



Monthly Activity Report

**Consumer Protection and Enforcement
Division | California Public Utilities
Commission | December 2018**

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OVERVIEW

The Consumer Protection and Enforcement Division (CPED) serves as the first line of defense for California utility customers. CPED collects and resolves consumer complaints, establishes and enforces rules and regulations for transportation carriers, and investigates allegations of utility waste, fraud, and abuse. CPED is comprised of three separate programs: Consumer Affairs, Transportation Oversight, and Utilities Enforcement.

This report contains information reflecting the month's activity within each of the three CPED programs. Information about each program is collected in seven different sections: (1) Monthly Highlights, (2) Key Activities, (3) Citations/Fines/Refunds, (4) Compliance with Ordering Paragraphs, (5) Docket Activity, (6) Outreach/Training/Other Activities, and (7) Legislation of Interest.

CONSUMER AFFAIRS

The Consumer Affairs program is overseen by the Consumer Affairs Branch (CAB). CAB provides assistance to consumers over the phone and in writing by answering questions and addressing informal complaints regarding CPUC-regulated communications, energy, and water utilities. CAB also acts as a conduit of consumer information for CPUC decision-makers.

MONTHLY HIGHLIGHTS

- CAB participated meetings with the Communications Division and telecommunications carriers regarding the transition to a new Administrator for the LifeLine program in California (Maximus).
- CAB continued its collaboration with IT on the development of the CIMS-QA project to automate CAB's quality assurance process regarding consumer case data entered into CAB's database.

KEY ACTIVITIES

In December, CAB provided assistance to consumers that contacted us seeking assistance via our statewide 800 number. Through the 800 number, consumers accessed CAB's consumer assistance information line menus 13,903 times and opted to speak to a live representative 2,790 times. Live consumer calls regularly result in referral to the utilities' high-level internal consumer assistance groups for expedited

resolution of consumer-identified issues. Live calls may also result in providing answers to consumer questions or providing them with referral information on utilities, service providers, and other entities that are not regulated by the CPUC. In addition to assisting consumers with complaints, questions and information referrals via telephone, CAB received 886 contacts from consumers that were seeking assistance, via U.S. mail, fax, or online complaint form. At the end of December, CAB had closed 957 written contacts and was in process of addressing an additional 1,309 written contacts.

CAB Activity for December 2018	
Data for Telephone Contacts	
Calls to Assistance Line	13,903
Live Calls Answered	2,790
Data for Written Contacts Processed*	
New Written Contacts Received	886
Written Contacts Closed	957
Written Contacts Being Processed**	1,309

* Written contacts closed may differ from the number of written contacts received in a month since cases received in previous months may be resolved in the current month.

** Depending on the timing of when written contacts were received and the complexity of the issue, written contacts may not be resolved during the month in which they were received. These contacts are in process and are under review by CAB and the utility service provider.

CAB also responds to requests from internal and external entities for consumer contact data. However, in December, a traditionally slower time of the year, CAB received no data requests.

CITATIONS/FINES/REFUNDS

CAB helped California consumers secure \$30,616.44 worth of refunds and credits in December 2018.

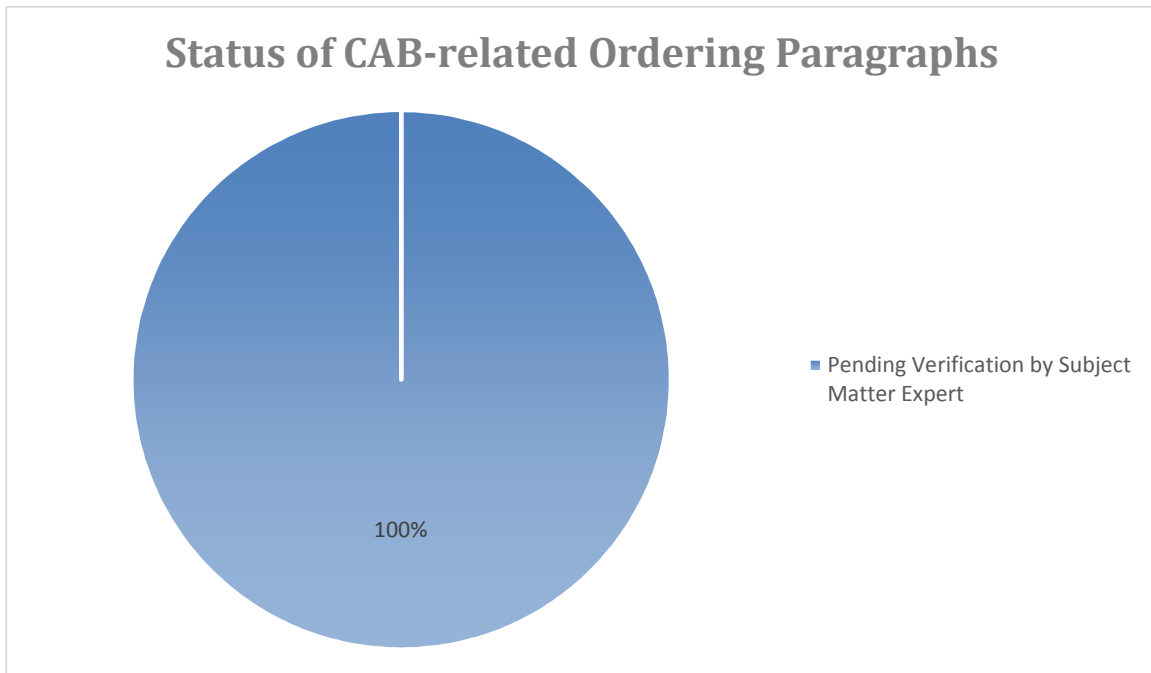
Date	Refund/Credit Amount*
December 2018	\$30,616.44
Cumulative 2018	\$1,034,046.17

* Refund amounts may be underreported in cases where a utility does not share refund information in its response to CAB. This may occur in cases where Voice over Internet Protocol (VoIP) telephone service is involved. VoIP services are governed under

Public Utilities Code Section 710. Also, CAB does not currently have a process that enables follow-up on consumer phone contacts that are transferred to the company for expedited resolution. Thus, the refund amount reflected may be underreported since the company may resolve the consumer’s issue after the transfer is made, including the offering of a refund.

CAB does not issue citations or fines, but instead may negotiate refunds through its informal complaint resolution process. Most refunds secured by CAB are the result of incorrect billing of a utility consumer or from discretionary refunds provided by the utility.

COMPLIANCE WITH ORDERING PARAGRAPHS



There were zero CAB-related Ordering Paragraphs (OPs) enacted in December. However, in total, CAB was responsible for three OPs that are “Pending Verification by Subject Matter Expert” from previous months.

CAB proactively contacts the utilities and attempts to gather the information and inform the utility of CAB’s role. Once the utilities comply, the information will be entered into the CPUC’s Utility Contact System (UCS) database that houses contact information for utilities authorized to provide service in California. In addition, the OP’s status is updated in the COPs database to “In Compliance”.

*Previously captured as “Not Compliance Items”.

DOCKET ACTIVITY

CAB monitored 11 open proceedings in December that have consumer impacts. These items appeared on the CPUC's December Voting Agendas and decisions were reached on six of them; two items were held for a future meeting and three items were withdrawn.

1. D1812008: This decision dismisses the complaint of Judy Krausie against Frontier California, Inc. (ECP) Judy Krausie vs. Frontier California Inc. f/k/a Verizon California, Inc.,
2. D1812013: This decision adopts Interim Rules to Reduce Residential Customer Disconnections for California-Jurisdictional Energy Utilities OIR to consider new approaches to disconnections and reconnections to improve energy access and contain costs.
3. D1812017: This decision grants Bandwidth.com CLEC's transfer of control application to David A. Morken.
4. D1812019: This decision establishes criteria for government partnerships, a framework for pilot programs and the submission of pilot program proposals to the Commission for consideration and approval regarding Revisions to the California Universal Telephone Service (LifeLine) Program.
5. D1812020: This decision conditionally approves the application for Cal Water for a CPCN. Requires Cal Water to file by application, rather than by advice letter, to serve areas located outside of the Travis Air Force Base.
6. D1812021: This decision approves the application of California-American Water Company authorizes an increase of its Revenues for Water Service by \$34,559,200 or 16.29% in the year 2018, by \$8,478,500 or 3.43% in the year 2019, and by \$7,742,600 or 3.03% in the year 2020.

The following items were held for a future meeting:

1. Closed Session, C1612004: Conference with Legal Counsel - Application for Rehearing; DeJong Brothers Farming, et al vs. PG&E regarding Commission denial to prevent removal of almond trees.
2. Closed Session: Conference with Legal Counsel - Application for Rehearing Disposition of Applications for Rehearing of Decision (D.) 18-09-017, filed Marina Coast Water District (MCWD) and City of Marina (Marina). In D.18-09-

017, the Commission approved a modified Monterey Peninsula Water Supply Project (Project), adopted two settlement agreements, issued a certificate of public convenience and necessity (nd certified the combined Final Environmental Impact Report/Environmental Impact Statement (FEIR) and adopted a Statement of Overriding Consideration."

The following items were withdrawn: Resolution W-5177, Applications 1705022 and 1709007.

** A Certificate of Public Convenience and Necessity is required to lawfully operate a utility company in California and is granted by the CPUC.

OUTREACH/TRAINING/OTHER ACTIVITIES

None.

LEGISLATION OF INTEREST

None.

TRANSPORTATION OVERSIGHT

The Commission's Transportation Oversight program oversees for-hire passenger carriers (limousines, airport shuttles, chartered and scheduled bus operators, transportation network companies, and ferries). The program consists of two branches: the Transportation Enforcement Branch (TEB) and the Transportation Licensing and Analysis Branch (TLAB).

TEB investigates alleged violations, issues citations, prosecutes enforcement cases before the Commission and supports civil and criminal cases brought by local prosecutors, such as a district or city attorney. TEB also staffs a consumer complaint 800 phone line and conducts outreach activities to educate consumers, carriers, and state and local law enforcement and prosecutors on consumer protection statutes, regulations and policies that affect passenger transportation.

TLAB's License Section analyzes applications from carriers, writes proposed decisions to approve or deny a carrier's CPCN application, issues permits and certificates, and tracks carrier compliance with permit requirements while TLAB's Analysis Section serves a role analogous to that of an "industry division" by functioning as the

Commission’s subject matter expert and advising decision-makers regarding for-hire carriers.

MONTHLY HIGHLIGHTS

- On December 5, TLAB hosted the first of no less than five workshops intended to gather feedback from stakeholders on how to implement TNC accessibility rules pursuant to SB 1376.

KEY ACTIVITIES

Carrier Application and Permit Activity

In December 2018, TLAB staff received 181 applications this month (new, renewals, refiles, transfers), and issued 181 permits. TLAB completed but cannot approve 336 additional applications until the CHP completes bus terminal inspections (CHP requires 60 days) and/or the carrier provides proof of insurance or enrollment in a drug testing program (up to 7 days). One new TNC application is under review. TLAB also issued one TCP permit for autonomous vehicle (AV) testing.

Passenger Carrier Activity	Total
New Applications Docketed	29
Renewal Applications Docketed	136
Refile Applications Docketed	14
Transfer Applications Docketed	2
Authorities Issued	181
Authorities Suspended	300
Authorities Revoked	60
Authorities Reinstated (Suspended/Revoked)	192
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	146
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	190
Pending Reinstatement from Suspension and Revocation	14
Total Active/Suspended Authorities as of 12/31/2018	6,777
Number of Voluntary Suspensions	28
Number of Voluntary Revocations	6

Number of vehicles added to Passenger Carrier Equipment Statements	291
Address and DBA Changes	92
Vehicle inspection requests sent to CHP	223
Returned Applications (incomplete package)	37

Enforcement Activities

TEB is working on a total of 147 cases. Investigations center on illegal carriers and violations of the Public Utilities Code, General Orders, and/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 own initiative. Cases submitted to local district attorneys' offices are in various stages of prosecution in Los Angeles, Orange, Riverside, San Diego, and Santa Clara counties.

In December 2018, TEB closed 19 cases and initiated 12 new cases.

Enforcement Activity	Volume
Open Cases as of 12/1/18	154
New Investigation Initiated	12
Investigations Completed	19
Cases Open as of 12/31/18	147
Cease and Desist Notices	11
Official Notices	0
Administrative Citations	8

CITATIONS/FINES/REFUNDS

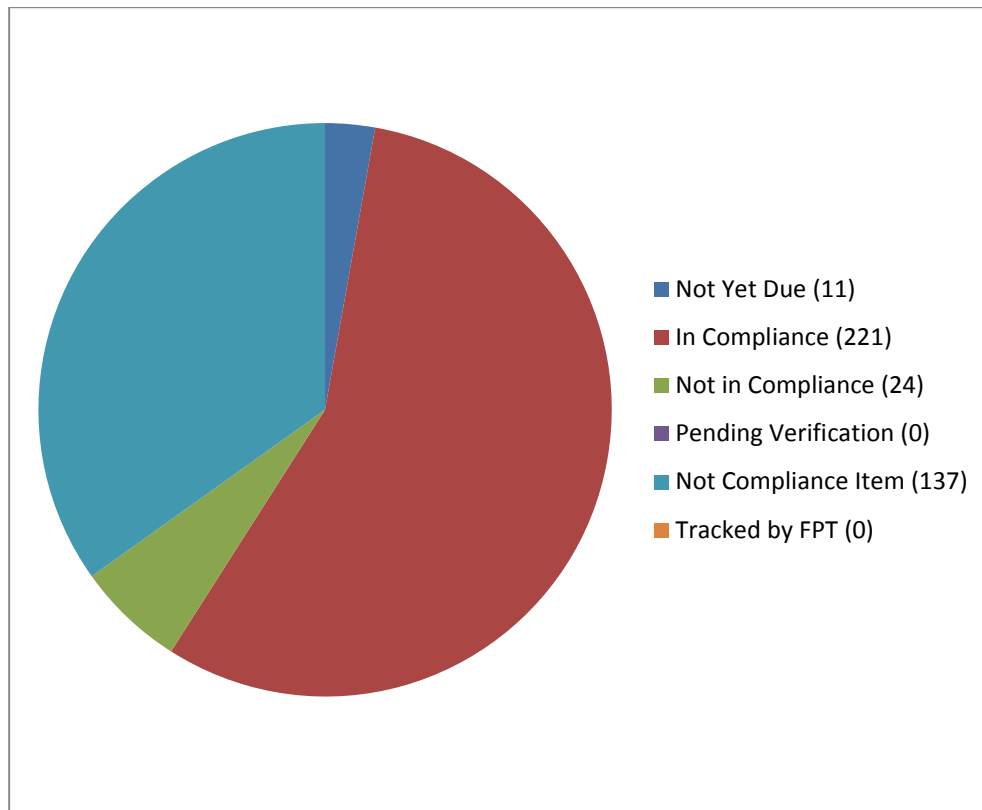
TEB Activity	Amount
Fine Assessed	\$31,500
Fines Paid	\$44,140
Overcharge Refunds/Claims Settlements by CIU Rep	\$1,984

- F-5477. David Hernandez, Oakley, Unlicensed. Case: PSG-4796. Fine: \$1,000. Violation: Advertising without a valid authority.
- Brewen's Infinity Experiences LLC, Murrieta, TCP 92562. Case: PSG-4832. Fine: \$2,000. Violations: Carrier 1) operated during suspension; 2) operated without workers' compensation (WKCP) insurance; and 3) failed to provide complete waybills. Carrier also failed to list TCP number in advertisements.
- F-5507. Roger Yang dba Bay Tours, Cupertino, TCP 13920. Case: PSG-4764. Fine: \$10,000. Violations: carrier 1) operated after expiration; 2) operated without Public Liability and Property Damage insurance; and 3) failed to enroll in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (EPN). Carrier also underreported gross revenue and underpaid Public Utilities Commission Transportation Reimbursement Account (PUCTRA) fees and advertised without a valid authority.
- F-5508. San Francisco Love Tours, Inc., Daly City, TCP 35069. Case: PSG-4660. Fine: \$8,000. Violations: carrier 1) operated after suspension and revocation of its authority; 2) failed to maintain workers' compensation insurance; and 3) failed to enroll in the DMV EPN program. Carrier also failed to enroll in the Drug and Alcohol Testing program.
- F-5509. Richard Lyle Boatman dba Midmod Design Tours, Palm Springs, TCP 38133. Case: PSG-4626. Fine: \$3,000. Violations: carrier 1) operated without a valid operating authority; and 2) advertised without a valid operating authority.
- F-5510. San Diego Charter, Inc. dba San Diego Party Bus, San Diego, TCP 18347. Case: PSG-4751. Fine: \$2,000. Violations: carrier 1) failed to enroll in the DMV EPN program; and 2) failed to enroll in the Drug and Alcohol program.
- F-5511. Michelle Waters dba Executive VIP Airport Shuttle, Temecula, TCP 19158. Case: PSG-4704. Fine: \$3,500. Violations: carrier 1) operated without a valid operating authority; and 2) advertised without a valid operating authority.
- F-5512. Simplemente Beatriz, Inc., Wilmington, TCP 22137. Case: PSG-4812. Fine: \$2,000. Violations: carrier 1) operated after expiration; 2) failed to maintain workers' compensation insurance; and 3) failed to list TCP number in advertisements. Carrier also failed to have complete waybills and underreported PUCTRA fees.

Airport Citation Program

Airport	Citations issued by LAX police	Vehicles impounded	Citations issued by CPUC	Warning letters issued by CPUC	Total fines collected
LAX (Los Angeles International Airport)	12 (11 - unlicensed and 1 - GO 157)	11	5	9	\$5,000

COMPLIANCE WITH ORDERING PARAGRAPHS



The Transportation Program is currently responsible for 393 separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and DMV pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. And finally, OPs introduce new reporting requirements and transportation policies.

DOCKET ACTIVITY

Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason / Randolph**

SB 1376 Workshop: On December 5, 2018, TLAB management and staff conducted a Workshop to begin implementation of Senate Bill (SB) 1376 (Hill, 2018) – the TNC Access for All Act – related to accessibility for persons with disabilities, particularly persons who need wheelchair accessible vehicles (WAVs), in the on-demand transportation provided by TNCs. Notable attendees included the author of the legislation, State Senator Jerry Hill, as well as Commissioner Randolph. TLAB staff presented an overview of the legislation and facilitated the event that included as panelists paratransit operators, TNCs, and advocates for accessible transportation. More than 50 people attended the Workshop.

AV Accessibility Working Group: On December 5, 2018, TLAB management and staff conducted a meeting of the CPUC’s Autonomous Vehicle (AV) Accessibility Working Group, formed pursuant to Decision 18-05-043, to discuss issues related to accessibility for persons with disabilities in transportation provided using AVs. Participants in the meeting included AV companies, state agencies, local government transportation planners, academic researchers, advocates for accessible transportation, and advocates for environmental and social justice. The meeting included more than 30 participants in-person and over the phone.

Enforcement Proceedings

- None

Citation Appeals

- None

Carrier Application Proceedings

- **A.18-00-003 / Application of Service First Northern California** for authority to operate a scheduled and on-call Passenger Stage Corporation Throughout Northern California; and to establish a Zone of Rate Freedom / **12/3/18 Applicant to determine if they should apply for a TCP instead of a PSC.**

OUTREACH/TRAINING/OTHER ACTIVITIES

Other Actions

- None

Joint Agencies Work

- TEB staff, San Francisco International Airport's (SFO) Ground Transportation Unit (GTU) and San Francisco Airport Police work jointly to address complaints of unlicensed providers of passenger transportation at the airport. This month, TEB's investigator inspected 750 vehicles and found six carriers operating with a suspended, revoked or expired permit and two carriers that failed to update their respective equipment lists.
- TEB management and staff hold a standing monthly meeting with SFO's GTU and SFO Airport Police to discuss transportation issues and develop enforcement strategies. The three agencies met on December 9, 2018.

Outreach to Regulatory/Enforcement Agencies

- None

Training

- **Excel Level 2 Training, Sacramento CA, December 13, 2018.** TEB staff attended training to improve their skills in the use of Excel formulas. Staff gained experience in effectively streamlining and analyzing spreadsheet data. For example, TEB staff created and used named ranges as well as count, sum, lookup, date, time, and text functions to analyze various spreadsheet data.
- **Presentation Skills Training, Sacramento CA, December 19 to 20, 2018.** TEB staff attended training to increase their level of competence and comfort in delivering effective and engaging presentations such as writing succinct and purposeful presentations and identifying and practicing verbal and nonverbal elements of effective delivery style.
- **ArcGIS 1 and 2 Training, Redlands CA, December 17 through December 21, 2018.** Four staff from TEB and TLAB attended a five-day ArcGIS training, a geographic information system (GIS) training that helped improve staff's ability to gather, manage and analyze California transportation data. The training covered introductory and intermediate topics to give staff the tools to analyze spatial location data and organize layers of information into visualizations using maps and 3D scenes.

LEGISLATION OF INTEREST

None.

UTILITIES ENFORCEMENT

The Utilities Enforcement program is overseen by the Utilities Enforcement Branch (UEB). UEB protects California utility consumers from fraud and abuse by ensuring that service providers comply with consumer protection laws and regulations. UEB investigates alleged violations by utilities, including communications (both wireline and wireless), energy (both electric and gas), and water companies. When sufficient evidence of violation is uncovered, UEB brings cases before the CPUC to seek appropriate remedies for consumers and/or penalties.

MONTHLY HIGHLIGHTS

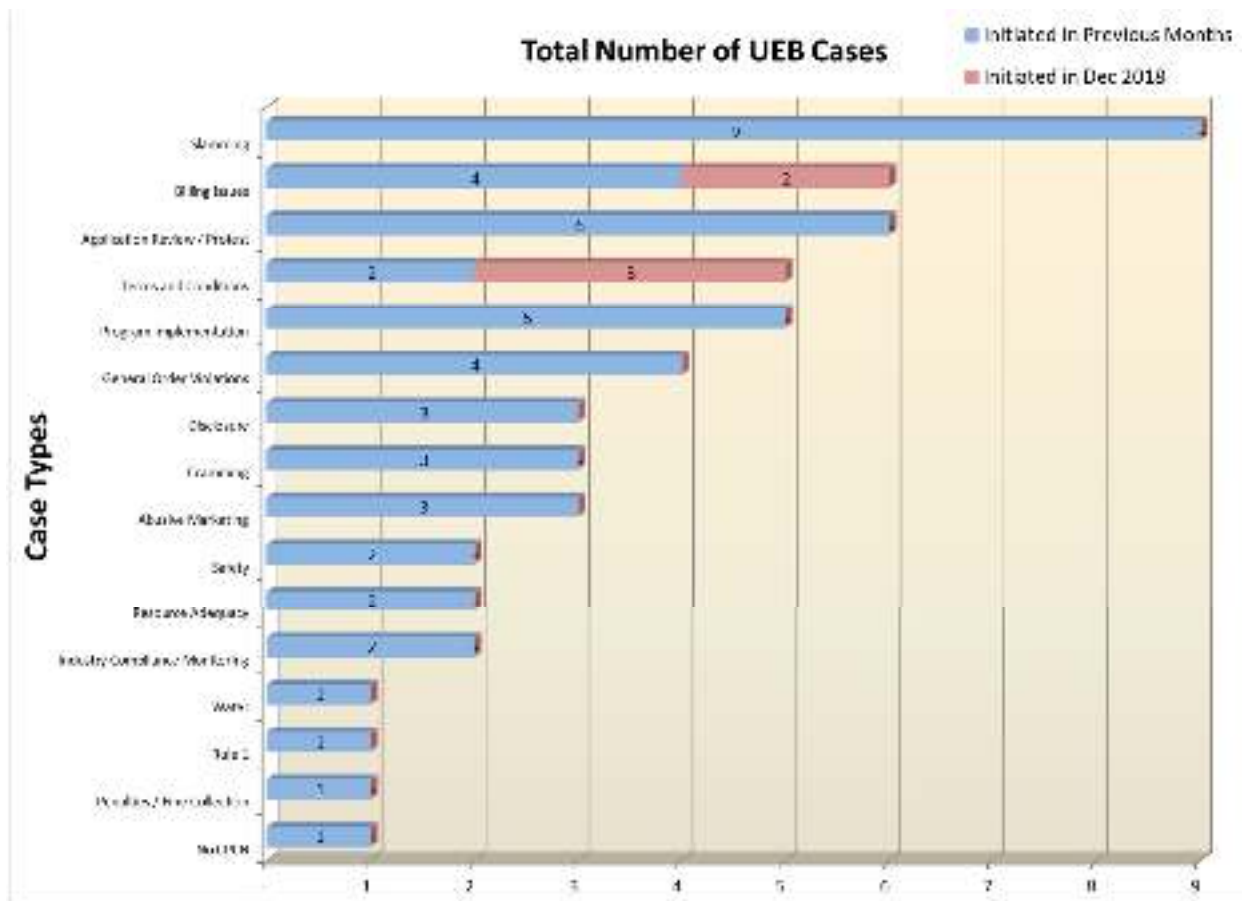
- **Miron Enterprises, LLC (A.18-10-005) (Commissioner Randolph/ALJ Kline):** UEB staff and Legal counsel held a conference call with Miron Enterprise to discuss possible resolution to the protest issues. CPED protested Miron's registration as an Interexchange Carrier Telephone Corporation for operating in California without prior Commission authorization and failing to pay Commission user fees and surcharges.
- **TC Telephone Slamming Citation (K.18-10-001):** UEB staff and Legal counsel attended a prehearing conference to determine the positions of the parties, issues, and other procedural matters. TC Telephone appealed the Slamming citation for \$119,000 issued to them for violation of TPV requirements.
- **Preferred Long Distance (I.18-05-012) (Commissioner Rechtschaffen/ ALJ McKenzie) (Advocacy):** UEB staff filed rebuttal testimony in response to PLD's opening testimony. CPED's rebuttal showed that PLD's witnesses made numerous claims that are not substantiated and mischaracterizes CPED's staff report and investigative process.
- **Pacific Gas and Electric Company (I.18-07-008) (Commissioner Guzman-Aceves/ ALJ Kelly) (Advocacy):** The ALJ issued an Assigned Commissioner's Scoping Memo and Ruling to address issues related to the two disconnection incidents and other procedural matters.
- **San Jose Water Company (I.18-09-003) (Commissioner Aceves/ALJ Bemserfer) (Advocacy):** The ALJ issued an Assigned Commissioner's Scoping Memo and Ruling to address issues related to the Order Instituting Investigation and other procedural matters.
- **Pilot Power Group Citaiton Appeal (K.18-05-018) (ALJ Jungreis) (Advocacy):** The Commission adopted ALJ Resolution-356 resolving the citation appeal and affirming the penalty assessed against Pilot Power for \$100,709 by CPED.

Consequently, Pilot Power must pay the full penalty amount within 30 days of the Resolution.

KEY ACTIVITIES

UEB is working on a total of 54 cases. Investigations center primarily on Slamming, Billing Issues and Application Reviews. UEB's cases come from a variety of sources, with CPCN application reviews, Inter-Division referrals, and UEB's own scanning activities playing key roles.

Cases by Type as of December 31, 2018

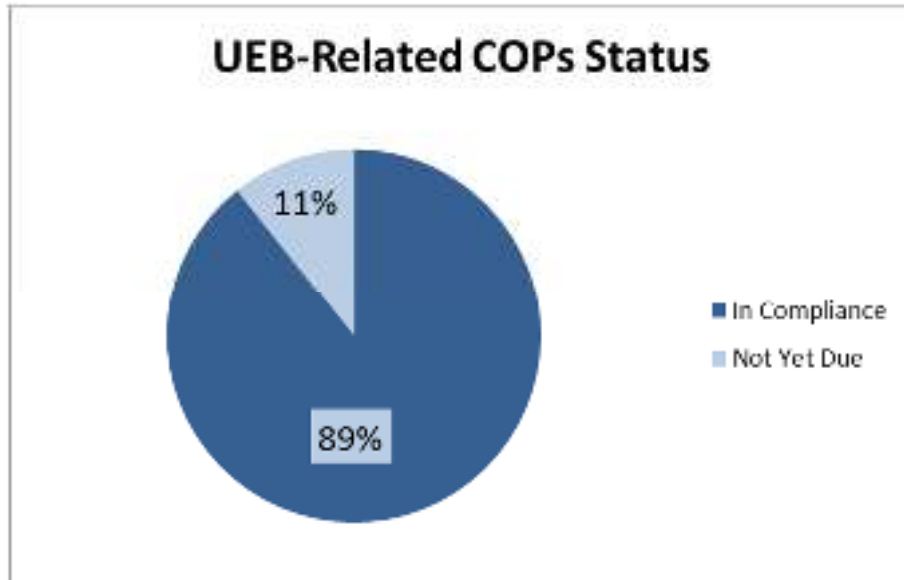


CITATIONS/FINES/REFUNDS

UEB did not issue any fines or penalties in December. Cumulative 2018 fines and penalties imposed are shown below.

Date	Citations/Fines/ Reparation Amounts
December 2018	\$0
Cumulative 2018	\$4,133,452

COMPLIANCE WITH ORDERING PARAGRAPHS



No new Ordering Paragraphs were added to UEB’s COPS tracker for the month of December. UEB is currently responsible for 28 separate Ordering Paragraphs. Of those, 25 (representing 89%) have been complied with, and compliance with the remaining 3 are not yet due. None are out of compliance.

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

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

DOCKET ACTIVITY

Docket No.	Title	ALJ	Commissioner
A.16-04-006	Application of CereTel Incorporated for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Park	Peterman
A.18-10-005	Application of Miron Enterprises, LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.	Kline	Randolph
I.15-06-018	Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Mesa-Crest Water Company (U333W) with Respect to a Series of Financial Transactions, and Possible Threats to the Health and Safety of its Ratepayers.	Colbert	Sandoval
I.17-04-021	Order Instituting Investigation on the Commission's Own Motion into the Billing Practices of Southern California Gas Company (U904G); and Order to Show Cause Why the Commission Should not Revise Rule No. 14, Impose Penalties and/or Other Remedies for Extending Billing Periods and Issuing Untimely Monthly Bills.	Ayoade	Rechtschaffen
I.17-09-021	Order Instituting Investigation on the Commission's Own Motion into the Long Term Debt Financing practices of Lake Alpine Water Company (U148WTD); and Order to Show Cause Why the Commission Should not Impose Penalties and/or Other Remedies for Violations of Public Utilities Code Sections 818, 823(b) and 823(d).	DeAngelis & Goldberg	Peterman
I.18-05-012	Order Instituting Investigation Into the Operations and Practices of Preferred Long Distance, Inc. to Determine Whether Respondents Violated the Laws, Rules, and Regulations of this State Governing the Manner in which California Consumers are Switched from Telephone Carriers and Billed for Telephone Products and Services.	McKenzie	Rechtschaffen
I.18-07-008	Order Instituting Investigation into Pacific Gas and Electric Company's (U39E) Failure to Provide a 24-hour Notice Prior to Residential Electric Service Disconnections Between July 1 and July 18, 2016 and the Adequacy of its Remedy Going Forward.	Kelly	Aceves
I.18-07-009	Order Instituting Investigation on the Commission's Own Motion into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds.	Zhang	Aceves
I.18-09-003	Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices and Conduct of the San Jose Water Company (U168W) Regarding Overbilling Practices.	Bemesderfer	Aceves
K.18-05-018	Appeal of PILOT POWER GROUP, INC. from Citation E-4195-42 issued on April 24, 2018 by the Consumer Protection and Enforcement Division.	Jungreis	N/A

K.18-10-001	Appeal of TC Telephone from Citation No.1308 - 1426 issued on August 8, 2018 by the Consumer Protection and Enforcement Division.	Zhang	N/A
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OUTREACH/TRAINING/OTHER ACTIVITIES

- Staff called the December SNAP (State National Action Plan) conference call. State agencies discussed the FCC’s requirements for mobile wireless providers and device manufactures to provide devices that do not cause interference with hearing aids and cochlear implants. Starting in 2019, service providers will submit an annual certification of compliance with the FCC’s rules and regulation, and provide on their websites additional information regarding the hearing aid compatibility of the handsets they offer.

LEGISLATION OF INTEREST

None.