

# Safety and Enforcement Division



**Monthly Performance Report,**

**February 2016**

**Safety Action Plan Deliverable #1**

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### Disclaimer

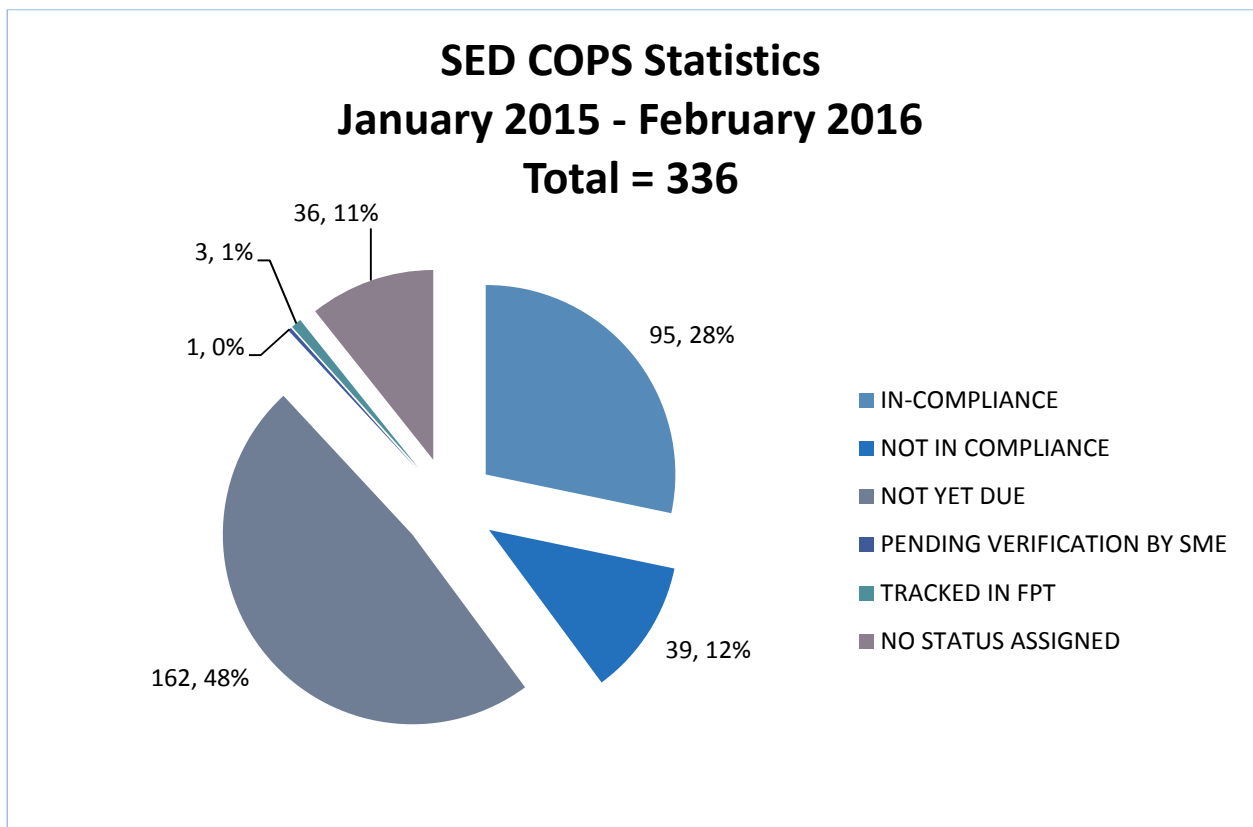
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This Report has not been approved or disapproved by the CPUC.

## COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

With the launch of the Commission’s Compliance with Ordering Paragraphs (COPs) effort, SED is including our program-to-date summary statistics. Through February 2016, SED has 336 entries in the COPS system. During February 2016, there were 65 new entries, which are reflected in the totals below. These statistics cover all major program areas (Utility Safety and Enforcement, Rail, and Transportation) currently in SED. Note: the category of “tracked in financial payment tracker” (FPT) has been verified and has been deemed “in compliance” but is listed separately in the COPS tracker.



## NATURAL GAS SAFETY PROGRAM

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### STAFF CITATION PROGRAM

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As authorized by ALJ Resolution-274, SED Staff has citation authority for the enforcement of safety regulations for violations by Gas Corporations of General Order 112 and Title 49, Parts 191, 192, 193 and 199 of the Code of Federal Regulations.<sup>1</sup> During 2015, SED Staff issued a total of seven citations, totaling \$995,000. All were paid or settled. There have been no new citations issued since March 2015.

### INSPECTIONS

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- **2016 Inspections:** We have conducted 12 scheduled inspections in Q1, and have completed the final inspection report for 0 of these 12 inspections during 2016.
- **Pre-2015 inspection backlog remaining:**
  - 3 open inspections from 2013
  - 6 open inspections from 2014

### INCIDENT INVESTIGATIONS

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As of February 29, 2016, GSRB Staff have received 26 incidents year to date. All pre-2015 incident investigations have been completed.

Metrics on Pre-2015 and 2015 Incident Investigations:

TOTAL reported in 2014	214	Percent
Open	0 <sup>2</sup>	0.0%
Closed	214	100 %

TOTAL reported in 2015	188	Percent
Open	57	30 %
Closed	131	70 %

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<sup>1</sup> General Order 112-F was adopted by the Commission on June 25, 2015, via D.15-06-044.

<sup>2</sup> Only one incident remains open prior to year 2014

The CY 2015 incidents<sup>3</sup> are categorized as follows:

- 45 - Level 1 incidents
- 6 - Level 2 Incidents
- 4 – Level 3 Incidents
- 2 – Level 4 Incidents

### UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS

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At the end of each year, the SIV process owner will conduct an annual review, which includes a trend analysis of systemic issues, determination of investigation effectiveness, and possible revision of investigation criteria. There were no new self-violations reported in January 2016.

### NATURAL GAS RELATED PROCEEDINGS

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- **Distribution Record Keeping (I.14-11-008) (Commissioner Peterman / ALJ Bushey) (Advocacy):** Hearings were conducted on January 19-21, 2016. Briefs are due on February 26, 2016, with Reply Briefs due on March 31, 2016.
- **Gas Safety OIR (R.11-02-019) (Commissioner Florio / ALJ Bushey) (Advisory):** Decision 15-06-044 Adopting Revised General Order (GO) 112-F signed by the Commission at its June 25, 2015 Commission Meeting. GO 112-F in Attachment A of D.15-06-044 is effective June 25, 2015; except that as to Sections 105, 122, 123, 125, 142, 143, 144, 145, and 162, the gas operators shall comply with these sections as soon as feasible but no later than January 1, 2017, unless compliance is extended for a particular provision pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure or its successor. R.11-02-019 was closed in June, however, it was re-opened in July on an application for rehearing.
- **Citation Program OIR (R.14-05-013) (President Picker / ALJ Burcham) (Advisory):** On October 1, 2015, the Commission issued the scoping memo for Phase II for parties to respond to before November 2, 2015. GSRB, in an advisory role, summarized the parties' opening and reply comments, and developed an initial response. GSRB will continue advising the commission and prepare for workshops and/or evidentiary hearings, as necessary.

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<sup>3</sup> Level 1: The incident did not result in injury, fatality, fire or explosion. Level 2: The incident did not result in injury, fatality, fire or explosion. The incident may have been reported due to Operator judgment. Level 3: The incident resulted in a release of gas but the incident did not result in injury, fatality, fire or explosion. Level 4: The incident resulted in injury, fatality, fire or explosion caused by release of natural gas from the Operator's facilities.

- **Sempra Pipeline Safety Enhancement Program (A.14-12-016) (Commissioner Peterman/ALJs Long and Mason) (Advisory):** This proceeding deals with disposition of expenses in the balancing account for pipeline safety work. No significant updates for February.
- **Mobile Home Parks Pilot Program (Implementing D.14-03-021):** This decision established a three-year pilot program authorizing each California investor-owned utility to convert 10% of master-metered gas and/or electric Mobile Home Park spaces within its operating territory to direct utility service. The Pilot Program began on January 1, 2015, and will continue through 2017. No significant updates for February.

## ELECTRIC SAFETY AND RELIABILITY PROGRAMS

### ELECTRIC AND COMMUNICATION FACILITY PROGRAM: AUDITS AND INCIDENT INVESTIGATIONS

In February 2016, Electric and Communication Facility Safety Section Staff:

- Received 5 electric incidents and closed 5 previously reported electric incidents;
- Investigated 11 customer complaints;
- Performed two electric distribution audits.

**Metrics for Facility Incident Investigations as of February 29, 2016**

Electric and Communication Facilities	Level 1	Level 2	Level 3	Level 4	Total <sup>4</sup>
<b>Total open incidents</b>	4	13	16	25	58
<b>Total incidents reported in 2016</b>	4	6	3	6	19
<b>Total incidents closed in 2016</b>	2	0	2	5	9
<b>Total open 2016 incidents</b>	2	6	3	6	17
<b>Incidents reported in February 2016</b>	0	3	1	1	5
<b>Incidents closed in February 2016</b>	0	0	1	4	5
<b>Average closure time of incidents 2016</b>	in 31 days	153 days	165 days	185 days	183 days

<sup>4</sup> Level 1: A safety incident that doesn't meet Level 2, 3, or 4 criteria. Level 2: Incident involved a power interruption not due solely to outside forces. Level 3: Incident involved damage estimated to exceed \$50,000 and caused, at least in part, by the utility or its facilities. Level 4: Incident resulted in a fatality or injury requiring hospitalization and that was caused, at least in part, by the utility or its facilities.

## ELECTRIC AND COMMUNICATION FACILITY SAFETY: PROCEEDINGS

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- **Investigation into Incident (I.15-11-006) (Commissioner Randolph/ALJ Kimberly) (Advocacy):** A subcontractor was fatally injured in a Southern California Edison Company underground vault in Huntington Beach. ESRB currently is undertaking discovery in this proceeding.
- **Fire Safety Rulemaking (R.15-05-006) (Commissioner Florio/ALJ Kenney) (Advocacy):** The Fire Threat Mapping Independent Expert Team (IET) has submitted a Draft Map Review and Development Report, which included a draft Fire Map 1, and a public workshop has been held. The IET and party experts are trying to achieve a consensus Fire Map 1 proposal. The Final Map Review and Development Report, along with final recommendations were submitted in February 2016.
- **Applicability of Right-of-Way Rules to CMRS Carriers (R.14-05-001) (Commissioner Randolph/ALJ Kenney) (Advocacy):** This proceeding considered amendments to General Order 95 to provide Commercial Mobile Radio Service (CMRS) carriers with nondiscriminatory access to public utility infrastructure, including poles. ESRB reviewed the Proposed Decision issued in October 2015, filed comments, and met with Commissioner offices to brief them on SED's position and safety concerns with the PD. On January 28, 2016, the Commission issued D.16-01-046 adopting GO 95 amendments and closing the proceeding. ESRB will update GO 95 to incorporate the adopted changes and will undertake other follow-up work directed by the decision.
- **Citation Rulemaking (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** ESRB has summarized opening and reply comments in Phase II of this proceeding, and continues to provide advisory support regarding Phase II issues.
- **Physical Security of the Electric System (R.15-06-009) (President Picker/ALJ Kelly) (Advocacy):** Phase I will address physical security for electric supply systems, and additional phases will address disaster and emergency preparedness plans for electrical corporations and regulated water companies. A prehearing conference was held on October 29, 2015. ESRB is waiting for a scoping memo or further guidance in the proceeding.
- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ DeAngelis) (Advisory):** The Commission adopted D.16-01-032 on January 28, 2016, approving refinements to the Energy Storage Procurement Framework and Design and adopting a process for developing a safety inspection plan and protocols for energy storage facilities. On February 9, 2016, the proceeding was reassigned to ALJ DeAngelis. ESRB will continue to provide advisory support to help determine best practices related to energy storage, and the proper way to inspect such facilities.
- **Distributed Energy Resources (R.14-08-013) (President Picker/ALJ Mason) (Advisory):** ESRB attended a workshop in February 2016 to examine utilities' proposals regarding Locational Net Benefits Analysis methodology and Demonstration Project B contained in



their July 1, 2015 Distribution Resources Plans. On February 4, 2016, the proceeding was reassigned to ALJ Kelly, and on February 19, 2016, the proceeding was reassigned to ALJ Mason. ESRB will continue to review the issues and provide advisory support.

- **Distribution Level Interconnection (R.11-09-011) (President Picker/ALJ Bushey) (Advisory):** The proceeding addresses improvements to distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources. On February 16, 2016, the Assigned ALJ filed a proposed decision (PD). The PD would grant motions improving Electric Tariff Rule 21 to: (1) provide earlier and more reliable interconnection cost information to electric generation developers and (2) set forth the process for analyzing requests for interconnection of electricity storage devices. The PD also would grant, in part, a Fixed Price Option for interconnection cost. ESRB will continue to review documents and attend scheduled workshops to evaluate any potential safety issues.
- **SB 1028 (Hill) “Electrical corporations: wildfire mitigation plans.”:** On February 12, 2016, Senator Hill introduced SB 2018. This bill would require each electrical corporation and each publicly owned electrical utility or electrical cooperative to annually prepare a wildfire mitigation plan. Additionally, this bill would require the Commission (for electrical corporations) or the governing board (for publicly owned electrical utilities or electrical cooperatives) to review and to accept, accept provisionally, or reject the submitted plans. ESRB is currently analyzing the bill and its effect on the Commission safety program.

### ELECTRIC AND COMMUNICATION FACILITY SAFETY: REPORTS AND OTHER ACTIVITIES

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- **Caltrain Modernization Project:** ESRB, Rail Safety, Energy Division, and staff from Legal continue to meet with Caltrain and review documents related to the design and construction of Caltrain’s proposed 25 kV electrification project between San Jose and San Francisco. ESRB is reviewing Caltrain’s proposed electrification operating procedures and proposed rules, with the next meeting planned for March.
- **Long Beach Outages Investigation:** On July 15 and July 30, 2015, fires and explosions in underground electric vaults caused power outages that affected thousands of Long Beach customers for several days. On August 15, 2015, another fire occurred in an underground vault with additional outages. ESRB is conducting a full investigation of the outages and is drafting an investigation report.
- **General Order 174 Substation Program:** D.12-10-029, which adopted substation inspection programs, requires the electric utilities to hold annual best practice workshops in 2014, 2015 and 2016, and for ESRB staff to attend the workshops and to report on them in 2016. ESRB attended the final meeting on January 29, 2016, and is currently drafting a report, as required by D.12-10-029.
- **Transmission Maintenance Coordination Committee (TMCC):** TMCC is an advisory committee to help the CAISO develop, review and revise Transmission Maintenance Standards. ESRB is a member and attends quarterly meetings, most recently on January 21, 2016.

- **Smart Inverter Working Group (SIWG):** ESRB continues to attend the weekly meetings of the SIWG when available.
- **Utility Diagnostic Testing:** ESRB surveyed the three largest investor owned utilities regarding the types of diagnostic testing and inspections they perform on distribution system switches, transformers and capacitors. ESRB’s report will compare the utilities’ practices to national best practices and industry standards. The draft report is in internal review.
- **Database Update Project:** ESRB is working with a consultant to update the Facilities Section database. The database was migrated in January, with faster and more efficient access. ESRB is currently working with the consultant to add more features and analysis tools in the next phase in 2016.

**ELECTRIC GENERATION SAFETY AND RELIABILITY: INVESTIGATIONS, INSPECTIONS, AND AUDITS**

The Electric Generation Safety and Reliability Section staff has performed the following in February 2016:

- Conducted 14 power plant inspections for forced and planned outages throughout the State.
- Continued to monitor and track corrective actions of four plants (Gateway, Redondo Beach, Los Esteros, and Inland Empire) for compliance with GO 167 requirements. Staff completed a comprehensive audit of the four plants in 2015.
- Received one Level 1 incident and closed two incidents (one Level 1 and one Level 4). Please see the 2016 year to date incident statistics in the table below.

**Metrics for Generation Incident Investigations as of February 29, 2016**

Electric Generation Incidents	Level 1	Level 2	Level 3	Level 4	Total <sup>5</sup>
<b>Total open 2015 incident</b>	0	0	0	1	1
<b>Total incidents reported in 2016</b>	1	0	0	0	1
<b>Total incidents closed in 2016</b>	1	0	0	1	2
<b>Total open 2016 incidents</b>	0	0	0	0	0
<b>Incidents reported in February 2016</b>	1	0	0	0	1
<b>Incidents closed in February 2016</b>	1	0	0	1	2
<b>Average closure time of incidents in 2016</b>	1 day	-	-	99 days	50 days

<sup>5</sup> Level 1: A safety incident that doesn’t meet Level 2, 3, or 4 criteria. Level 2: Incident that occurred during an electric Alert, Warning or Emergency (AWE). Level 3: Incident resulted in a significant outage that was due, at least in part, to plant equipment and/or operations. Level 4: Incident resulted in a fatality or injury requiring hospitalization and was caused, at least in part, by plant equipment and/or operations.

## UTILITY RISK ASSESSMENT AND MANAGEMENT

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### REVIEWING SAFETY & RISK IN GENERAL RATE CASES

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The January 2016 SED Report detailed the Commission's ongoing effort to ensure proper consideration of safety-related expenditure proposals in utility General Rate Cases (GRCs). SED's Risk Assessment section is providing advisory support to the proceeding in which the Commission is establishing three new processes for incorporating risk-based decisionmaking into the GRCs:

- **Safety Model Assessment Proceeding (S-MAP)** to review/evaluate utility risk models.
- **Risk Assessment Mitigation Phase (RAMP)** to investigate how utilities are applying their risk model results into the Safety investments they will seek in the GRC, and .
- **Accountability reports** that will review a) whether the IOU's actual expenditures aligned with what had been approved, and what Safety impact has been measured.

Even before the details of this new program are finalized in the current S-MAP proceeding (A.15-05-002, et al.), utilities are incorporating elements of risk assessment into their GRCs. SED's Risk Assessment staff produces reports on risk and safety aspects of GRC filings based on the testimony of the utilities, and it promotes developing metrics and reporting requirements for Safety related expenditures that anticipate this new paradigm.

In the current Pacific Gas & Electric GRC (A.15-09-001) SED staff has prepared a report evaluating PG&E's risk assessment approach and analyzing how the risk model is being used to determine priorities and spending for risk mitigation programs and projects. The report has been circulated to Parties in the proceeding for comments and/or response in their forthcoming GRC testimony.

In summary:

“SED Staff has analyzed and evaluated the risk assessment framework and integrated planning processes used by PG&E to identify major risks, and determine potential mitigation plans and programs, and concluded that these methods and processes have, in fact, been effectively used to inform the 2017 GRC budget request.

“PG&E, by virtue of having somewhat longer experience in applying sophisticated and complex Enterprise Risk Management practices to its utility operations, is clearly a utility industry leader. However, its processes are still evolving and will further evolve as a result of parallel CPUC proceedings to advance the risk-informed decision-making and risk assessment programs for use in rate cases.

“At this time, it would be premature to accept PG&E’s Risk-Informed Budget Allocation process as the sole basis for determining reasonableness of safety-related program requests. The current GRC, although partly subject to the new risk-informed decision-making approach, is essentially a transitional case. The traditional tools of intervenor testimony, evidentiary hearings and cross-examination of witnesses must still provide the Commission with a complete record for its decisions.”

A copy of the full report can be found in the Recent Documents section of the CPUC’s Risk Assessment website at <http://www.cpuc.ca.gov/riskassessment/> In addition, SED will convene a workshop in the CPUC Auditorium on March 25, 2016, to review the report and allow PG&E to present in more detail how its Risk Informed Budget Allocation (RIBA) process is used to translate risk identification into GRC spending requests.

### PROCEEDING UPDATES

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- **Safety Model Assessment Proceeding (A.15-05-002, et al) (President Picker/ALJ Kersten) (Advisory):** SED Staff is providing an analysis of the four major utilities’ risk models, as presented in their May 2015 applications and refined via a series of workshops and working groups. The intent of that evaluation is to provide a deeper understanding of the risk scoring methodology and try to bring each of the IOUs’ models into closer alignment with each other. It will also propose some changes to the existing models to move toward a more quantitative approach to risk scoring, and offer guidance for filings in future GRCs, as well as raise issues that the Commission might address in future S-MAP proceedings. SED’s report will be released for comment in March 2016.
- **Gas Leak Abatement OIR (R.15-01-008) (President Picker/ALJ Kersten) (Advisory):** On January 26, 2016, the ALJ issued a ruling seeking comments on revised reporting

requirements and a draft template for annual reports on gas leaks and emissions. Comments on the proposed revisions came in February 17 and replies on February 24. SED Staff is currently reviewing those comments and will finalize the reporting requirements and spreadsheet for a forthcoming ALJ Ruling, expected mid-March to be used in the May 2016 surveys. On February 24, the ALJ also issued for comment a Joint CPUC/CARB Staff Report analyzing the May 2015 gas leak reports, which aggregated data on major sources of leaks and emissions on the natural gas system and estimated volumes of methane attributed to both graded leaks and ungraded emissions.

- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ DeAngelis) (Advisory):** On January 28, 2016, the Commission approved D.16-01-032 on Track One issues. The decision directed SED to establish within 90 days a technical group to consider appropriate Safety-related issues for facility inspections of grid-connected storage operated by utilities. On February 9, 2016, the proceeding was reassigned to ALJ DeAngelis.
- **Storage Procurement Solicitations 2016 (PG&E A.16-03-001; SCE A.16-03-002; SDG&E A.16-03-003) (Assignments TBD)** On March 1, the three electric IOUs filed new applications to establish the 2016 energy storage procurement solicitations, to meet 2020 targets as directed by D.13-10-040. SED Risk staff conferred with Energy Division staff to review how the utilities were including Safety considerations in their applications. Staff will reach out to the appropriate decisionmakers to determine how best to proceed to have the IOUs better address safety in their solicitations and contracting process.
- **Public Records Act Revisions Rulemaking (R. 14-11-001) (President Picker/ALJ Lirag) (Advisory):** Working with the Assigned Commissioner's Office and Legal Division, SED Staff moderated a workshop on February 2, 2016, to devise a matrix of how to treat various documents subject to Public Records Act requests. Utilities and other parties are providing their proposed categories of documents that they believe should be protected from public release, citing statutory authorities or other justifications, as well as identifying types of information or documents that may be made public without protections.
- **Investigation into Safety Culture of Pacific Gas and Electric Company and PG&E Corp. (I.15-08-019) (President Picker/ALJ Bushey) (Advisory):** Risk Section has completed the selection process for an Expert Witness/consultant for this investigation, and is proceeding with contract finalization. Staff has issued two data requests to PG&E and continues to work with the utility to sort through issues related to claims about confidentiality of documents and narrowing the expected volume of responses in certain cases to focus on substantive issues.
- **SDG&E/SoCal Gas General Rate Case (A.14-11-003/004) (President Picker/ALJs Wong and Lirag) (Advisory):** A proposed decision is pending.
- **PG&E 2017 General Rate Case (A.15-09-001) (President Picker/ALJ Roscow) (Advisory):** SED staff has prepared a report evaluating PG&E's risk assessment approach and analyzing how the risk model is being used to determine priorities and spending for risk mitigation programs and projects (see more complete description above).

## California Public Utilities Commission | Safety and Enforcement Division

- **Electric Vehicle Charging Pilots; PG&E (A.15-02-009) (Commissioner Peterman/ALJ Farrar)(Monitoring)** Evidentiary hearings were deferred pending possible settlement discussions. SED has recommended that PG&E include safety requirements similar to those adopted for the other utilities in recent CPUC decisions.
- **Physical Security of the Electric Supply System (R.15-06-009) (President Picker/ALJ Kelly) (Advisory):** Risk Assessment staff has an advisory role for this proceeding, which has been deferred into 2016 as a result of budget cuts.

### MONITORING THE WHISTLEBLOWER WEBSITE

The Risk Section has been overseeing intake for complaints that arrive via a “whistleblower” application on the Commission’s web site.

### STATISTICS - 1/01/16 TO 2/29/16

Note: This is for complaints filed using the on-line Whistleblower Application ONLY.

Confirmed or Possible Whistleblower Complaints						
	CAB	Transportation	Electric Safety	Gas Safety	Telco Fraud	Rail
<b>January</b>	0	0	1	0	0	0
<b>February</b>	0	5	1	0	2	0
<b>Total 2016</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>

Invalid Whistleblower Complaints Converted to Standard Complaints							
	CAB	Transportation	Electric Safety	Gas Safety	Telco Fraud	Rail	Outside Agencies Referral
<b>January</b>	0	0	0	0	0	0	0
<b>February</b>	0	0	0	0	0	0	1
<b>Total 2016</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

Test, Incomplete or Duplicate Whistleblower Complaints	
<b>January</b>	0
<b>February</b>	4
<b>Total 2016</b>	<b>0</b>

## OFFICE OF RAIL SAFETY

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### RAILROAD SAFETY- ROSB

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In the month of February 2016, SED Staff's Railroad Operations group completed the following:

<b>New Incidents Investigated</b>	5
<b>Informal Complaints Investigated</b>	5
<b>Safety Assessments/Reviews</b>	11
<b>Compliance Actions</b>	563
<b>Major Inspections Completed</b> - Such as Focused Inspections	2
<b>Operation LifeSaver Presentations</b>	3

#### ROSB INSPECTION, INVESTIGATION & FIELD ACTIVITIES

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**February 1, 2016:** ROSB rail safety inspectors conducted a mixture of inspection and training with CPUC and FRA hazmat inspectors in the northern California area. This included multiple audits in the Stockton, Lathrop and Sacramento area. Inspections centered on safety sensitive companies that handle Toxic Inhalation (TIH) or Poison Inhalation (PIH) shipments, that are potentially harmful to the general public, auditing for proper employee, and employer records, in training, safety, security, proper loading and unloading with emphasis on both federal and state compliance. Railroad hazmat inspections were conducted at the BNSF, UPRR and Central California Traction Co. Freight Container inspections were performed at the Union Pacific intermodal facility located in Lathrop CA., containers were inspected for proper hazmat markings on inside and outside of container, proper shipping papers, shifted loads or leaking

packaging inside the containers. Deficient conditions were noted and brought to the attention of each individual company for correction.

**February 5, 2016:** Four ROSB rail safety inspectors, with one FRA lead inspector, conducted a focused inspection of Freight Containers containing hazardous materials at the BNSF Railroad's (BNSF) Mariposa, Stockton intermodal (IMO) facility and at the Union Pacific Railroad's (UP) Lathrop IMO facility at French Camp. At the BNSF facility, the team inspected six freight containers, opening three of them. Of the three containers opened, it was discovered two containers had loads that had shifted during transportation. Because of the small amounts of hazardous materials these two containers contained, and the way their contents were packed, the shipper's still met the requirements of the Federal regulations. The only defect taken at the BNSF's facility was for one placard which needed to be replaced due to deterioration. At the UP facility, the team inspected three freight containers containing hazardous materials, opening one, with one defect taken for a marking which was illegible. The focused inspection was successful in emphasizing to both the railroads and the shippers that safe shipment of hazardous materials is a top priority.

**February 16, 2016:** ROSB rail safety inspectors performed Hazmat inspections in the Long Beach/Wilmington area, examining for noncompliant conditions at both hazmat shipping facilities and local railroads that handle safety sensitive hazmat shipments in the harbor vicinity. During the inspections, deficient conditions or defects were noted and brought to the attention of the respective companies or railroads for corrective action. Daily duties this week also required examining an accident that involved a pedestrian fatality at railroad road crossing in southern California. Investigations like this are conducted to provide recommendations on creating safer conditions for both pedestrians, and motor vehicles that utilize the road crossing.

ROSB rail safety inspectors also conducted state general order and follow up inspections concerning deficient walkway and close clearance conditions in the Riverside, Perris, Oceanside and the San Diego areas. New Inspection finding were noted and brought to the attention of the railroad companies for correction. Follow up inspections were also performed to ensure compliance within the previously agreed upon time frame.



**February 17, 2016:** An ROSB Rail Safety Inspector performed an inspection in Arbuckle, California of the California Northern Railroad (CFNR), a short- line railroad operating from Arbuckle to Davis in California. A customer of the CFNR released four railcars for pick up in order for CFNR to move these cars to Davis, California. Prior to movement at time of pick up, the CFNR train crew is required to perform a pre-departure inspection of the railcars. The inspection verified that the railcars have 100 percent operational brakes and are clear of defects that may cause derailments or injures. Railroads are also required to cover loads with nets (that need them) on top and clean off all safety appliances before movement. The inspection determined that the railcars passed the pre-departure inspection requirements.

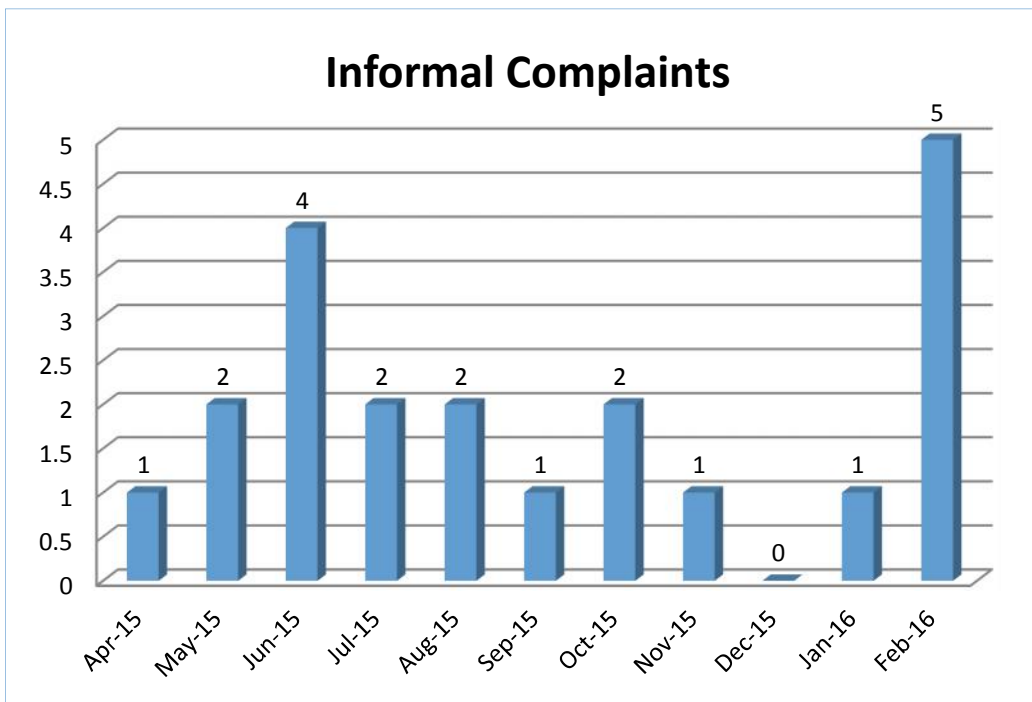
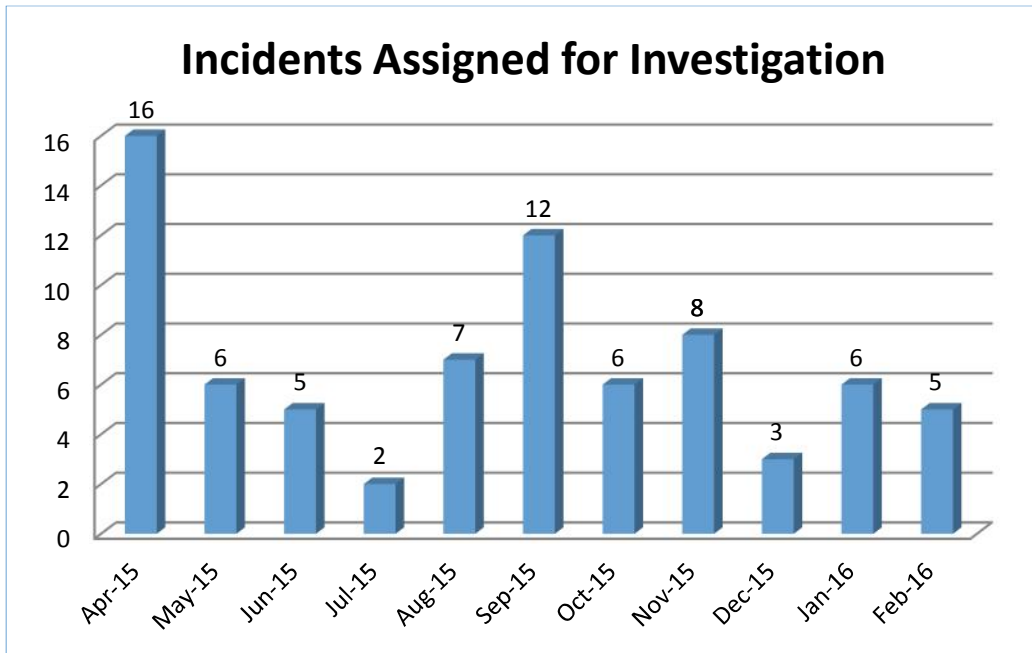
During the course of the ROSB Inspectors inspection the four railcars were found to be defective and in violation of safety regulations. These defects were reported to CFNR Management for remedial action.

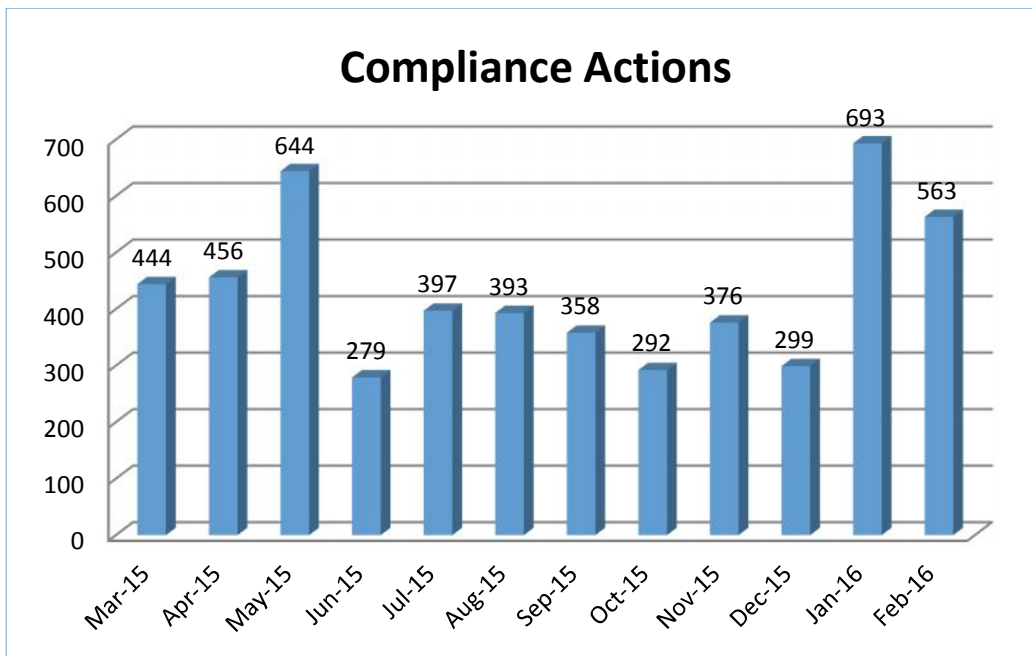
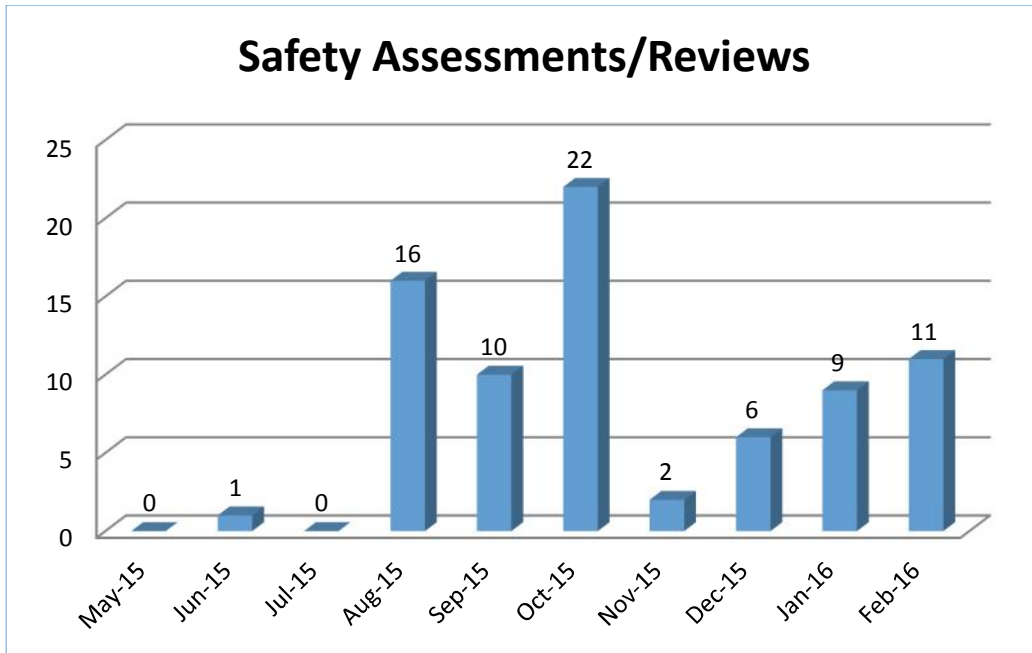
**February 22, 2016:** ROSB rail safety inspectors performed a joint audit with FRA inspectors in the Los Angeles and Long beach area. The focus of the inspections was on major oil refineries, hazmat loading operations, and companies that handle toxic and poison inhalation rail shipments. Audits were performed by multiple inspection teams, and businesses were audited for employee and employer records on safety, training, loading and unloading operating procedures, proper shipping paperwork, facility security, emergency preparedness and additional federal and state hazmat requirements. Defects and violations were documented, and each company was notified so that they could take corrective action required to bring them into federal and state compliance.

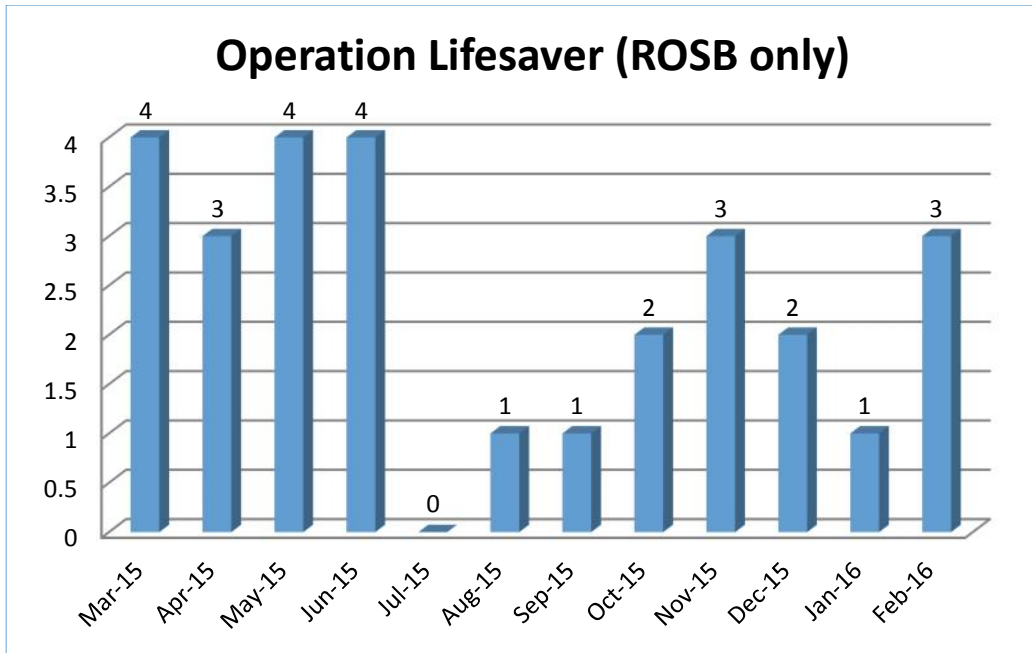
**February 23, 2016:** ROSB rail safety inspectors, along with FRA Chief Inspector Scott Lewis conducted a safety audit of Altamont Commuter Express facilities in Stockton, California.

The audit was to verify records for compliance with the 27 employees that support passenger train service daily from Stockton to San Jose. State Inspectors learned firsthand how the information from the audit is used to keep the railroad safe by screening employees for illegal Drug Use/Abuse prior to employment, and randomly testing employees throughout their career, while providing information for Employee Assistance if needed. Upon completion of the

audit, Altamont Commuter Express was able to provide all documents requested and was found to be in compliance with no defects noted.







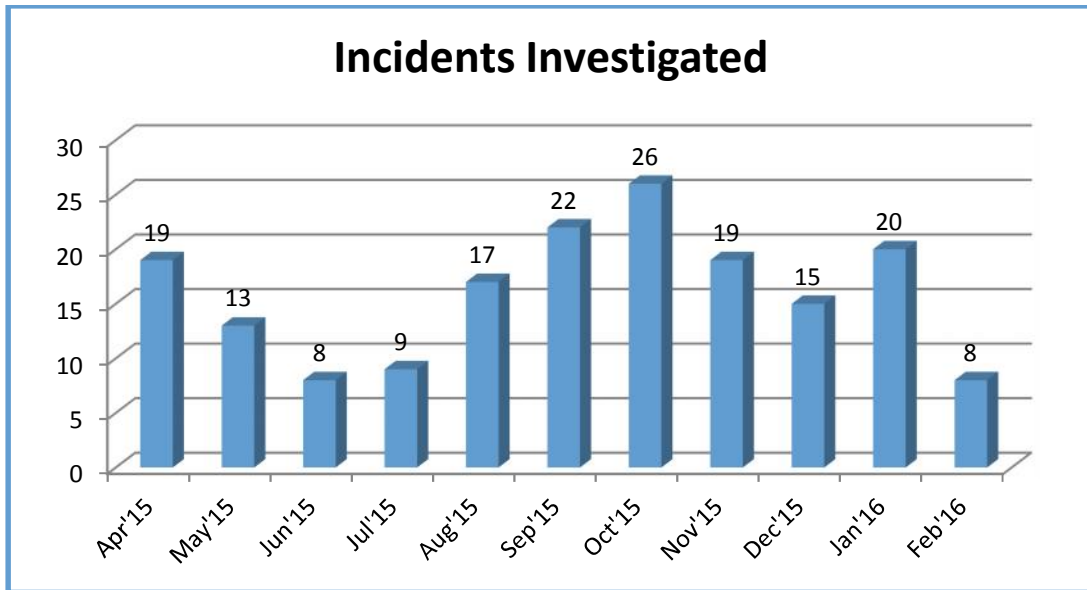
### RAIL CROSSINGS - RCEB

In the month of February 2016, the Rail Crossings and Engineering Group completed the following:

	Open at Period Start	New During Period	Closed During Period	Open at End of Period
<b>Incidents Investigated 2015</b>	50	2	6	46
<b>New Incidents in February 2016</b>	8	15	2	21
<b>Informal Complaints Investigations</b>	27	2	3	26
<b>Safety Assessments/Reviews</b>	0	39	39	0
<b>Environmental Reviews</b>	0	263	263	0
<b>Proceedings, Resolutions and G.O. 88-B Reviews</b>	30	13	9	34
<b>Operation LifeSaver Presentations</b>	0	1	1	0
<b>Staff Training</b>	0	5	5	0

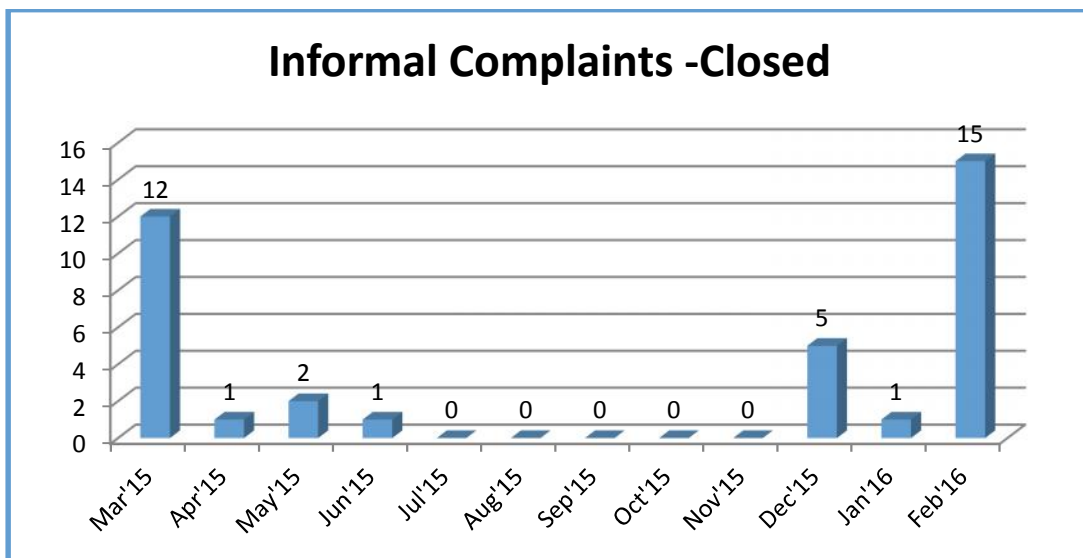
RAIL CROSSING INCIDENT INVESTIGATIONS

- In February 2016, the Rail Crossings and Safety Branch engineers received two new crossing incidents in relation to 2015 and 15 new crossing incidents in relation to 2016. Staff also completed eight highway-rail crossing investigations.



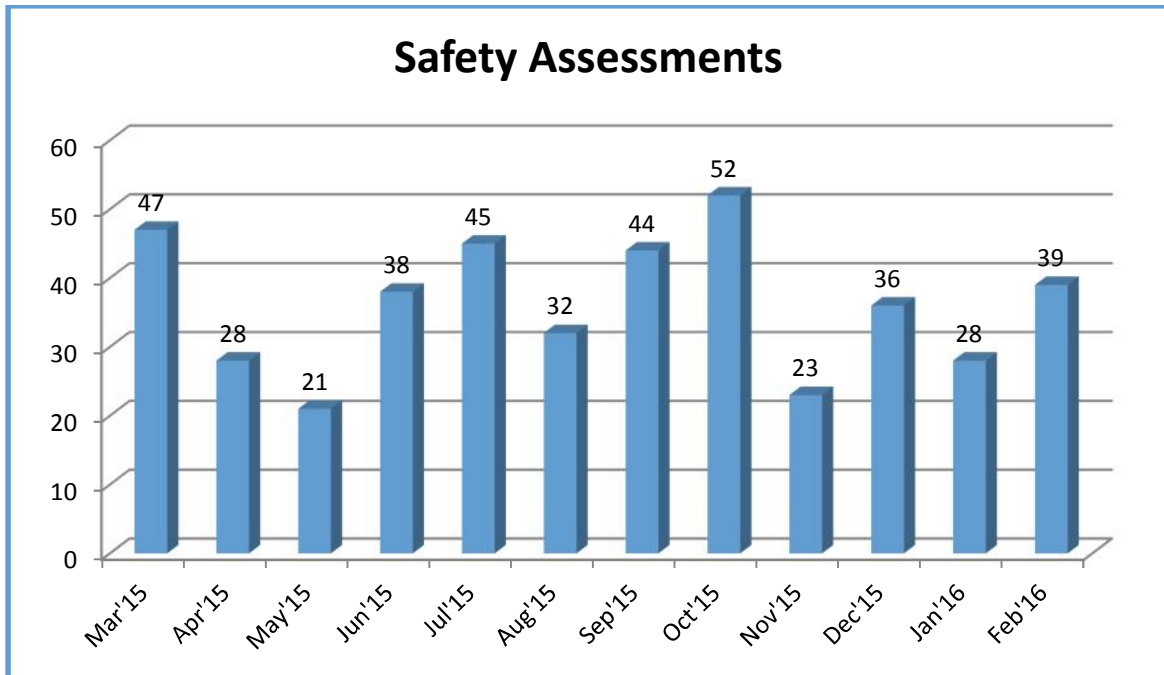
INFORMAL COMPLAINTS

- In February 2016, engineering staff received two new complaints and closed 15 complaints involving existing highway-rail crossings.



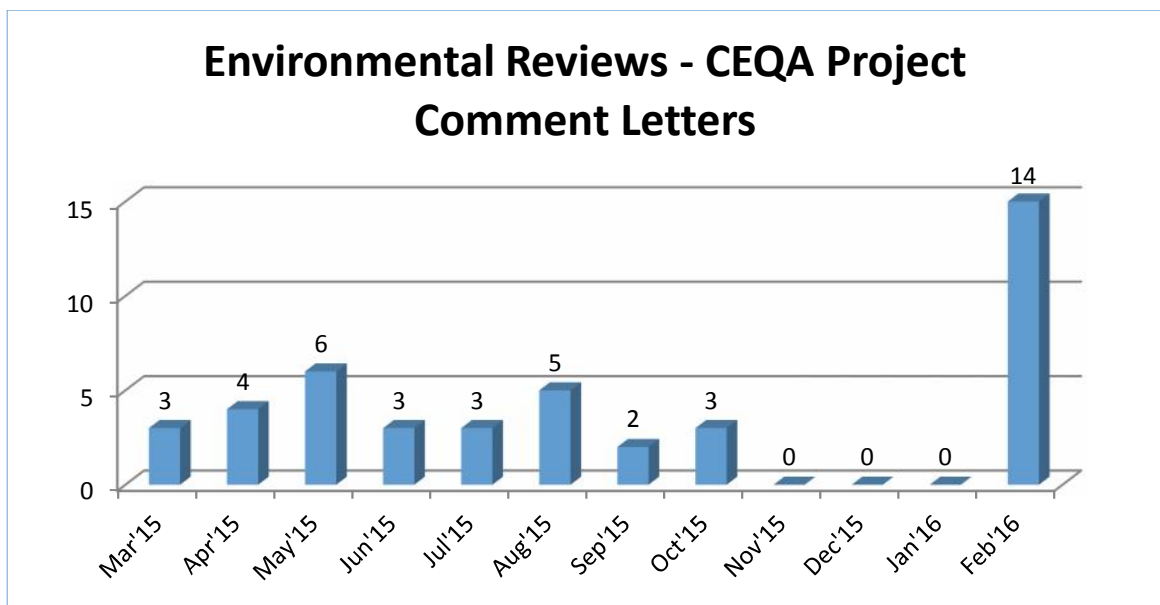
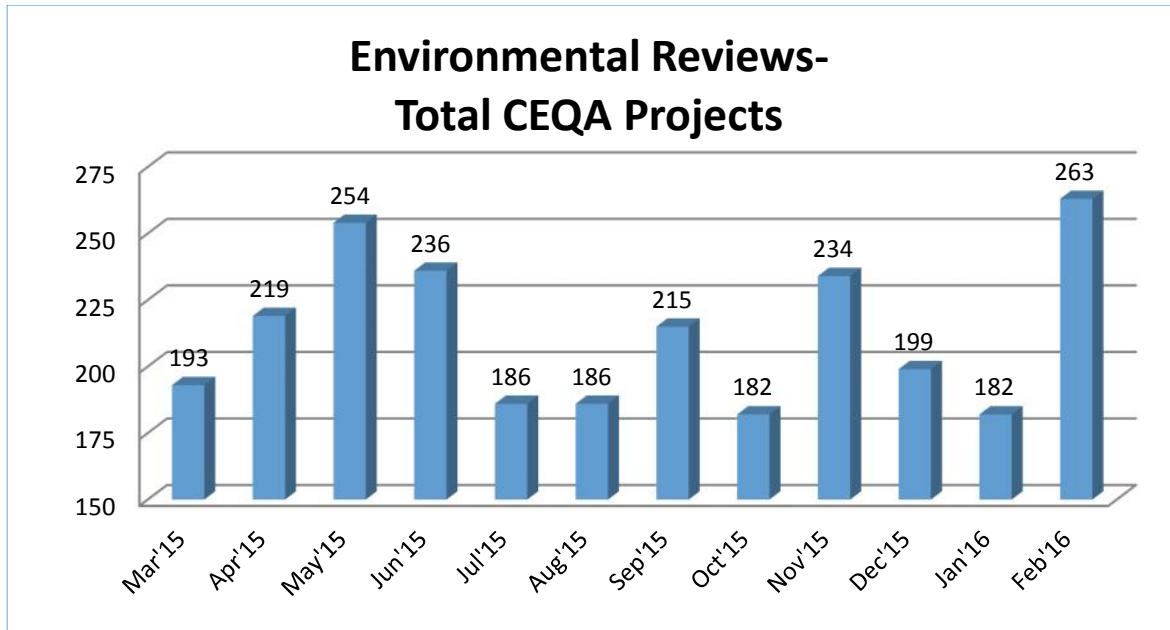
## SAFETY ASSESSMENTS AND REVIEWS

- In February 2016, staff completed 39 safety assessments involving communications, field inspections, and diagnostic reviews with railroads and local agencies.



## ENVIRONMENTAL REVIEWS

- In February 2016, staff reviewed 263 CEQA reports and issued 15 comment letters. When railroads and local agencies plan new projects or developments, staff reviews the documents submitted by the agencies for safety impacts to crossings. The review addresses safety issues in highway-rail crossing design and nearby intersections during the design phase of the projects.



- ENVR2015081015** - The City of Vista Planning Division requested the review of the PC-06-059 Phillips Street Tentative Subdivision Map and Annexation project. Staff provided comments for the City to include in the plan pedestrian and vehicular safety at and near the railroad tracks. RCEB closed the review on February 28, 2016.

- **ENVR 2015080007** – RCEB received the City of Loma Linda Notice of Preparation from the State Clearinghouse for the proposed Supplement to the Certified Environmental Impact Report Prepared for the LLUH Campus Transformation project. Staff provided comments for the City to include language to the Supplement so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015081061** – RCEB received the Draft Negative Declaration from the State Clearinghouse for the proposed City of Bakersfield Housing Element Update 2015-2023 project. Staff provided comments for the City to include language so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015090001** - RCEB received the Draft Environment Impact Report from the State Clearinghouse for the proposed City of Santa Barbara Airport Master Plan project. Staff provided comments for the City to include language so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. Mitigation measures to consider include the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to prevent trespassers onto the railroad right of way. RCEB closed the review on February 8, 2016.
- **ENVR 2015090002** - RCEB received the Notice of Preparation from the State Clearinghouse for the proposed Supplement to the Certified Environmental Impact Report prepared for the City of West Sacramento General Plan Update. Staff provided comments for the City to include language so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. Mitigation measures to consider include the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to prevent trespassers onto the railroad right of way. RCEB closed the review on February 8, 2016.

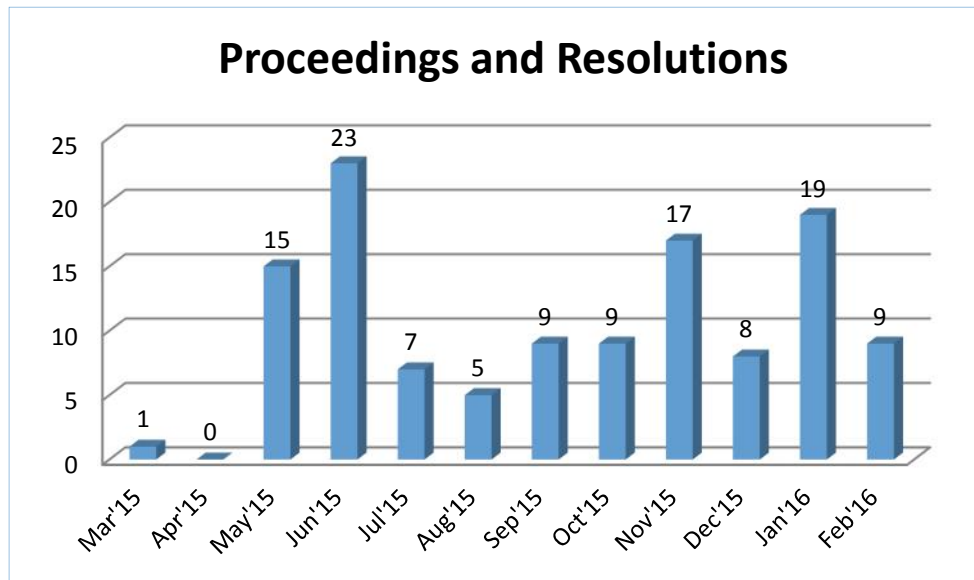


- **ENVR 2015090003** - RCEB received the Notice of Preparation from the State Clearinghouse for the proposed the City of San Bernardino Waterman + Baseline Neighborhood Transformation Specific Plan. Staff provided comments for the City to include language so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. Mitigation measures to consider include the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to prevent trespassers onto the railroad right of way. RCEB closed the review on February 8, 2016.
- **ENVR 2015090005** - RCEB received the Draft Town of Truckee Trails and Bikeways Master Plan. Staff provided comments for the City to include language so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015100002** - RCEB received the Draft Negative Declaration from the State Clearinghouse for the proposed County of Madera Transportation and Circulation, Health and Safety, and Housing Element Update. Staff provided comments for the County to include language so that the County plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015100004** - RCEB received the Notice of Preparation for the College Boulevard Improvement Project identified as SCH# 2003111115 for the City of Oceanside. The project description states that the City will widen College Boulevard to a six 6-lanes major arterial from Olive Drive to Avenida De La Plata. This segment of roadway includes an at-grade highway-rail crossing identified as CPUC Crossing Number 106E-105.66 and DOT Crossing Number 027562Y. The North County Transit District owns the tracks. Train operations include both Sprinter transit service and freight railroad service. The City should review pedestrian and vehicular safety at and near the railroad tracks as part of this project. RCEB closed the review on February 8, 2016.

- **ENVR 2015100005** - RCEB received the Draft Negative Declaration from the State Clearinghouse for the proposed County of San Joaquin Development Title and Text Amendment project. The project area includes active railroad tracks. Staff provided comments for the County to include language so that the County plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015100007** - RCEB received a Notice of Completion from the City of Stockton Open Window project. Staff provided comments for the City to include language so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015110001** - RCEB received the Negative Declaration for the proposed Arvin-Edison Water Storage District (AEWSD) Drought Solicitation Improvement Grant Projects. The project area is located west of Tejon Highway and north of Sunset Blvd. AEWSD anticipates dealing with construction traffic throughout the duration of the project for about 90 to 120 days. RCEB recommends that the AEWSD add language to the Project so that AEWSD plans construction adjacent to or near the railroad/light rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015120001** – RCEB received the Notice of Preparation from the State Clearinghouse for the proposed City of Costa Mesa General Plan Amendment project. The project area includes active railroad tracks. RCEB recommends that the City add language to the General Plan so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.
- **ENVR 2015120002** – RCEB received the Notice of Preparation from the State Clearinghouse for the proposed City of La Habra Rancho La Habra Specific Plan project. The project area includes active railroad tracks. RCEB recommends that the City add language to the Specific Plan so that the City plans any future development adjacent to or near the rail right-of-way with the safety of the rail corridor in mind. RCEB closed the review on February 8, 2016.

PROCEEDINGS, RESOLUTIONS AND G.O. 88B REVIEWS

- In February 2016, engineering staff received two new proceedings, one resolution request, and ten General Order 88-B applications. RCEB closed one Quiet Zone review, seven General Order 88-B applications and issued a proposed Grade Separation priority list.



- **Quiet Zone – SAC-1137, SAC-1138, SAC-1139, SAC-1140, and SAC-1141** - The City of Galt and Sacramento proposed a 24 hour Quiet Zone at five at-grade crossings along Union Pacific Railroad Company’s Fresno Subdivision under the March 19, 2013 Notice of Intent (NOI), including Elm Avenue/Orr Road, A Street, C Street, F Street and Kost Road. Freight and passenger railroads use the line. CPUC issued comments on the NOI on May 20, 2013. The City of Galt issued the January 28, 2016, Notice of Establishment which became effective on February 22, 2016. Staff closed the review on February 22, 2016.
- **G.O.88B – ORA-1279 and ORA-1450** – The Orange County Transportation Authority requests an extension of the authorization to construct a new grade separated overhead bridge carrying Tustin Avenue over Orangethorpe Avenue. RCEB granted the original authorization on February 20, 2013, and expired on February 20, 2016. An amendment was granted on December 12, 2013, for a reduced temporary vertical clearance of 21-feet 6-

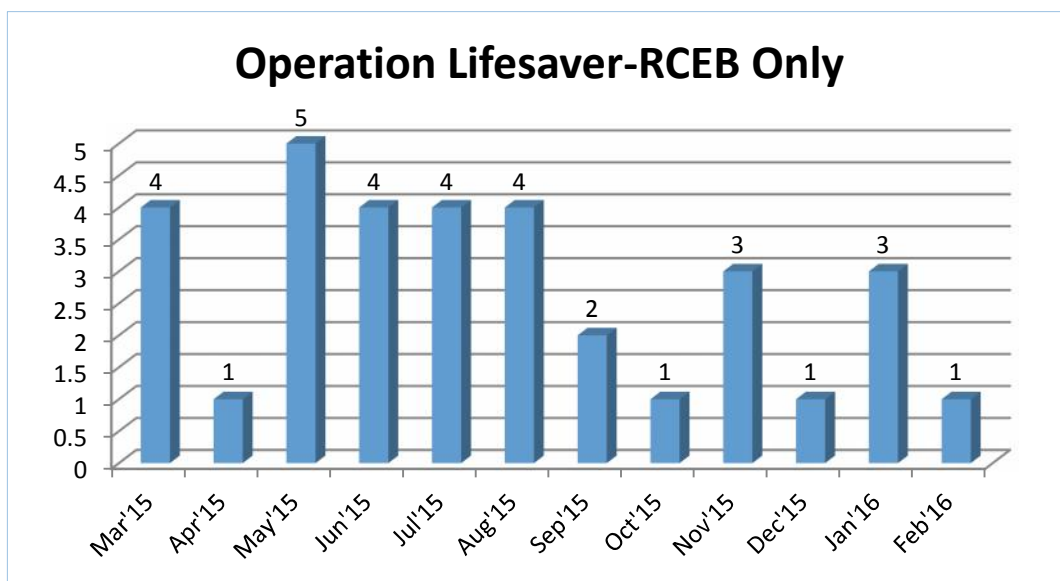
inches during construction that required a variance from Commission GO 26-D. RCEB grants the time extension and authorization and it expires on February 20, 2019.

- **G.O. 88B – MEN-1031** – The City of Ukiah requests authorization to install a new pedestrian refuge (median) to the center of the Gobbi Street crossing in Mendocino. RCEB reviewed the project and denied the request. The City of Ukiah is working on revising the refuge area.
- **G.O. 88B – LA-3046 and others**– The Los Angeles County Metropolitan Transportation Authority requests authorization to modify 6 crossings (Elm Street, Compton Boulevard, Myrrh Street, Alondra Boulevard, Greenleaf Boulevard, and Manville Street) in the City of Compton by adding pedestrian and swing gates to all approaches, tactile strips, fencing and railing for channelization and concrete crossing panels. RCEB grants the authorization for the modification and installation of the additional track and it expires on February 3, 2019.
- **G.O. 88B – LA-3347** – The Los Angeles County Metropolitan Transportation Authority requests authorization to alter West Doran Street at-grade crossing in Glendale and Los Angeles, Los Angeles County. The project reviews the practicability of grade separating West Doran Street and provides substantial temporary improvements as agreed to by all parties. RCEB grants the authorization to construct the improvements for the crossing and it expires on February 3, 2019.
- **G.O. 88B –FRE-1006**– The California High Speed Rail Authority requests to alter the Clinton Avenue grade separated crossing over Union Pacific Railroad tracks in the City and County of Fresno. RCEB grants the authorization, and temporary deviation of Section 16.2 of GO26-D vertical clearance requirements, of the grade separation modifications and it expires on February 18, 2019.
- **G.O. 88B – FRE-1005** - The California High Speed Rail Authority requests to alter the Ashlan Avenue grade separated crossing over two Union Pacific Railroad main tracks in the City and County of Fresno. The project involves the demolition and reconstruction of the grade separation in order to install two mainline tracks. RCEB grants the authorization two install two main tracks and it expires on February 18, 2019.

- G.O. 88B – LA-2538** - The California Department of Transportation requests authorization to modify the Long Beach Freeway overpass grade separated crossing over Union Pacific Railroad Company tracks in the City of Commerce, Los Angeles County. The project will widen the freeway 22 to 24 feet to establish maintenance pullout areas. RCEB grants the authorization to modify and install the crossing improvements; it expires on February 11, 2019.
- Section 190 Grade Separation Program – OII I.15-06-008** - RCEB issued list of 38 grade separation projects for public review in accordance with Section 2452 of the California Streets and Highways Code. The California Transportation Commission and California Department of Transportation use the Priority List to allocate available funds for the fiscal year to assist local agencies to finance grade-separating at-grade crossings of city streets, county roads, or state highways or altering or reconstructing separations. The Priority List prioritizes funding for qualified grade separation projects.

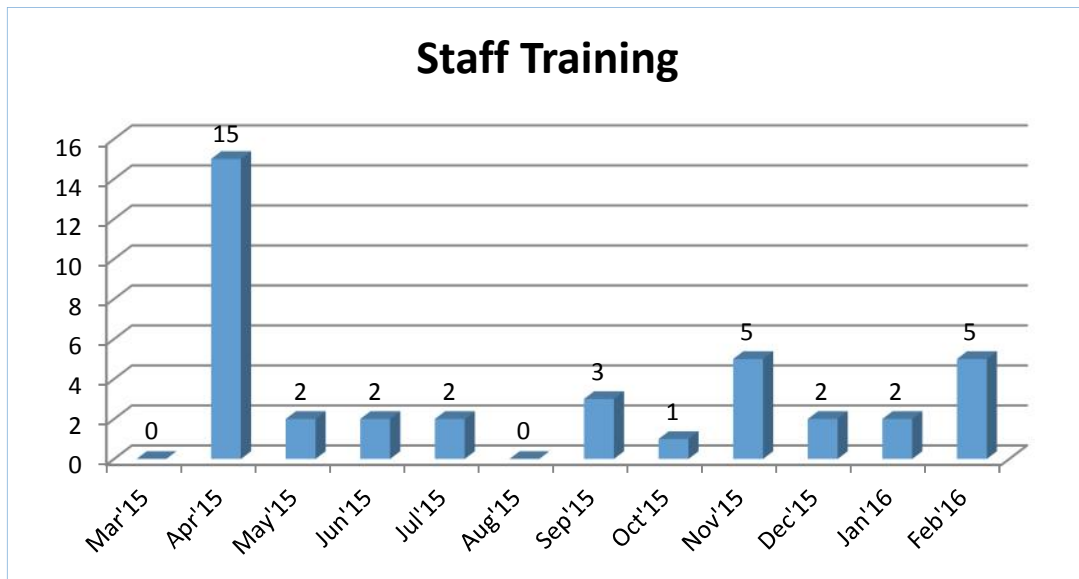
OPERATION LIFESAVER INC.

- In February 2016, staff completed one Operation LifeSaver Inc. presentations. RCEB staff presented the OLI, “See Tracks Think Train” safety message at the Ag Safety and Compliance Day conference in Fresno, CA. The audience consisted of 250 general adults and professional truck drivers.



RCEB STAFF TRAINING

- In February 2016, five staff members completed training assignments including the defensive driver certification, Raising the Bar Supervisory Training, and the Federal Railroad Inventory Updates.



STATISTICS SUMMARY

Incidents 2016					
Month	January	February	March	April	Total
<b>Incidents</b>	13	16			29
<b>Fatalities</b>	5	8			13
<b>Injuries</b>	6	5			11

- In February 2016, RCEB received 14 incidents related to highway-rail crossings, two incident requests for assistance from RTSB, and no right-of-way incidents that were near crossings. The total number of incidents that RCEB is investigating is 16. The incidents resulted in eight fatalities and five injuries.

## RAIL TRANSIT - RTSB

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In February 2016, the Rail Transit Safety Branch (RTSB) completed the following:

### RAIL TRANSIT INSPECTIONS

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- RTSB inspectors performed seven inspections.

### CORRECTIVE ACTIONS PLANS

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- RTSB opened thirteen new Corrective Action Plans due to incidents, internal safety audits, and inspections.
- Four Corrective Action Plans were closed

### INCIDENT INVESTIGATIONS

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- In February 2016, 22 incidents were reported by Rail Transit Agencies (RTAs).<sup>6</sup> In February 2016, 2 incident investigations were closed by RTSB.

### PROCEEDINGS / RESOLUTIONS

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- **Resolution ST-168** – This resolution, issued March 1, 2016, approves the California Public Utilities Commission Safety and Enforcement Division's final report titled, "2014 Triennial On-Site Security Review of Sacramento Regional Transit District," dated August 31, 2015. The report compiles the results of Commission Staff's review of Sacramento Regional Transit District's security program.

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<sup>6</sup> Per General Order 164-D, the Commission must be immediately notified by rail transit agencies of incidents if they include one of the following: a fatality at the scene, or where an individual is confirmed dead within 30 calendar days of a rail transit-related incident; an injury to two or more individuals requiring immediate medical attention away from the scene; property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities, and non-transit property that equals or exceeds \$25,000; a collision at an at-grade crossing; a mainline derailment; a collision with an individual on a rail right-of-way; a collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle; an evacuation due to life safety reasons.

- **Resolution ST-172** - This resolution, issued March 1, 2016, approves the California Public Utilities Commission Safety and Enforcement Division's final report titled, "2014 Triennial On-Site Security Review Of Santa Clara Valley Transportation Authority," dated November 24, 2015. The report compiles the results of Commission Staff review of the Santa Clara Valley Transportation Authority security program.
- **Resolution ALJ-322** – Resolution adopted by the Commission on December 3, 2015, which affirmed Citation # 1503001, issued to Sacramento Regional Transit District (SRTD) pursuant to Resolution ST-163, authorizing a rail transit safety citation program. RTSB Staff had issued a citation for violations of 2 safety regulations in General Order 143-B, resulting in a \$10,000 fine to SRTD. The citations were issued in response to an incident which occurred on February 17, 2015, where a light rail vehicle traveled out of a maintenance shop without any personnel aboard and onto SRTD's mainline tracks. The vehicle came to a stop after traveling 1.5 miles, with minor property damage but no injuries resulting from this uncontrolled movement. SRTD filed an appeal of the citation and an evidentiary hearing was held. ALJ-322 denied the appeal and affirmed the citation, closing the proceeding. SRTD paid the \$10,000 citation on November 24, 2015.

On February 27, 2016, SRTD Submitted its revised System Safety Program Plan (SSPP) in accordance with ALJ-322, addressing the compliance items in the Resolution's Ordering paragraph. The revised SSPP is currently under staff review.

- **R.09-01-020 Order Instituting Rulemaking (OIR) – To Consider Roadway Worker Protections by Rail Transit Agencies in California (Commissioner Peterman/ALJ Kim):**  
On October 31, 2013, the Commission issued an Interim Decision (D.13-10-073) adopting GO 175 for Roadway Worker Protections on California's Rail Transit Systems. On April 7, 2015, ALJ Kim issued a ruling seeking comments from parties on the Commission's staff report determining the need for General Order (GO) revisions. Several RTAs responded with comments by the due date of April 22, 2015. On February 10, 2016, Chief ALJ Clopton issued Commissioner Carla Peterman's proposed decision containing a revised rule, GO 175-A. This item may be heard at the Commission's on March 17, 2016 meeting, at the earliest.



- I.13-09-012 (OII) – CPUC Staff v. San Francisco Municipal Transportation Agency (SFMTA) (President Picker/ALJ Mason) (Advocacy):** This investigation involves SFMTA’s failure to properly produce un-redacted documents in response to a subpoena, stemming from an accident which occurred on December 1, 2012, resulting in a fatality. On February 13, 2015, the ALJ issued his Presiding Officer’s Decision (POD), imposing fines on SFMTA of \$210,500 for Violating Rule 1.1 and \$1,000 for contempt.

On March 16, 2015, SFMTA filed an appeal to this Decision. On August 27, 2015, the Commission adopted D.15-08-032, Modified Presiding Officer’s Decision, denying the Appeal and upholding the previously imposed fines of \$210,500 and \$1000, as well as closing the proceeding.

On September 25, 2015, SFMTA submitted a filing that includes 1) an application for rehearing of the decision, 2) an application for oral argument, and 3) a request for suspension of the order to pay fines. Although it had filed for a rehearing, SFMTA paid the \$210,500 and \$1000 fines on October 10, 2015.

On October 12, 2015, SED filed a reply to SFMTA’s application for a rehearing. SED re-stating its prior arguments and supported the Modified Presiding Officer’s Decision that the \$210,500 fine for Rule violations and \$1,000 fine should be enforced. The rehearing request has not yet been ruled on.

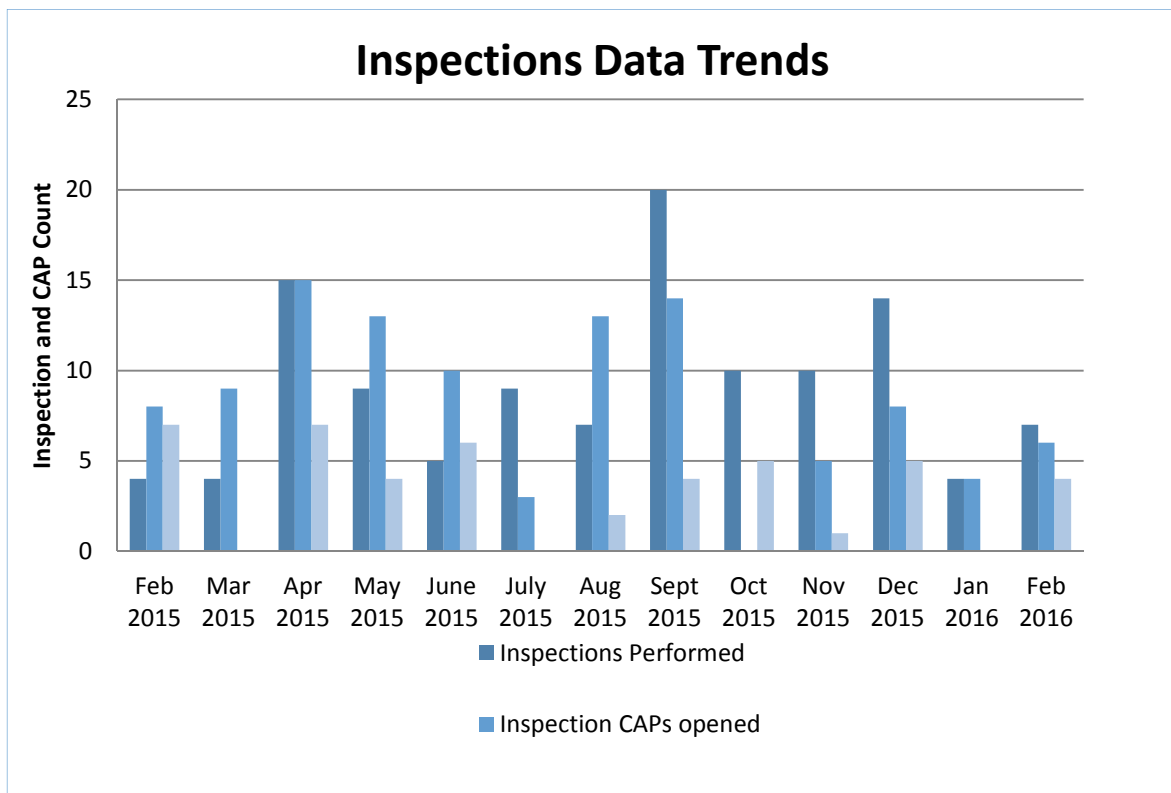
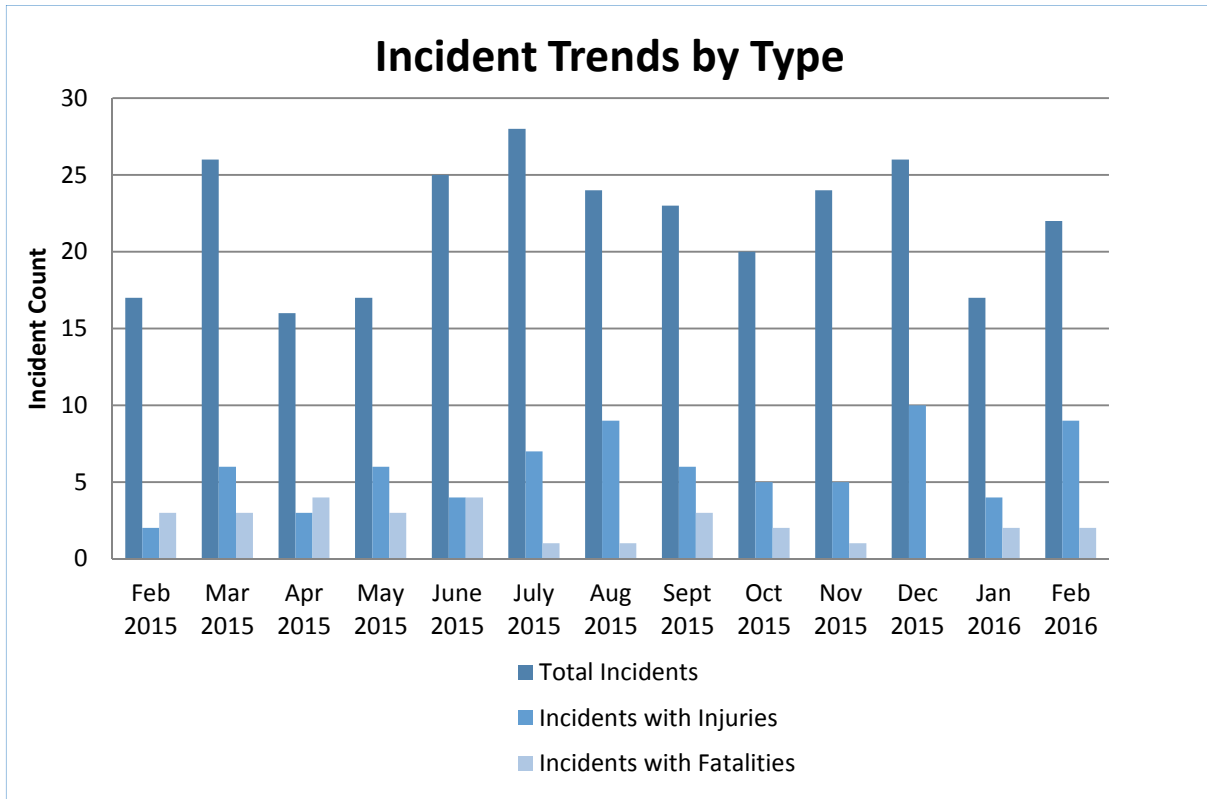
STATISTICS SUMMARY

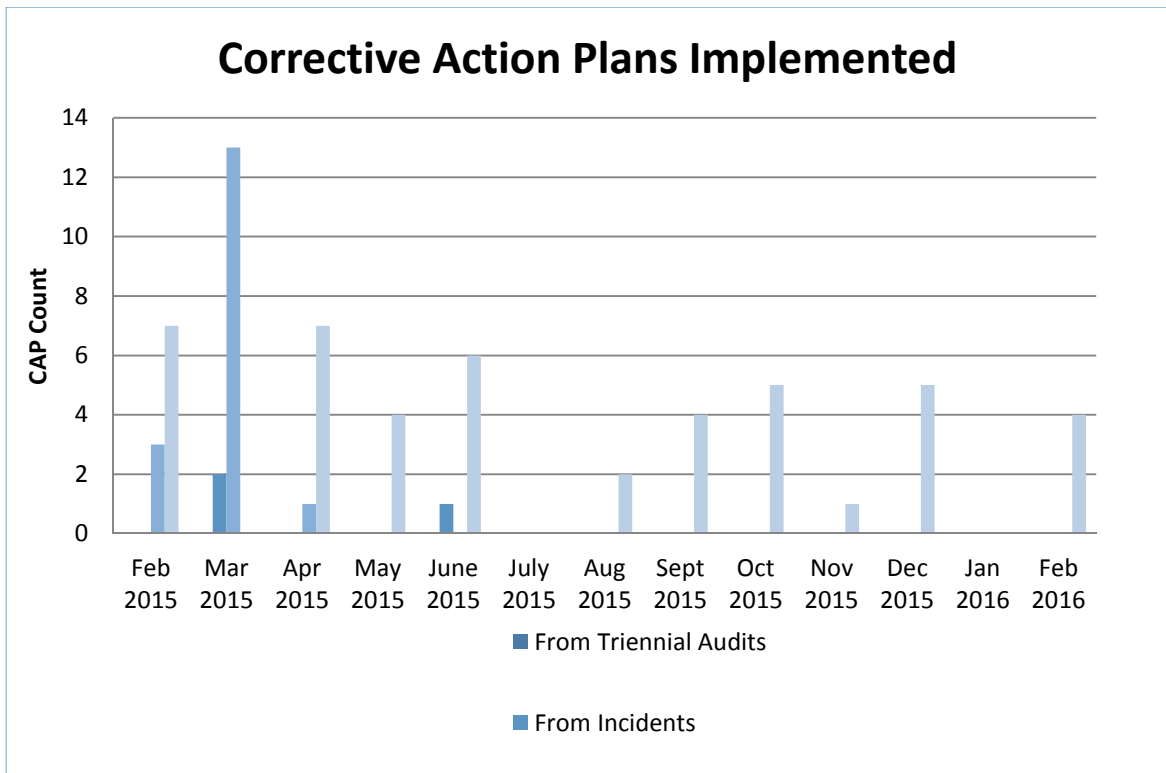
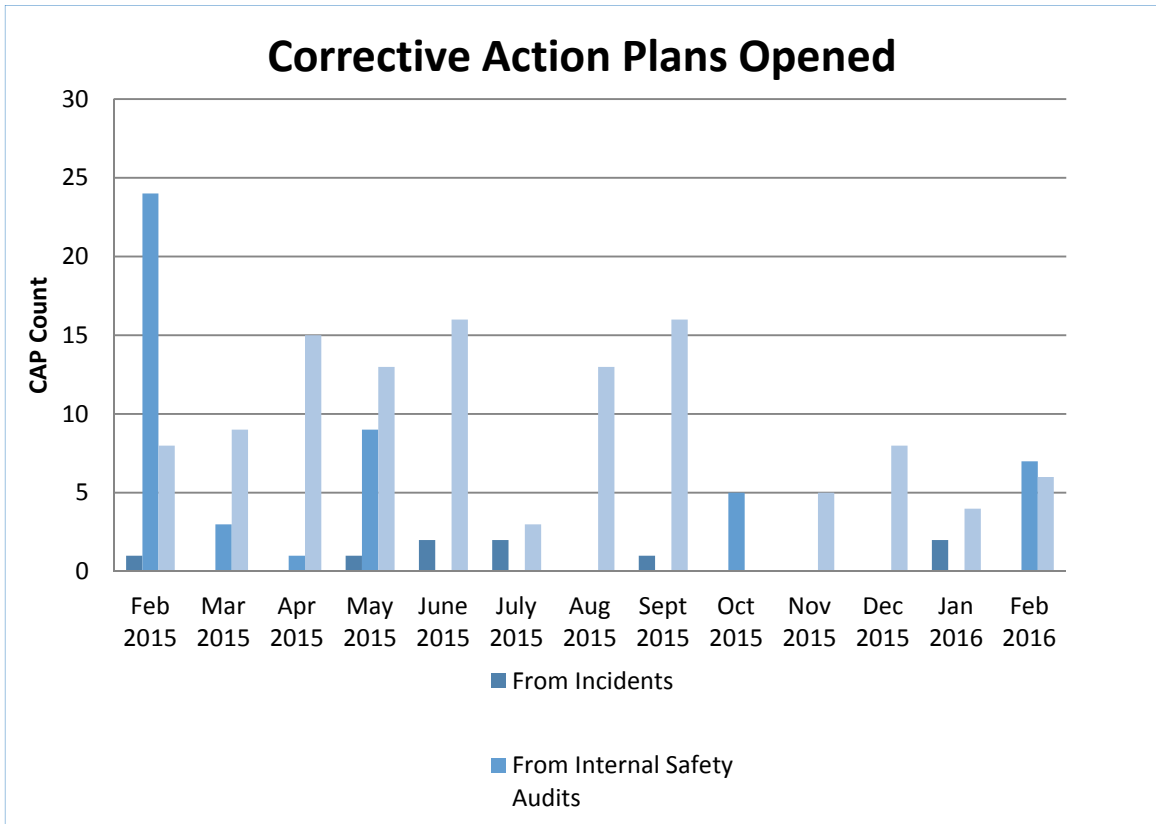
Investigations	
Incidents Reported	22
Incident Investigations Closed	2
Complaints Investigated	0
Rail Transit Inspections	7
Triennial Audits	1

Corrective Action Plans	
<b>New Corrective Action Plans</b>	<b>13</b>
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	7
From Rail Transit Inspections	6
<b>Closed Corrective Action Plans</b>	<b>4</b>
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	0
From Rail Transit Inspections	4

ONGOING DATA / TRENDS

Corrective Action Plans – Days to Complete				
CAP ID #	Relevant Code	CAP Classification	Subject	Days to Complete
ME020216	GO 164-D, Section 2.7	Inspection	Cracked Tires	30
ME020216	CAL/OSHA Title 8	Inspection	Fire Extinguisher	15
ME021716	GO 164-D, Section 2.7	Inspection	Tires Defective	30
ME021816	CAL/OSHA Title 8	Inspection	Fire Extinguisher	15
ME022216	CFR 214.523 Hi-rail Vehicle	Inspection	Winch Defective	30
ME022216	CAL/OSHA Title 8	Inspection	Fire Extinguisher	15





## UTILITY ENFORCEMENT BRANCH

### (CONSUMER PROTECTION AND FRAUD INVESTIGATIONS)

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#### KEY ENFORCEMENT ACTIVITIES

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- **Granite Telecommunications, LLC (A.16-01-008)(Commissioner Randolph/ALJ Ayode) (Advocacy):** Staff protested the application of Granite Telecommunications, which has applied to expand its existing authority to provide limited facilities based and resold local exchange services. Staff protested Granite's failure to disclose adverse regulator actions, in violation of Rule 1.1, and failure to provide proof of financial responsibility.
- **EZETOP (A.15-04-011)(Commissioner Randolph/ALJ Kelly)(Advocacy):** The Commission granted the application of EZETOP for a certificate of public convenience and necessity for authority to provide prepaid calling services in California. The Commission also adopted the Settlement Agreement between SED and EZETOP, which required EZETOP to make a payment of \$25,000 for operating without a license and paying user fees.
- **NobelTel (A.13-01-014)(Commissioner Sandoval/ALJ Lirag):** The ALJ issued a proposed decision denying NobelTel's application for a certificate of public convenience and necessity and assessing a fine of \$146,500 for operating without a license. Subsequent to the proposed decision, NobelTel and SED filed comments and reply comments.
- **Velocity (A.15-01-007)(Commissioner Randolph/ALJ MacDonald)(Advocacy):** SED and Velocity filed a joint motion for the Commission to approve a \$70,000 settlement to resolve concerns raised in SED's protest of Velocity's application for a CPCN to provide resold interexchange telecommunications services within California. SED had protested the application due to Velocity's Rule 1.1 violations and operating without authority.
- **Issuance of Mass Third-Party Verification (TPV) Slamming Citations:** Under Resolution UEB-001 and UEB-002, staff issued several hundred slamming citations against TeleUno, Inc. and TeleDias Communications, Inc. Based on staff's analysis and the report by a forensic auditory expert, staff concluded that the companies' TPVs have been digitally edited and falsified, and therefore are invalid TPVs.
- **Annual Cramming and Consumer Education Issues Meeting:** Staff convened this annual meeting pursuant to Ordering Paragraph 3 of D.10-10-034, which directs all Billing Telephone Corporations (BTCs) who offer third-party billing and collection services to meet annually to develop educational materials on how to avoid cramming, and to discuss actions taken by BTCs to inform customers of the ability to block third-party services and related charges. Additionally, pursuant to Rule 12 of D.10-10-034, Wireless BTCs discussed recent developments in the wireless industry. The Public Advisor's Office gave a presentation about the CalPhoneInfo and TEAM website, and the

## California Public Utilities Commission | Safety and Enforcement Division

Communications Division provided a presentation on the potential impact of the Prepaid Mobile Telephony Services Surcharge Collection Act.

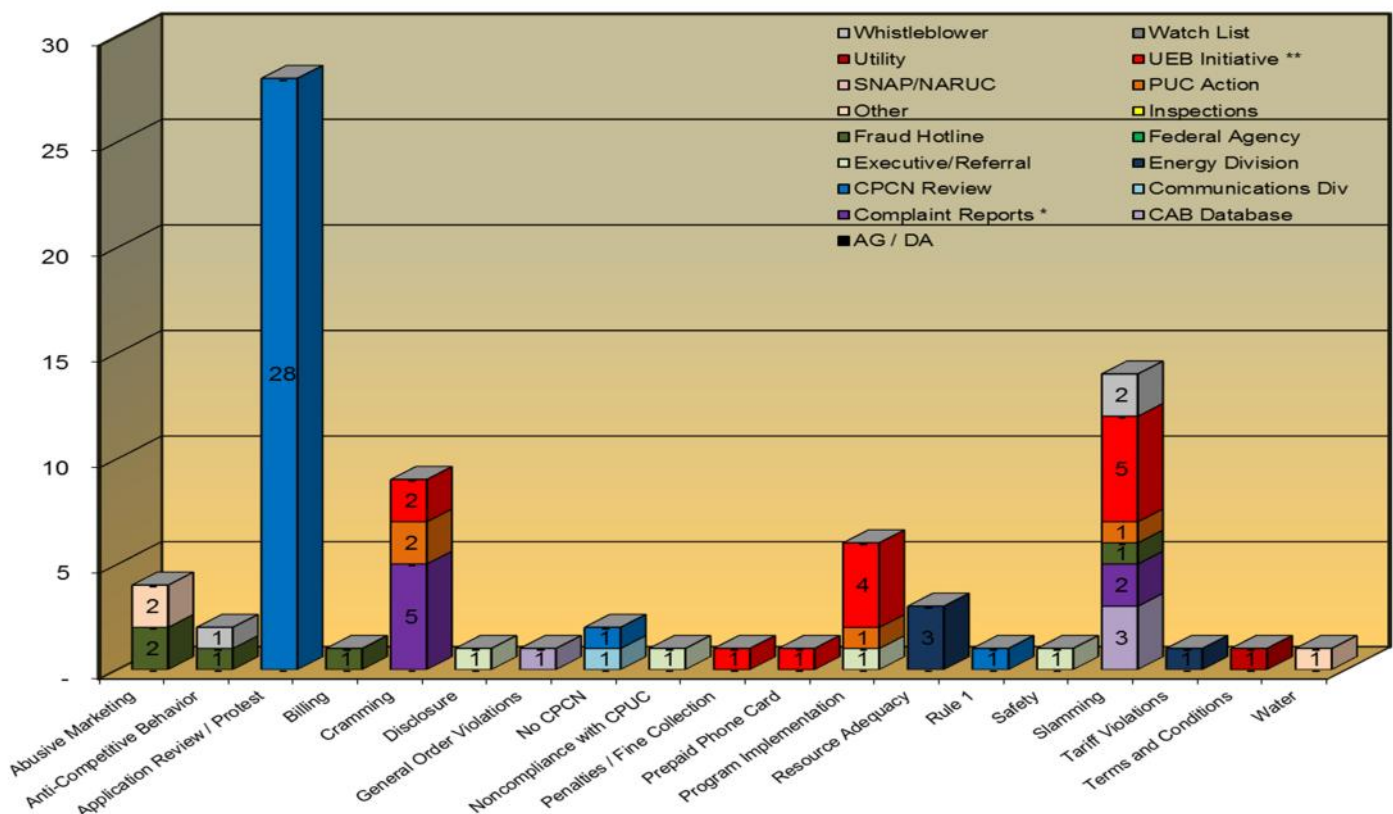
### OUTREACH, TRAINING AND OTHER ACTIVITIES

- Staff attended the December SNAP (State National Action Plan) conference call, where primary topics were the proposed changes to the Telephone Consumer Protection Act, which will allow for robocalls without consent from debt collectors, and the 2015 Connect America Fund, designed to stimulate broadband buildout in high-cost areas.

### ONGOING ENFORCEMENT ACTIVITIES

UEB is currently working on a total of 79 cases. Investigations center primarily on Application Protests, Cramming, and Slamming. UEB's cases come from a variety of sources, with Application Reviews, Consumer Complaints, and UEB's own initiation playing key roles.

Cases by Types and Sources as of February 29, 2016



\* Complaint Reports consist of aggregated data from the CIMS database, Billing Aggregator Reports, and Billing Telephone Companies.

\*\* Actions taken on Utility Enforcement Branch's own initiative to meet Branch/Division goals and/or improve internal processes.

## TRANSPORTATION ENFORCEMENT BRANCH

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### POLICY PROCEEDINGS

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- **TNC Rulemaking (R.12-02-011) (ALJ Mason/Commissioner Randolph) (Advocacy):** Opening and reply comments on proposed decision (on Phase II issues) submitted; decision is on the 3/17/16 Commission meeting agenda.
- **Passenger Stage Corporation Certificate Rulemaking (R.09-12-001) (ALJ Colbert/Commissioner Florio) (Advisory):** On September 24, 2015 – Law Office of Daniel Baker filed Petition for Modification of D.15-05-029 re: 15% Zone of Rate Freedom window. Reopens proceeding.

### ENFORCEMENT PROCEEDINGS

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- **TNC Rulemaking (R.12-12-011)(ALJ Mason/Commissioner Randolph) (Advocacy):** Order to Show Cause regarding Rasier's and Lyft's failure to submit data as required by the Commission. On February 12, 2016 – Rasier filed Application for Rehearing of D.16-01-014; on February 29, 2016 – SED filed response to Rasier Application for Rehearing.

### CITATION APPEAL PROCEEDINGS

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- **FC-682 (Long): Joe Santanella dba Shuttle It (TCP 28677):** Imposes a \$1,000 fine for failure to provide documents. On January 26, 2016 – carrier failed to call into the scheduled prehearing teleconference. Copy of Santanella's Request for Revocation form submitted to ALJ Smith.
- **FC-718 (Mason): Joseph Elias dba Showtime Transportation (TCP 29245):** Imposes a \$4,000 fine for operating while suspended, insurance violations, and General Order violations. Respondent is located in Stockton. Evidentiary hearing held; carrier failed to show. ALJ gave carrier a week to respond to SED's statements at the hearing.
- **FC-772 (MacDonald): Yabsra Transportation LLC (TCP 31748):** Imposes a \$3,000 fine for violations of the Public Utilities Code and General Order 157-D. Respondent is located in San Diego. On February 12, 2016 – appeal received.

### CARRIER APPLICATION PROCEEDINGS

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- **Shahnavaz Ezzati, dba Lucky Shuttle / A.13-10-016 / Examiner Malashenko (Advisory):** Proposed Decision is on the 3/17/16 Commission meeting agenda.

- **Silverado Stages, Inc./A.13-10-023/Examiner Malashenko (Advisory):** Staff reviewing a portion of the expansion request.
- **RidePal Inc./A.13-12-014 (Commissioner Randolph/ALJ Mason) (Advocacy):** Received notification on October 22, 2015 that company is liquidating its assets. On December 4, 2015 -- applicant's counsel moved to withdraw representation.
- **Adriana O'Farrell, dba Metro Express of California/A.14-03-005/Examiner Malashenko (Advisory):** Amendment requested. Carrier refuses to respond to SED inquiry.
- **Kong Da Express/A.14-10-016/Examiner Malashenko (Advisory):** Applicant did not respond to SED data request. Likely operational. Referred for enforcement. Proposed Decision is on 3/17/16 Commission meeting agenda.
- **Curtin Maritime/A.15-01-005 and Avalon Freight Services/A.14-10-015 (Commissioner Randolph/ALJ Farrar) (Advisory):** Seeks CPCN to operate as a vessel transport of freight between Port of Long Beach and all points on Santa Catalina Island, and between any points on Santa Catalina Island. Item (proposed decision and alternate proposed decision) was withdrawn from 2/25/16 Commission meeting agenda.
- **Kiddy Cab Shuttle, Inc./A.15-01-012/Examiner Malashenko (Advisory):** Amendment requested. Carrier refuses to respond to SED inquiry.
- **MR Shuttle LLC /A.15-04-024/Examiner Malashenko (Advisory):** Proposed Decision is on 3/17/16 Commission meeting agenda.
- **Airport Connection, Inc. dba Roadrunner Shuttle /A.15-07-011/Examiner Malashenko (Advisory):** SED prepared Proposed Decision.
- **Kidzjet Inc./A.15-08-008/Examiner Malashenko (Advisory):** Application to expand its authority to transport unaccompanied minors in Alameda, Contra Costa, Marin, San Francisco, Napa, Sonoma, and Solano counties and to modify its Zone of Rate Freedom. On February 22, 2016 – D.16-02-013 grants application, closes proceeding.
- **Blue & Gold Fleet, L.P. (A.15-08-009) (ALJ Ayode/Commissioner Randolph) (Advocacy):** Application for Authority to adjust fares on Its Vessel Common Carrier service on San Francisco Bay between Tiburon and authorized points in San Francisco. Prehearing conference set for March 29, 2016.
- **PropSF, LLC (A.15-08-014) (ALJ Edmister/Commissioner Randolph) (Advocacy)** Application for authority to operate as a scheduled vessel common carrier between points in Redwood City, Alameda, San Rafael, Emeryville, Oakland, San Leandro, and San Francisco and to establish a ZORF. On February 18, 2016 – SF Bay Area Water Emergency Transportation Authority filed response to amended application.
- **Let's Go Now! LLC/A.15-08-020/Examiner Malashenko (Advisory)** Application for authority to provide service between Modesto, Stockton and Tracy, on the one hand, and San



Francisco International Airport, on the other hand; and to establish a Zone of Rate Freedom. ALJ reviewing SED's prepared Proposed Decision.

- **Megabus West, LLC / A.15-08-021 / Examiner Malashenko (Advisory):** Application to revise rates and Zone of Rate Freedom for existing service between Anaheim, Los Angeles, Burbank, Oakland, San Jose, San Francisco and Sacramento. On February 18, 2016 – D.16-02-012 grants application, closes proceeding.
- **Gallo Express, LLC/A.15-08-026/Examiner Malashenko (Advisory):** Application for authority to provide service between San Diego, Imperial, Orange, Los Angeles, San Bernardino, Riverside, Kern, Tulare, Fresno, Monterey, Santa Clara, San Francisco, Alameda, and Sacramento and establish a Zone of Rate Freedom. On February 18, 2016 – D.16-02-015 grants application, closes proceeding.
- **Erasmus Sanchez, doing business as Sanchez Express/A.15-09-008/Examiner Malashenko (Advisory):** On February 18, 2016 – D.16-02-016 grants application, closes proceeding.
- **Swoop Shuttle Service LLC, doing business as Swoop/A.15-11-004/Examiner Malashenko (Advisory):** Application for authority to provide service on/within California Polytechnic University in San Luis Obispo. Possible dismissal – Staff working with Applicant to determine whether service will operate in a single city.
- **Tideline Marine Group, Inc. doing business as Tideline Water Taxi/A.15-12-021/Examiner Malashenko (Advisory):** Application for authority to provide unscheduled, on-call water taxi service and scheduled service between points in the San Francisco Bay. Case to be reassigned to ALJ.
- **El Monte Transportation LLC / A.15-12-024 / Examiner Malashenko (Advisory):** Application for authority to provide on-call transportation of passengers and baggage between San Diego, Imperial, Orange, Los Angeles, San Bernardino, Riverside, Kern, Tulare, Fresno, Monterey, Santa Clara, San Francisco, Alameda, and Sacramento counties. On February 25, 2016 – D.16-02-029 grants application, closes proceeding.
- **Temecula Air Shuttle LLC / A.16-02-010 / Examiner Malashenko (Advisory):** Application for authority to operate as a passenger stage corporation between points in the Counties of Riverside, San Diego, and the San Diego International Airport and grant a ZORF (zone of rate freedom) applicable to the fares authorized. Staff reviewing application.

### ENFORCEMENT ACTIVITY

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TEB is working on a total of 180 cases. Investigations center on illegal carriers or violations of the Public Utilities Code, General Orders or Commission decisions. TEB's cases come from a variety of sources, such as complaints from carriers or consumers, and those opened on TEB's inspections or own initiative.

In February 2016, TEB closed 36 cases, initiated 13 cases and issued fines totaling \$14,500.

Enforcement Activities	Passenger Carriers	Household Goods
Investigations Initiated	6	7
Investigations Completed	23	13
Open Investigations	107	73
Cease and Desist Orders	7	9
Administrative Citations	3	2
Fines Assessed	\$8,000	\$6,500

### LAX ONSITE CITATION PROGRAM

TEB maintains one full-time inspector at the Los Angeles International Airport. LAX activity ebbs and flows, depending on the specific focus of LAX law enforcement. In January and February, law enforcement prioritized Homeland Security efforts over passenger carrier enforcement.

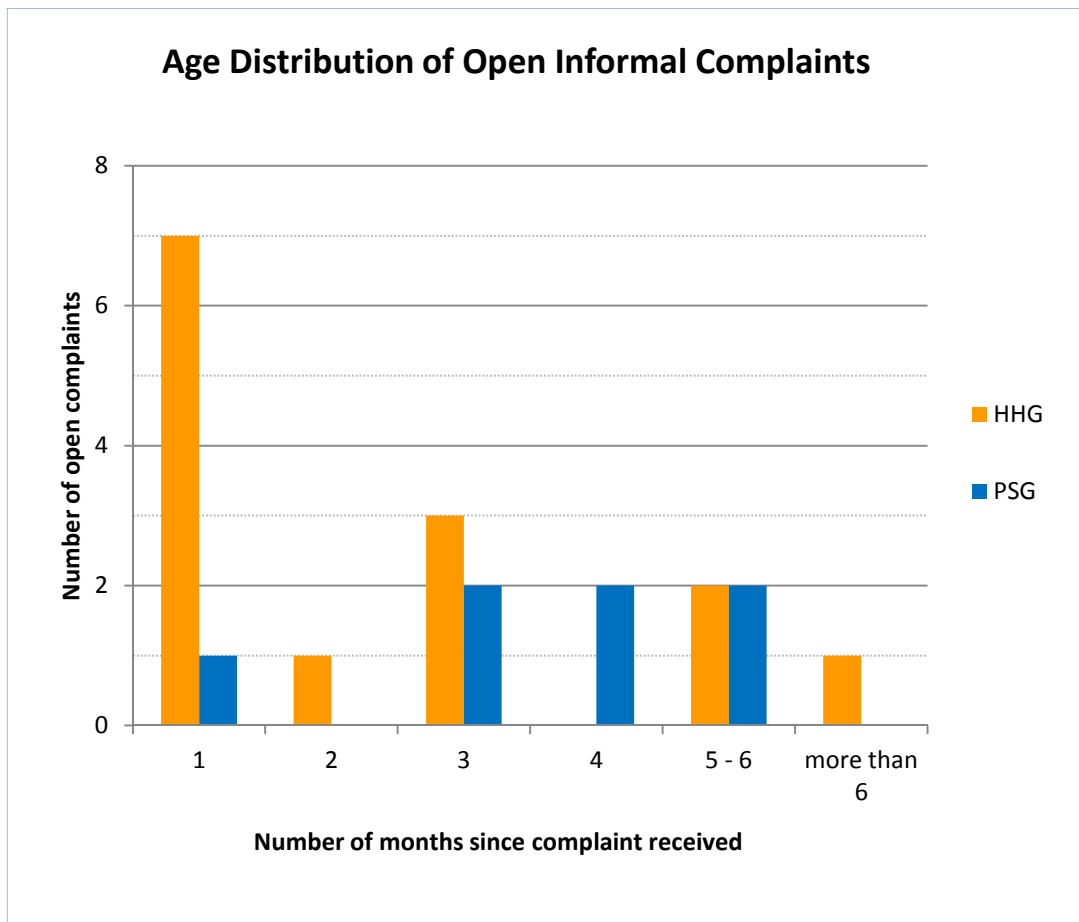
CPUC Citations	LAX PD Citations	Vehicles Impounded	Cease & Desist Notices	Fines Collected
1	5	5	1	\$3,000

### CONSUMER INTAKE COMPLAINT SETTLEMENTS

This month, TEB Consumer Intake staff negotiated settlements for 8 consumers for \$25,087 in restitution from carriers. Successful and appropriate intervention provides faster restitution to consumers, and potentially reduces the number of cases assigned to an investigator.

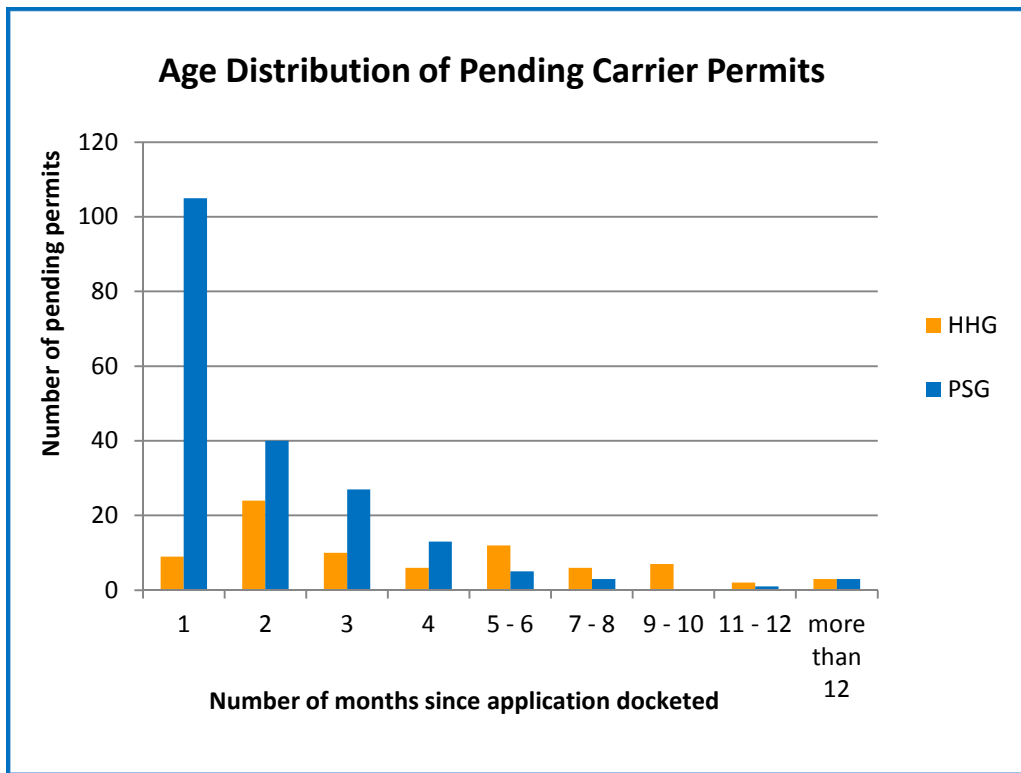
- **CIU 20150276 – White Gold Moving and Storage Inc., Los Angeles (MTR 191159).** Carrier to refund \$500 for overcharges.
- **CIU 20150405 – JRL Transportation Inc., San Diego (MTR 191182).** Mover paid shipper \$12,000 for loss and damage and \$402.25 for overcharges.
- **CIU 20150492 – Elite Moving Services Corporation, Fontana (MTR 191181).** Mover paid shipper \$402 for overcharges and loss and damage.
- **CIU 20160008 – Denver Moving and Storage LLC dba Johnson Storage and Moving Company-San Diego LLC, Centennial, CO (MTR 190158).** Mover paid shipper \$6,221.49 for a court judgement.

- **CIU 20160008 – Denver Moving and Storage LLC dba Johnson Storage and Moving Company-San Diego LLC, Centennial, CO (MTR 190158).** Mover paid shipper \$6,221.49 for a court judgement.
- **CIU 20160011 – Red Vans Mgmt. Services Inc. dba Shuttle 2 LAX, Hawthorne (TCP 19866).** Carrier refunded \$185 for failure to provide contracted service.
- **CIU 20160051 – Personalized Luxury Transportation LLC, San Diego (TCP 25574).** Carrier refunded \$425 for failure to provide contracted service.
- **CIU 20160079 – James Victor Lynch dba Storage On the Run, San Diego (MTR 191228).** Mover waived \$700 for loss and damage.
- **CIU 20160081 – Chipman Corporation dba Chipman Relocations, Alameda (MTR 114272).** Mover paid shipper \$4,251 for loss and damage.



APPLICATION AND PERMIT ACTIVITY

Type of Activity	Passenger Carrier	Household Goods
New Applications Received	87	6
Renewal Applications Received	212	0
Refile Applications Received	22	3
Transfer Applications Received	3	0
Permits Issued	261	8
Permits Suspended	381	34
Permits Revoked	114	29
Permits Reinstated (Suspended/Revoked)	296	43
Applications awaiting action by DMV and/or CHP	461	89
Carrier-initiated Suspensions	30	-
Carrier-initiated Revocations	16	-
Vehicles Added/Deleted	787	-
Address and Business Name Changes	150	-
Terminal Inspection Notices Sent to CHP	172	-
<b>Total Active/Suspended Authorities as of 2/29/2016</b>	<b>8911</b>	<b>1059</b>



## OUTREACH, TRAINING AND OTHER ACTIVITIES

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- **February 10, 2016 – San Francisco.** Mayor Edwin M. Lee hosted a Tour Bus Safety Summit at San Francisco City Hall to discuss the current state of tour bus safety in San Francisco, and identify initiatives that operators and city agencies can implement immediately to address safety concerns. Invitees included tour bus operators, the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Police Department (SFPD), the CPUC and the CHP. Valerie Beck attended the Summit and spoke about CPUC Transportation Enforcement, and our partnership with SFMTA and SFPD. Valerie met with SFMTA the week before to brainstorm future enforcement activities. A recurring challenge to “sting” operations in San Francisco is the lack of nearby and suitable locations to house impounded vehicles. SFMTA will identify city facilities suitable for that purpose.
  - **February 27, 2016 - Muir Woods, Mill Valley.** San Francisco Enforcement staff along with the Motor Carrier unit from California Highway Patrol (CHP) conducted inspections of tour buses. A total of 16 vehicles were inspected. The inspection found one carrier did not have the bus on the carrier’s equipment list and one bus did not have the signage on the bus updated with the correct business name.
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