORMATION

NAME

Baja Star Tours

TELEPHONE NUMBER, (INCLUDE AREA CODE)

[REDACTED]

ADDRESS (INCLUDE STREET NUMBER, CITY, STATE, ZIP CODE)

[REDACTED]

CA NUMBER

[REDACTED]

FCN

[REDACTED]

COMPLAINT ALLEGATION(S)

- Improper equipment maintenance
- Carrier requiring the operation of unsafe vehicles
- Excessive hours of operation by drivers
- Unsafe operation of vehicles by drivers
- Improper shipment/handling of hazardous materials
- Other

SPECIFICS

Complaint sent the following statement via email:

Sorry for the late reply but I want to report this happened last week with [REDACTED] going to 6th grade camp with this non PUC non SPAB bus, this week today they took 7th grade to same camp in [REDACTED] they are scheduled to be back at [REDACTED] San Ysidro, CA 92173) this friday at 12 noon. Hopefully you can do something about this because its unfair and unsafe this carrier is operating in this manner. Here are some pics from last week, same bus was there this morning. [REDACTED] Thank You

MCSI ASSIGNED

[REDACTED]

SUSPENSE DATE

04/20/2023

FINDINGS AND REVIEW

- Unfounded
- Sustained
- Undetermined

CONCLUSION/RECOMMENDATIONS

Complaint sustained based on the following findings: On 03-22-23, [REDACTED] initiated and completed complaint investigation. In meeting with [REDACTED] Vice Principal of [REDACTED] we were able to obtain an invoice which showed they had paid Jorge Luis Sanchez doing business as Southwest Transportation (does not have active CA# or DOI#) - [REDACTED] to transport its 6th graders round trip from the school to [REDACTED] CA, departing on 03-13-23 and returning on 03-17-23. Per Jorge, for a commission fee he gave the trip to his friend [REDACTED] dispatcher for Baja Star Tours LLC, CA# [REDACTED] which does not have CPUC authority or is SPAB certified and has its terminal in Tijuana, MX. Trip sheets/invoices provided by Jorge, showed Baja Star Tours LLC performed SPAB trips for the school on March 13th, 17th & 23, 2023 utilizing MC, 2011, Volvo, Unit 805, CA plate [REDACTED] operated by Mexico CDL driver [REDACTED] to transport 56 students. All individuals involved have been educated on specific regulations/requirements for SPAB carriers and stated they will no longer be performing this type of operation.

SUPERVISOR'S SIGNATURE

[REDACTED]

I.D NUMBER

[REDACTED]

DATE

03/23/2023

BAJA STAR TOURS LLC

MC 1287070

USDOT 3690165

524 W CALLE PRIMERA

SUIT 1006-B SAN YSIDRO, CA 92173



WELCOME TO THE MOUNTAIN
COUNTRY MOUNTAIN
COUNTRY MOUNTAIN

[Redacted license plate]



ATTACHMENT 2

M e m o r a n d u m

Date: April 29, 2013

To: Brigadier General (CA) Emory J. Hagan, III, Director
Safety and Enforcement Division
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Enforcement and Planning Division

File No.: 60.12094.A10658.62.13-1-0154

Subject: INFORMATION REGARDING THE EXPIRED OPERATING
AUTHORITY OF ABC CHARTER SERVICES, LLC, PSG 19977

On March 15, 2013, the California Highway Patrol (CHP) Border Division, Motor Carrier Safety Unit, conducted a terminal inspection on ABC Charter Services, LLC, PSG 19977, located at 348 East 2nd Street, Calexico, CA 92231. The inspections revealed the motor carrier operated tour buses while their California Public Utilities Commission operating authority, PSG 19977, was expired.

As a result of the foregoing, we are forwarding copies of the CHP 343, Safety Compliance Report/Terminal Record Updates, inclusive of supporting documents obtained from the carrier, for your review and any action deemed appropriate. Should you require any additional information regarding this matter, please contact Captain [REDACTED] commander of Commercial Vehicle Section at (916) 843-3400.

Sincerely,


[REDACTED]

Acting Commander

Attachments

cc: Border Division Motor Carrier Safety Unit

14914



ATTACHMENT 3

PUBLIC UTILITIES COMMISSION

320 West 4th Street, Suite 500
Los Angeles, CA 90013



March 13, 2014

ABC Charter Services LLC
Jorge Sanchez
348 E. 2nd Street
Calexico, CA 92231
Tcp#19977

**RE: OPERATIONS WITHOUT A PERMIT- REQUIREMENTS OF STATE LAW- UNLAWFUL
ADVERTISING**

Jorge Sanchez :

This office has become aware your firm is conducting and advertising passenger transportation services to the public in California. The Commission has no record of your firm holding a CURRENT ACTIVE and valid permit from the California Public Utilities Commission (CPUC) authorizing charter party passenger operations within California. Your permit was "expired" by the PUC on August 27, 2012. Any operations conducted without authority to operate as a Charter Party of passengers are unlawful. Such unlawful operations are subject to fines and penalties as set forth in the Public Utilities Code. The CPUC regulates and licenses intrastate charter party passenger carriers pursuant to the California Constitution, (Article XII), the Passenger Charter-Party Carriers' Act (Public Utilities Code Sections 5351, et. seq.), and Commission General Orders 115-F (Public Liability Insurance), and 157-D (Rules Governing the Operations of Passenger Charter-Party Carriers).

Public Utilities Code (PUC) Section 5371 states that:

"No charter-party carrier of passengers excepting transit districts, transit authorities or cities owning and operating local transit systems themselves or through wholly owned nonprofit corporations shall engage in transportation services made subject to this chapter without first having obtained from the commission a certificate that public convenience and necessity require the operation, except that certain specific transportation services as defined in Section 5384 may be conducted under authority of a permit issued by the commission."

Section 5414.5 PUC states that:

"Every corporation or person, who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a charter-party carrier of passengers without having a valid certificate or permit issued under this chapter is guilty of a misdemeanor punishable, if an individual, by a fine of not more than one thousand dollars

(\$1,000) or by imprisonment in the county jail for not more than six months, or by both, or, if a corporation, by a fine of not more than five thousand dollars (\$5,000).”

The CALIFORNIA BUSINESS AND PROFESSIONS CODE, Section 17200 prohibits any unfair, deceptive or fraudulent business practice. An “unfair business practice” occurs when it offends an established public policy or when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers. People v. Casa Blanca Convalescent Homes, Inc. (App. 4Dist 1984) 206 Cal.Rptr, 164, 159 C.A.3d 509. Section 17500, False or misleading statements, provides that it is unlawful for any person, firm, corporation or association to disseminate before the public in this State, in any newspaper or other publication, or any advertising device, any statement concerning services, professional or otherwise, which is untrue or misleading.

YOU MUST IMMEDIATELY CEASE AND DESIST ANY AND ALL UNLAWFUL ADVERTISING AND UNFAIR BUSINESS PRACTICES. ADVERTISEMENTS PLACED IN ALL PUBLICATIONS SHOULD BE DISCONTINUED. ANY CARRIER, WHICH OPERATES WITHOUT AUTHORITY, IS GUILTY OF A MISDEMEANOR, WHICH IS PUNISHABLE BY A FINE OF UP TO \$5,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO THREE MONTHS, OR BOTH. IN CASE OF CONTINUING VIOLATIONS, EACH DAYS CONTINUANCE IS A SEPARATE AND DISTINCT OFFENSE. (SECTIONS 5411/5415 PUC)

This letter places your firm on notice that continued violations of law without the required permit may result in criminal prosecutions and possible termination of telephone service. There will be no further warnings. Your company must *cease and desist* advertising and conducting any California passenger operations until you have filed and obtained the required operating authority. You are also to refrain from conducting any transportation for hire business by telephone or any written contract. Please call me to discuss this notice at (619) 876-1400.

Sincerely,

Jim Wallace
Investigator - Public Utilities Commission, Badge #108
Transportation Enforcement Section
Safety and Enforcement Division

ATTACHMENT 4

PUBLIC UTILITIES COMMISSION
Consumer Protection and Enforcement Division
320 West 4th Street, Suite 500
Los Angeles, CA 90013



May 23, 2023

Case No.: PSG-5887
TCP Unlicensed

Southwest Transportation, Inc.
dba Southwest Transportation
175 E St. Apt. 9
Chula Vista, CA 91910

Sent via Email and U.S. Mail

NOTICE TO CEASE AND DESIST

Subject: Operating and Advertising Without Authority

Dear Jorge Luis Sanchez:

The California Public Utilities Commission (CPUC) became aware that you are operating without valid authority.

Public Utilities Code (P.U. Code) Sections 1031 and 5371 state that it is unlawful for a Passenger Stage Corporation and a charter-party carrier of passengers to conduct any operations without valid authority. P.U. Code Sections 1034.5 and 5414.5 state that it is unlawful to publish or advertise without holding a valid permit. Advertisements include but are not limited to, advertising in local directories or yellow pages, business cards, internet websites, and any other form of advertisements.

YOUR COMPANY MUST IMMEDIATELY CEASE AND DESIST FROM ANY AND ALL UNLAWFUL OPERATIONS, INCLUDING ADVERTISING.

P.U. CODE SECTION 1037 STATES THAT ANY CARRIER WHICH OPERATES WITHOUT AUTHORITY IS GUILTY OF A MISDEMEANOR AND, IF A PERSON IS PUNISHABLE BY A FINE NOT TO EXCEED \$1,000 OR BY IMPRISONMENT IN A COUNTY JAIL NOT TO EXCEED SIX MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT OR, IF A CORPORATION, SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$1,000.

P.U. CODE SECTION 5411 STATES THAT ANY CARRIER WHICH OPERATES WITHOUT A VALID AUTHORITY IS GUILTY OF A MISDEMEANOR WHICH IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$5,000 OR BY IMPRISONMENT IN A COUNTY JAIL FOR NOT MORE THAN THREE MONTHS, OR BOTH THAT FINE AND IMPRISONMENT.

This letter places your company on notice that continued violations of the law without the required certificate/permit may result in criminal prosecutions and possible termination of telephone service. There will be no further warnings.

Please contact me to discuss this matter at (213) 620-2492 or SE1@cpuc.ca.gov

Sincerely,

Steve Esquerra

Steve Esquerra
Enforcement Analyst
Consumer Protection & Enforcement Division
Transportation Enforcement Branch
Tel. (213) 620-2492
SE1@cpuc.ca.gov

cc:



ATTACHMENT 5

Invoice Number
A-1847

Southwest Transportation
[REDACTED]

INVOICE

[REDACTED]
San Ysidro CA, 92173

Invoice Date	Due Date
Mar 16/2022	Mar/20/2022

Description	Amount
Service with 1 bus for rountrip transportation from [REDACTED] to [REDACTED], CA Departure on Mar/13 at 8:00 am Return on Mar/17 at 10:30 AM	2,800.00
<i>25% Discount</i>	(700.00)
<i>Requested by Miss [REDACTED]</i>	
TOTAL: (Two thousand one hundred 00/100)	2,100.00

Invoice Number
A-1848

Southwest Transportation



Chula Vista CA, 91910

INVOICE



San Ysidro CA, 92173

Invoice Date	Due Date
Mar 20/2022	Mar 24/2022

Description	Amount
Service with 1 bus for one way transportation from [REDACTED] CA Departure on Mar/20 at 8:00 am <i>Requested by Miss Adriana</i>	1,050.00
TOTAL: (One thousand fifty 00/100)	1,050.00

8467

Southwest Transportation
221 - Student Activities:2210 - 6th Grade 6th Camp transportation

3/20/2023

2,100.00

Main Checking- [REDACTED] 6th Camp transportation

2,100.00

[REDACTED]
Southwest Transportation

Date Type Reference
3/20/2023 Bill

Original Amt.
1,050.00

Balance Due
1,050.00

3/30/2023
Discount

Check Amount

1027

Payment
1,050.00

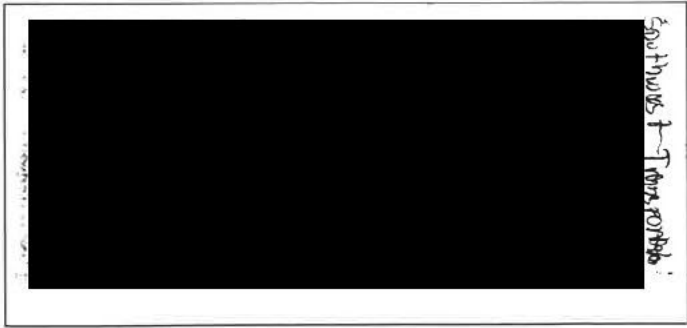
1,050.00

Main Checking- [REDACTED] 7th Camp transportation-One Way

1,050.00



		8467	
		3/29/2023	
PAY TO THE ORDER OF		\$ 2,100.00	
Southwest Transportation		DOLLARS	
Two Thousand One Hundred and 00/100			
Southwest Transportation			
MEMO			



Confidential Communication

This check image contains confidential information. If you print this image, please store it in a secure place to avoid unauthorized usage of this information. Increased security awareness when discarding or destroying this document is recommended.

Item #1

Amount: 1,050.00

Date: 03/30/2023

Front:

1027

3/30/2023

PAY TO THE ORDER OF Southwest Transportation S **1,050.00

One Thousand Fifty and 00/100***** DOLLARS

Southwest Transportation

MEMO .7th Camp transportation-One Way

Back:

ENDORSE HERE

Southwest Transportation

CALIFORNIA PUBLIC UTILITIES COMMISSION



Carrier: Southwest Transportation, Inc.

File: TCP Unlicensed

Citation #: T.24-01-002

Case #: PSG-5887

Date: 1/11/2024

AUTO-PAY CREDIT OR DEBIT CARD AUTHORIZATION

I (we), Southwest Transportation, Inc., doing business as Southwest Transportation (Jorge Luis Sanchez), hereby authorize the California Public Utilities Commission to deduct \$6,000.00 from my VISA or Mastercard in full for Citation T.24-01-002.

Card Number _____

Expiration Date _____.

Cardholder Authorized Signature

Date

Attachments:

Photocopy of Credit or Debit Card

Photocopy of Cardholder's Driver's License

CERTIFICATE OF SERVICE

I certify that I have this day served the following documents on Southwest Transportation, Inc.

1. Administrative Citation T.24-01-002, dated January 11, 2024
2. Investigation report and Attachments
3. Citation Compliance Agreement
4. Credit/Debit Card Authorization Form
5. How to File an Appeal
6. *Notice of Appeal Form* and *Certificates of Service Form* (from Resolution ALJ-377)
7. Resolution ALJ-187
8. Certificate of Service

Date: January 11, 2024

Steve Esquerro

Steve Esquerro
TEB Enforcement Analyst

HOW TO FILE AN APPEAL OF A CITATION

IF YOU WISH TO APPEAL THIS CITATION, YOU MUST DO SO WITHIN 20 CALENDAR DAYS OF THE DATE YOU RECEIVED THE CITATION.

[There are two options to file your appeal, both options require use of the Appeal Form located at the link below:](#)

[Appeal Form](#)

Option 1: You may file your appeal electronically by following the instructions on the CPUC's Filing A Document Electronically (E-filing) webpage [E-File a Document \(ca.gov\)](#)

Option 2: You may file you appeal by sending six (6) paper copies addressed to CPUC's Docket office:

**California Public Utilities Commission
Docket Office, 2nd Floor
505 Van Ness Ave
San Francisco, CA 94102**

[After Filing your appeal, you must also serve the Notice of Appeal:](#)

To serve copies of the Notice of Appeal, you must attach a “**Certificate of Service for a Citation Appeal.**” In the Notice of Appeal, you must state why you are appealing the citation.

To properly serve the Notice of Appeal, send the Notice of Appeal and any attachments by e-mail to the following recipients:

1. **CPUC Docket Office**, ALJ_Docket_Office@cpuc.ca.gov
2. **Transportation Enforcement Inbox**, TEB_Citation_Appeals@cpuc.ca.gov
3. **Terra Curtis, Interim Director CPED**, Terra.Curtis@cpuc.ca.gov
4. **Michelle Cooke, Chief Administrative Law Judge**, Michelle.Cooke@cpuc.ca.gov
5. **ALJ Division Appeals Coordinator**, ALJ_Div_Appeals_Coordinator@cpuc.ca.gov

Please note if you are appealing by the Paper Copy process you must also file the Notice of Appeal either by emailing as described above or mailing to the following:

Original plus six copies to:

1. **Docket Office**, California Public Utilities Commission, Docket Office, 2nd Floor, 505 Van Ness Ave., San Francisco, CA 94102

One Copy Each to:

2. **Terra Curtis, Interim Director**, Consumer Protection and Enforcement Division, California Public Utilities Commission, 505 Van Ness Ave., 2nd Floor, San Francisco, CA 94102
3. **Michelle Cooke, Chief Administrative Law Judge**, California Public Utilities Commission, Administrative Law Division, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102
4. **ALJ Division Appeals Coordinator**, California Public Utilities Commission, Administrative Law Division, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102
5. **Kenneth Bruno, Program Manager**, Consumer Protection and Enforcement Division, Transportation Enforcement Branch, 320 W. 4th Street Los Angeles, CA 90013

[You may request an extension of time to file an appeal](#)

You may request up to 30 days additional time to file an appeal. To ask for extra time, contact the Supervisor listed on the citation on or before the due date to seek a 30-day extension. A copy of the letter granting you an extension must be attached to your appeal.

The Citation Appeals Process can be found in Appendix A of CPUC Resolution ALJ-377, available through this link: [ALJ-377 Appendix A Citation Appeal Rules](#). The relevant Citation Appeals Process are also included in the packet you received along with the citation.

[Paying the Citation and availability of Payment Plans](#)

If you do not want to file an appeal and agree to comply with the citation and pay the fine, sign the Citation Compliance Agreement. Contact the Supervisor listed on the citation before the due date to seek authorization for any payment plans as necessary.

[Frequently Asked Questions](#)

WHAT HAPPENS IF I DON'T RESPOND?

If you do not respond to the citation within the 20 calendar days, you will be in default of the citation, and will lose your right to appeal the citation. In addition, CPED will immediately suspend your operating authority. If you do not pay the citation amount or make a payment arrangement by 30 days after suspension of your operating authority, CPED will revoke your operating authority. Once we revoke your operating authority, we cannot reinstate it. Instead, first you must pay the citation fine, and then apply to the CPUC for **new** operating authority and pay a filing fee. The CPUC may also act through a civil or criminal proceeding to recover any unpaid fines and to ensure compliance with applicable statutes and CPUC orders.

WHAT ARE MY RIGHTS?

If you file a Notice of Appeal, the CPUC will set a **hearing date** for your appeal to be heard before an Administrative Law Judge (ALJ).

[Hearing Venue:](#)

Until further notice, all appeal hearings will be telephonic due to the COVID-19 pandemic. Telephone instructions will be provided by the ALJ prior to the telephone hearing.

At the hearing:

There are two different types of Hearing Procedures for an Appeal to be heard before a CPUC Administrative Law Judge.

Expedited Citation Appeal Procedure

Resolution ALJ-377 provides for an expedited process for citations at or below the jurisdictional limit of the Small Claims Court in California as referenced in Public Utilities Code § 1702.1. This is currently \$10,000 for individuals and \$5,000 for corporations.

- Attorneys or representatives are not allowed to represent parties in the expedited process.
- No court reporters will be present, nor will a transcript be provided.
- You are entitled to have an interpreter present at the hearing to translate for you. The CPUC will provide the interpreter cost free. To have an interpreter at the hearing, you must make a written request to the Acting Chief Administrative Law Judge and to the Office of the Public Advisor (see contact information, on this form) no later than five business days before the date of your hearing.
- You may provide evidence and call witnesses to testify for you. If you will be providing evidence for the record of the hearing, you must provide that evidence to CPED no later than three days before the date of your hearing.
- A party who is subject to the Expedited Citation Appeal Procedure, may at any time prior to the swearing in of the first witness at the evidentiary hearing, request termination of the Expedited Citation Appeal Procedure, and that the matter be recalendared for hearing under the Commission's regular procedure for Citation Appeals. The Commission or the assigned Administrative Law Judge, when the public interest so requires, may at any time prior to the filing of a resolution addressing the Citation Appeal, terminate the Expedited Citation Appeal Procedure and recalendar the matter for hearing under the Commission's regular procedure for Citation Appeals.

Regular Procedure for Citation Appeals

For cases exceeding the small claims threshold above, or when the appellant requests termination of the expedited procedure, the CPUC will use the regular procedure for citation appeals.

- You may have an attorney or someone else represent you, but you must pay for the attorney or other representative.
- You may ask for a transcript of the hearing, but you must pay the cost of the transcript.
- You are entitled to have an interpreter present at the hearing to translate for you. The CPUC will provide the interpreter, and you will not have to pay for the interpreter's service. To have an interpreter at the hearing, you must make a written request to the Acting Chief Administrative Law Judge and to the Office of the Public Advisor (see contact information, below) no later than five business days before the date of your hearing.

- You may provide evidence and call witnesses to testify for you. If you will be providing evidence for the record of the hearing, you must provide that evidence to CPED no later than three days before the date of your hearing.

WHERE CAN I GET HELP?

The CPUC's **Public Advisor's Office** can help you file your appeal. The Public Advisor's Office cannot appear at the hearing with you or help you present your appeal but can help you understand the appeal process. The Public Advisor's Office can be reached at:

Telephone: 866-849-8390 or 415-703-2074

Email: public.advisor@cpuc.ca.gov

Mail: CPUC Public Advisor, 505 Van Ness Avenue, San Francisco, CA 94102

Administrative Law Judge Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102



**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)
INSTRUCTIONS FOR FILING A NOTICE OF APPEAL AND
CERTIFICATE OF SERVICE FOR A CITATION APPEAL**

Note: When filing a citation appeal, it is important to review both the specific Citation Program under which your citation has been issued and Resolution ALJ-377. The Pilot Rules enacted in Resolution ALJ-299¹ and these Revised Rules enacted in Resolution ALJ-377² require citation appeals after January 1, 2015 to be filed with the CPUC's Docket Office.³ Appendix A of Resolution ALJ-377 lists the Citation Appellate and General Order Appellate Rules ("Citation Appellate Rules"). Appendix B of Resolution ALJ-377 describes the interaction between Resolution ALJ-377 and the individual Citation Programs in existence as of the adoption of Resolution ALJ-377. The cited entity initiating the appeal is referred to as an "appellant" under Resolution ALJ-377, Citation Appellate Rule 2.

Resolution ALJ-377 can be found at the following link and the citing authority should provide a copy of it when the citation is issued:

<https://docs.cpuc.ca.gov/ResolutionSearchForm.aspx>.

A copy of the Citation Program under which the citation is issued can be obtained from the CPUC Division issuing the citation.

It is useful to also refer to the CPUC's Rules of Practice and Procedure (P&P Rules), as they are referred to in Resolution ALJ-377. The P&P Rules can be found on the CPUC's webpage <http://www.cpuc.ca.gov/codelawsrules/>.

The requirements for formatting your document and how and where to file are generally set forth in P&P Rules 1.5, 1.6 and 1.13. There is no filing fee for filing the Notice of

¹ Effective as of January 1, 2015

² Effective as of July 1, 2020

³ Rule 2 of the Citation Appellate Rules refers to a "Citation Program" as the "individual applicable statute, General Order or Resolution authorizing the issuance of a citation or authorizing the revocation of a license."

Appeal. If you are filing your Notice of Appeal in hard copy, then submit an original and six exact copies of the document (including any attachments but not including the transmittal letter, if any.) (See P&P Rule 1.13(a)(2).) If you are filing electronically, please refer to the requirements in P&P Rule 1.13(b).

If you need general assistance with or have a question about filing the Notice of Appeal, contact the CPUC's Public Advisor's Office:

The Public Advisor – CPUC
505 Van Ness Avenue
San Francisco, CA 94102
(866) 849-8390 (toll free)
public.advisor@cpuc.ca.gov

Specific Instructions for Using the Citation Appeal Forms:

Insert the following information into the blanks with the corresponding letters.

NOTICE OF APPEAL FORM

- A. Insert the name of the person or entity filing the Notice of Appeal.
(Citation Appellate Rule 3 and P&P Rule 1.6(b).)
- B. Insert the number of the citation being appealed and the date the citation was issued. (e.g., Citation Number 12345 issued on January 1, 2015).
(Citation Appellate Rule 3.)
- C. Insert the amount of the citation. (Citation Appellate Rule 3.)
- D. Insert the name of the person or entity filing the Notice of Appeal.
- E. Insert the date of the citation that is appealed. (Citation Appellate Rule 5.)
- F. Insert the amount of the fine.

- G. Insert the date of any extension of time to file the appeal granted by CPED (if applicable).
- H. Insert the rationale for the appeal as specifically instructed in the Citation Program. If a Citation Program is silent on instructions for setting forth the rationale for the appeal, the Notice of Appeal must state the grounds for the appeal. The Notice of Appeal must also set forth additional items, if any, as required by the Citation Program. (Citation Appellate Rule 5.) If the Citation Program authorizes appellant to request an extension of time from a Division Director to file a Notice of Appeal, any extension received must be in writing and attached to the Notice of Appeal. (Citation Appellate Rules 4 and 5.)
- I. Insert the date that the Notice of Appeal is signed.
- J. Insert the name of the city in which the Notice of Appeal is signed.
- K. Insert the signature, name, mailing address, telephone number and, if available, electronic mail address of the person authorized to receive service and other communications on behalf of the person tendering the document. (P&P Rules 1.6 and 1.8.) This information is very important because it will be used by the CPUC to develop the official service list to give you notice of further required actions, hearing dates, etc. in the citation appeal. *Note: P&P Rule 1.8 requires this document to be signed. Please read the rule carefully as to who may sign the document, how to handle a document tendered on behalf of more than one person, and what representations are made by the signature.*
- L. List here all attachments to the Notice of Appeal and make sure the documents are attached in the format and manner required by P&P Rules 1.5 and 1.13. *Note: Citation Appellate Rule 4 requires any authorization of an extension of time to file a Notice of Appeal to be writing and attached to the Notice of Appeal. Rule 4 states: "Unless authorized by a Citation Program, there shall be no extension of time to file a Notice of Appeal from a citation issued pursuant to a Citation Program.....Any authorization of an extension of time to file a Notice of Appeal must be made by the Director (or designee) of the Commission Division*

which issued the citation, in writing, subject to the provisions of the Citation Program, and must be attached to the Notice of Appeal.”

CERTIFICATE OF SERVICE FORM

Note 1: *If you are filing the Notice of Appeal in hard copy, the Certificate of Service MUST be attached to the Notice of Appeal. If you are filing the Notice of Appeal electronically, according to P&P Rule 1.13(b), the Certificate of Service must be transmitted with the document as a separate document when filing electronically, and this separate document must have its own caption. (See generally Citation Appellate Rule 6 and P&P Rule 1.9(e).)*

Note 2: *A Citation Appeal must be served at a minimum on the Chief Administrative Law Judge (with a copy to: [ALJ Div Appeals Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov)), and on the Director of the Consumer Protection and Enforcement Division, on the same day that the Notice of Appeal is filed. The Notice of Appeal must also be served on other entities if required by the Citation Program. (See Citation Appellate Rule 6.)*

M. Insert the date that the Notice of Appeal is served.

N. Insert the names and addresses (and email addresses if served electronically) of the persons served with the Notice of Appeal. The generic position names and addresses for the Chief Administrative Law Judge and Director of the Consumer Protection and Enforcement Division are listed on the template. Because the persons in these positions may change, you will have to look up the individual names and email addresses to insert in the template. These names and email addresses can be found on the Commission website.

O. Insert the date the Certificate of Service is signed.

P. Insert the name of the city in which the Certificate of Service is signed.

Q. The person who serves the Notice of Appeal must sign the Certificate of Service and their name must be printed under the signature line.

PRIVACY NOTICE FORM

Note: The citation appeal is filed with the CPUC, becomes a public record, and will be posted on the Commission's website. Therefore, any information you provide in the Notice of Appeal, including but not limited to, your name, address, city, state, zip code, telephone number, email address, the facts of your rationale for the citation appeal and any other facts stated therein, will be available on-line for later public viewing. The Privacy Statement attached to the Notice of Appeal must be filled out.

In limited circumstances, the CPUC may file a document under seal. If you wish to seek to file the Notice of Appeal with some or all of the information under seal, you cannot file electronically and must file in hard copy. Furthermore, that document must be tendered with a motion setting forth the rationale and legal citations as to why portions of the document should be filed under seal and tendered as follows. The Notice of Appeal itself and requisite exact copies should be tendered in both a redacted form (e.g., the document with the alleged confidential information excised) and unredacted form (e.g., a complete copy of the document, with both the public and allegedly confidential information included, in a sealed envelope). It is anticipated that Notices of Appeal for citation appeals will be filed as public documents. In the unlikely event you believe that there are legal grounds for filing a portion of the Notice of Appeal under seal, it may be helpful to consult a private attorney or representative to assist in your representation. However, please note that the timeframes for filing a Notice of Appeal in many citation appeals are short, so you should commence this process as soon as possible.

R. Sign and date the Privacy Notice and print your name under the signature.

**See Next Page for
Notice of Appeal Form**

****(Note: The capital letters in parenthesis correspond to the instruction sheet and are not part of the official filing.)***

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of

(A)* _____

_____ from (B) _____

In the amount of (C) _____ issued by the California Public
Utilities Commission Consumer Protection and Enforcement

Division

(Leave blank for PUC use)

NOTICE OF APPEAL

(D) _____ files this Notice of Appeal from the citation issued
on (E) _____ with a fine amount of (F)\$ _____.

An extension was granted by CPED (if applicable) to (G) _____ to file
this appeal.

The rationale for the appeal is as follows:

(H) _____

_____.

Dated (I) _____, at (J) _____, California.

(K) _____

Attachments

(L) _____

CERTIFICATE OF SERVICE

(Note: The Certificate of Service is attached to the Notice of Appeal only when filing by hard copy. If filing by electronic copy, you must file the Certificate of Service as a separate document. A template for the Certificate of Service as a separate document is also attached to this package.)

I certify that on (M) _____, I have by mail this day served a true copy of the original attached Notice of Appeal on: (N) (Insert Name of Chief Administrative Law Judge _____), Chief Administrative Law Judge, California Public Utilities Commission, 505 Van Ness Avenue, 5th Floor, San Francisco, CA 94102, (Insert email of Chief Judge) _____; [ALJ Div Appeals Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov) (electronically); (Insert Name of Director of Consumer Protection and Enforcement Division _____, Director, Consumer Protection and Enforcement Division, 505 Van Ness Avenue, San Francisco, CA 94102, (Insert email of Director of CPED) _____); and (Insert the names, addresses and emails of anyone else required to be served by the Citation Program you are cited under):

_____.

Dated (O) _____, at (P) _____, California.

(Q)

Privacy Notice

This message is to inform you that the Docket Office of the California Public Utilities Commission (CPUC) intends to file the above-referenced Notice of Appeal electronically instead of in paper form as it was submitted.

Please note: Whether or not your Notice of Appeal is filed in paper form or electronically, Notices of Appeal filed with the CPUC become a public record and may be posted on the CPUC's website. Therefore, any information you provide in the Notice of Appeal, including but not limited to, your name, address, city, state, zip code, telephone number, E-mail address and the rationale of your Notice of Appeal may be available on-line for later public viewing.

Having been so advised, the Undersigned hereby consents to the filing of the referenced Notice of Appeal.

(R)

Signature (same as person authorized to sign the Notice of Appeal) Date

Print Name

**See Next Page for
Certificate of Service Form
For Electronic Filings**

****(Note: The capital letters in parenthesis correspond to the instruction sheet and are not part of the official filing.)***

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Appeal of

(A)* _____

_____ from (B) _____

In the amount of (C) _____ issued by the California Public

Utilities Commission Consumer Protection and Enforcement

Division

(Leave blank for PUC use)

CERTIFICATE OF SERVICE

I certify that on (M) _____, I have by mail this day served a true copy of the original attached Notice of Appeal on (N)(Insert Name of Chief Administrative Law Judge _____, Chief Administrative Law Judge, California Public Utilities Commission, 505 Van Ness Avenue, 5th Floor, San Francisco, CA 94102, (Insert email of Chief Judge); ALJ_Div_Appeals_Coordinator@cpuc.ca.gov (electronically); (Insert Name of Director of Consumer Protection and Enforcement Division) _____, Director, Consumer Protection and Enforcement Division, 505 Van Ness Avenue San Francisco, CA 94102, (Insert email of Director of CPED) _____);

and (Insert the names, addresses and emails of anyone else required to be served by the Citation Program you are cited under):

Dated (O) _____, at (P) _____, California.

(Q)

(Note: This Certificate of Service as a separate document is to be used if you are filing the Notice of Appeal electronically. If you are filing the Notice of Appeal by hard copy, you must attach the Certificate of Service to the Notice of Appeal.)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-187
Administrative Law Judge Division
September 22, 2005

RESOLUTION

RESOLUTION ALJ-187. Adopts Procedures for Appeal of Citations Issued to Household Goods Carriers, Charter Party Carriers, and Passenger Stage Corporations.

By a series of previous resolutions, the Commission has developed a program under which the Consumer Protection and Safety Division (CPSD) is authorized to issue citations to various classes of carriers for violation of the Public Utilities Code or Commission orders. In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal. Now, in an effort to make this program more comprehensive and this process more efficient, the Commission has prepared new procedures to govern the appeal of these citations.

A draft of this resolution was issued on August 19, 2005, for public review and comment. No one filed comments. The resolution is adopted as originally proposed with minor clarifications.

IT IS THEREFORE RESOLVED that the following procedures shall govern appeals of citations for violation of statutes or Commission orders relating to household goods carriers, charter party carriers, and passenger stage corporations:

1. *Citation: Contents.* The citation served upon the respondent by the investigator shall include:
 - (a) A specification of each statute or Commission order allegedly violated;
 - (b) A statement of the facts upon which each alleged violation is based;
 - (c) A statement that the respondent may either pay the amount of the fine set forth in the citation or appeal the citation, as set forth herein, and that the respondent will forfeit the right to appeal the citation by failing to do either of these things within the allowable period;

- (d) An explanation of how to file an appeal, including an explanation of the respondent's right to have a hearing, to have a representative at the hearing, to request a transcript, and to request an interpreter; and
 - (e) A form of Notice of Appeal, and the form for requesting an interpreter.
2. *Citation: Response.* The respondent, within 20 days after the date of service of the citation, shall either remit payment of the full amount of the fine to CPSD, agree with CPSD on conditions for payment, or serve a Notice of Appeal upon CPSD. Upon request made to CPSD before the expiration of this deadline, the time to pay the fine or serve a Notice of Appeal may be extended by CPSD for a reasonable period not to exceed 30 days. CPSD may, in its discretion, grant one additional extension at the request of the respondent.
3. *Citation: Payment of fine; default.* If the respondent pays the full amount of the fine within the time allowed hereunder, the citation shall become final. If the respondent, within the time allowed pursuant to Paragraph 2, fails to pay the full amount of the fine or to file a Notice of Appeal, or if the respondent, having entered into an agreement with CPSD, fails to comply with any provision of that agreement, the respondent shall be in default, and the citation shall become final. In this event, the respondent shall have forfeited its right to appeal the citation, and CPSD shall immediately suspend the respondent's license. If the respondent fails to pay the full amount of the fine within 30 days thereafter, CPSD shall revoke the respondent's license, and may take any other action provided by law to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.
4. *Citation: Appeal.*
- (a) The Chief Administrative Law Judge shall designate an Administrative Law Judge to hear appeals of citations.
 - (b) Appeals of citations shall be heard in the Commission's San Francisco or Los Angeles courtrooms on regularly scheduled days. Appeals shall be calendared accordingly, except that a particular matter may be recalendared at the direction of the designated Administrative Law Judge.
 - (c) The appeal shall be brought by serving a Notice of Appeal upon CPSD, and the respondent shall indicate the grounds for the appeal in the notice. CPSD shall promptly advise the Chief Administrative Law Judge upon receipt of a timely Notice of Appeal.
 - (d) Upon advice from CPSD that a citation has been appealed, the Chief Administrative Law Judge shall promptly forward the matter to the

designated Administrative Law Judge, who shall set the matter for hearing on the first Citation Calendar not less than 10 days after advice of the appeal is received from CPSD. The Administrative Law Judge may, for good cause shown or upon agreement of the parties, grant a reasonable continuance of the hearing.

- (e) The respondent may order a transcript of the hearing, and shall pay the cost of the transcript in accordance with the Commission's usual procedures.
 - (f) The respondent shall be entitled to the services of an interpreter at the Commission's expense upon written request to the Chief Administrative Law Judge not less than three business days prior to the date of the hearing.
 - (g) The respondent may be represented at the hearing by an attorney or other representative, but such representation shall be at the respondent's sole expense.
 - (h) At the hearing, CPSD shall open and close. The Administrative Law Judge may, in his or her discretion, alter the order of presentation. Formal rules of evidence do not apply, and all relevant and reliable evidence may be received in the discretion of the Administrative Law Judge.
 - (i) Ordinarily, the appeal shall be submitted at the close of the hearing. In the discretion of the Administrative Law Judge upon a showing of good cause, the record may be kept open for a reasonable period to permit a party to submit additional evidence or argument.
 - (j) The Administrative Law Judge shall issue an order resolving the appeal not later than 30 days after the appeal is submitted, and the order shall be placed on the first available agenda, consistent with the Commission's applicable rules.
 - (k) From the date that CPSD receives a Notice of Appeal to and including the date when the final order is issued, neither the respondent nor the investigator, or agent or other person on behalf of the respondent or investigator, may communicate regarding the appeal, orally or in writing, with a Commissioner, Commissioner's advisor, or Administrative Law Judge, except as expressly permitted under these procedures.
5. *New Operating Authority.* A carrier whose license has been revoked hereunder may apply for new operating authority upon paying the fine in full. The application shall document (1) full payment of the fine, (2) correction of all violations for which the carrier was cited, (3) actions the carrier proposes in

order to prevent future violations, and (4) any other evidence demonstrating the carrier's ability and commitment to conducting its proposed operations in compliance with statutes and Commission orders.

This resolution becomes effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on September 22, 2005, the following Commissioners approving it:

/s/ STEVE LARSON

STEVE LARSON
Executive Director

MICHAEL R. PEEVEY
President

GEOFFREY F. BROWN
SUSAN P. KENNEDY
DIAN M. GRUENEICH
JOHN A. BOHN
Commissioners