



Consumer Protection and Enforcement Division



Monthly Activity Report January 2021

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OVERVIEW

The Consumer Protection and Enforcement Division (CPED) implements California Public Utilities Commission (Commission) regulations, policies, and licensing for transportation carriers; investigates and enforces against passenger carrier misconduct; and investigates allegations of utility waste, fraud, and abuse. CPED is comprised of two separate programs: Passenger Transportation and Utilities Enforcement.

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

PASSENGER TRANSPORTATION

The Commission's Transportation 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) which has three Units (Airport Enforcement Unit (AEU), Compliance Enforcement Unit (CEU), Field Enforcement Unit (FEU)) and the Transportation Licensing and Analysis Branch (TLAB).

TEB investigates alleged violations, conducts joint inspections, issues warning notices and 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 Licensing 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 functions as the Commission's subject matter expert on policy matters, and advises decision makers regarding for-hire carriers.

Key Activities

Investigations

In January 2021, TEB closed 22 investigation cases and initiated zero new cases.

Table 1. TEB Enforcement Activity

Rolling 12-Month Enforcement Activity	Feb 2020	Mar 2020	April 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Totals
Open Investigations	139	129	134	146	140	116	96	89	94	96	87	81	1347
New Investigations Initiated	16	30	34	18	4	6	11	19	20	0	6	0	164
Investigations Completed	26	25	22	24	28	26	18	14	18	9	12	22	244
Cease and Desist Notices	19	17	12	25	3	7	11	7	9	4	8	7	129
Official Notices	7	5	4	4	3	1	0	0	1	0	2	1	28
Telephone Disconnects	3	0	0	0	0	0	0	0	1	0	0	0	4
Citations	8	11	3	14	26	0	11	5	11	5	2	5	101
Citations Appealed	0	2	1	0	2	0	2	1	0	0	1	0	9

Consumer complaints increased by nine complaints in January compared to the prior month. This month, the Consumer Intake Unit (CIU) received nine complaints.

Table 2. TEB CIU Complaints Received

January 2021 CIU Complaint Activity	
Open complaints as of January 1, 2021	2
New complaints received during month	9
Complaints closed during month	6
Complaints Referred to Enforcement	4
Open complaints as of January 31, 2021	5

Table 3. CIU Complaints Referred to TEB

	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021
Open Investigations as of first day of month	42	31	27	32	33	25	24	24	22	20	20	18
New Investigations Initiated	2	9	11	8	0	1	4	3	2	0	0	0
Closed Investigations During Month	13	13	6	7	8	2	4	5	4	0	2	1
Open Investigations as of last day of month	31	27	32	33	25	24	24	22	20	20	18	17
Investigations open longer than 6 months	11	10	11	18	7	6	12	15	11	14	10	9
% of total open investigations	35%	37%	34%	54%	28%	25%	50%	68%	55%	70%	56%	53%

Carrier Application and Permit Activity

During January 2021 TLAB’s Licensing Section has received 129 applications (New, Renewals, Refiles, and Transfer) and issued 112 permits. Currently, TLAB has completed 237 additional applications but cannot approve them until the California Highway Patrol (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).

Table 4. TLAB Passenger Carrier Activity

Year-to-Date Passenger Carrier Activity	Total
New Applications Docketed	36
Renewal Applications Docketed	85
Refile Applications Docketed	4
Transfer Applications Docketed	4
Authorities Issued	112
Authorities Suspended	428
Authorities Revoked	58
Authorities Reinstated (Suspended/Revoked)	201
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	237
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	241
Pending Reinstatement from Suspension and Revocation	35
Voluntary Suspensions	77
Voluntary Revocations	12
Vehicles added to Passenger Carrier Equipment Statements	189
Address and DBA Changes	130
Vehicle inspection requests sent to CHP	135

Transportation Call Center Statistics

Beginning February 12, 2020, all Licensing staff became available to answer calls from applicants and carriers. The number of calls in 2020 averaged 198 calls/month.

In January 2021, TLAB received a total of 109 telephone calls:

- 24 inquiries for pending application, suspension/revocation, reinstatements, and PUCTRA questions
- 19 inquiries for equipment (addition/deletions) and change of information
- 66 inquiries for general licensing requirements

Citations/Fines/Refunds/Telephone Disconnects

Table 5. TEB Fine Citations, Fines Paid, Consumer Refunds and PUCTRA Underpayment Fees

TEB Fines/Refunds	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Totals
Fines Assessed	\$21,000	\$30,500	\$26,000	\$66,000	\$68,000	\$0	\$31,000	\$16,000	\$33,000	\$12,000	\$25,000	\$31,000	\$359,500
Fines Paid	\$14,040	\$37,233	\$11,190	\$3,002	\$19,173	\$4,400	\$20,900	\$11,950	\$12,000	\$1,250	\$3,900	\$56,050	\$145,088
Overcharge Refunds/ Settlements by TEB Consumer Unit	\$559	\$2,269	\$0.00	\$522	\$41.50	\$0	\$0	\$724	\$48.50	\$0	\$0	\$0	\$4,164
PUCTRA Underpayment Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$636.95	\$1,601	\$0.00	\$9,545	\$0	\$0	\$0	\$0	\$11,783

Citations

All citations below were issued in January and some may be under appeal or awaiting a hearing before an Administrative Law Judge.

- F-5729. Getu Abebe Bogale, Hayward (TCP 32714). Case: PSG-5193. Fine \$2,000. Violation: carrier 1) operated during suspension of authority; and 2) operated without Public Liability and Property Damage (PL&PD) insurance
- T.21-01-001. 2nd Chance Shuttles LLC, Sacramento (TCP 38109). Case: PSG-5353. Fine: \$8,000. Violations: carrier 1) operated without a valid authority; 2) operated without Public Liability Property damage insurance in effect and on file; and 3) engaged drivers without evidence of workers compensation insurance in effect and on file. Carrier also failed to maintain and enroll drivers in the DMV EPN program.
- T.21-01-002. On Time Coach Executive LLC, Glendale, TCP 38149. Case: PSG-5301. Fine: \$8,000. Violations: carrier 1) engaged employee-drivers without workers' compensation insurance; 2) failed to enroll drivers in DMV/EPN program; 3) failed to enroll and drug test drivers. Carrier also failed to provide access to records.
- T.21-01-003. D and D Limo, Inc. aka D & D Limo, Inc., Glendale, TCP 36542. Case: PSG-5300. Fine: \$12,000. Violations: carrier 1) engaged employee-drivers without workers' compensation insurance; 2) failed to enroll drivers in DMV/EPN program; 3) failed to enroll and drug test drivers. Carrier also failed to provide access to records.
- T.21-01-004. German M. Tugas dba GMT Transport, Fairfield (Unlicensed). Case: PSG-5353. Fine: \$1,000. Violation: carrier advertised charter party transportation without an authority.

Statewide Airport Enforcement Unit Surveillance Activities

- The TEB, AEU conducted field activities and surveillance at major airports throughout California. Targeted airports included Los Angeles International, San Diego, Orange County, Long Beach, Hollywood Burbank, San Francisco, Oakland, and San Jose airports. The main purpose of these activities was to monitor passenger transportation carriers' (PTC) activities during COVID-19 and report if drivers of these vehicles are complying with face covering and social distance state mandates. AEU staff continued to observe small increase of airport ground traffic during the month of January coming off the COVID -19 era historical lows. AEU Staff did observe that drivers for these carriers were wearing face coverings and complying with social distance mandates. Some of the TNC vehicles observed were not in compliance with the required trade dress. AEU staff is collecting such information to inform any potential enforcement actions.

Los Angeles Airport Citation Program

Table 6. LAX Citations and Fines Collected

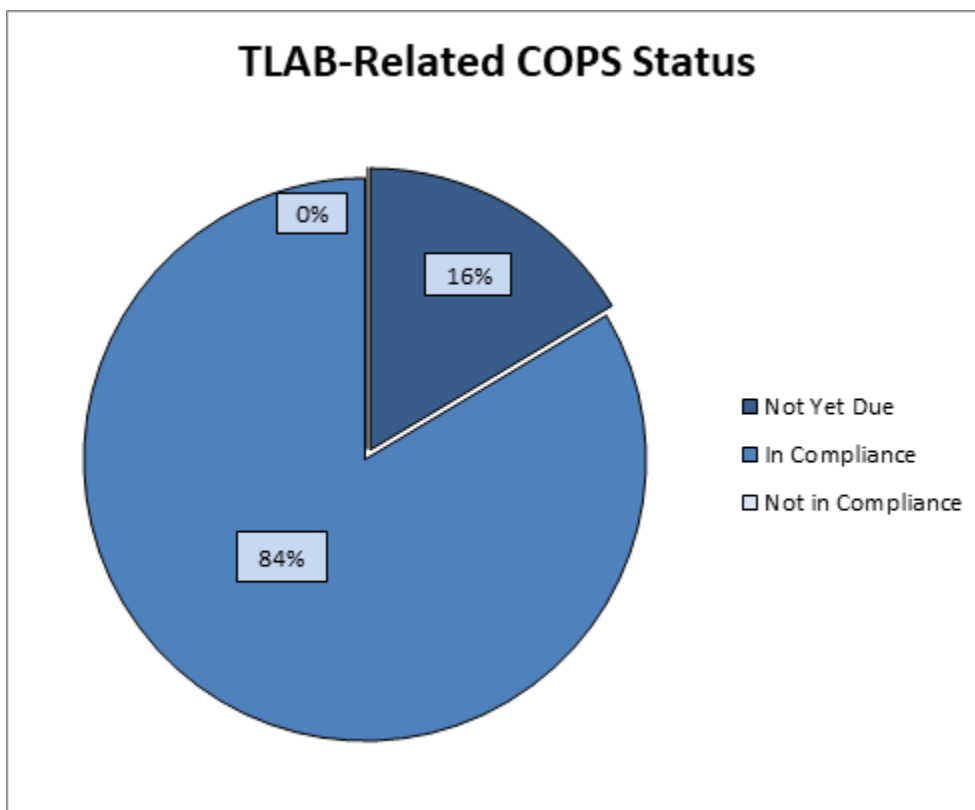
Month	Citations issued by LAX	Citations issued by CPUC	Vehicles impounded	C&D letters issued by TEB-S	Total fines collected
February 2020	19	11	15	16	\$10,250
March 2020	2	0	2	2	\$0
April 2020	0	0	0	0	\$0
May 2020	2	1	1	2	\$1,000
June 2020	0	0	0	0	\$0
July 2020	3	3	3	3	\$3,000
August 2020	1	1	1	1	\$1,000
September 2020	10	10	10	10	\$10,000
October 2020	0	0	0	0	\$0
November 2020	2	2	2	2	\$2,000
December 2020	0	0	0	0	\$0
January 2021	0	0	0	0	\$0
Totals	39	28	34	36	\$27,250

Telephone Disconnects

- None to report

Compliance with Ordering Paragraphs

Figure 1. Compliance with Ordering Paragraphs



The Transportation Program is currently responsible for 613 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. OPs also introduce new reporting requirements and transportation policies.

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Docket Activity

Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.**
 - 1) 1/7-8/2021: Responses to Rehearing Request for Decision 20-11-046 filed by California Transit Association; Self-Driving Coalition for Safer Streets; AARP California; San Francisco Taxi Workers Alliance; Metropolitan Transportation Commission; Los Angeles Department of Transportation
- **R.19-02-012 / TNC Rulemaking / Chiv / Shiroma.**
 - 1) 1/29/2021: Proposed Decision on Track 3 issues made available.

Formal Enforcement Proceedings

- **No Order Instituting Investigation (OI)s or Order to Show Cause (OSC)s**

Citation Appeal Proceedings

- **K.20-10-014 / Mohammedzeyn Adgo, dba All Point Limo (TCP 23256) Appeal / ALJ Jungreis.**

On October 27, 2020, received defendant's appeal and filed by ALJ Docket Office. The following documents were submitted to ALJ Jason Jungreis on November 13, 2020: Citation # F-5708, Investigator's Report, Amended Citation # F-5706, Trips from November 4, 2019 through November 22, 2019, and Case Tracker notes. On December 1, 2020, CPED filed both a compliance filing and a Motion for Leave to File Late the Compliance Filing for Citation # F-5708. On December 18, 2020, ALJ Jason Jungreis scheduled hearing for Citation Appeal K. 20-10-014 on January 13, 2021, at 10:00 a.m. Hearing was held on January 13, 2021, awaiting ALJ Jason Jungreis' decision.
- **K.21-02-001 / Bogale Getu Abebe., Hayward (TCP 32714).** On January 11, 2021, received defendant's appeal and filed by ALJ Docket Office.
- **K.19-09-015 / Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z) Appeal / ALJ Kim**

On September 26, 2019, appeal was received and filed by ALJ Docket Office. April 2020, no hearing date scheduled by the ALJ. May 2020, no hearing date scheduled by ALJ. Status

Conference held on January 29, 2021. Set for another Status Conference on April 1, 2021.

- **K.20-04-012 / Duc Tuan Tony Nguyen dba WineCab (Unlicensed) Appeal / ALJ Zhang**
On March 10, 2020, appeal was received and filed by the ALJ Docket Office. The carrier requested and was granted a 30-day extension effective March 17, 2020 to file an amended appeal. Carrier filed the appeal on April 14, 2020. On August 13, 2020, parties entered into a settlement agreement in principle. Appellant and CPED filed a joint motion with ALJ to remove the evidentiary hearing scheduled for August 18, 2020 and enter the settlement into the record and formally withdraw the appeal. On August 17, 2020, the ALJ issued a ruling granting the joint motion to remove evidentiary hearing and ordered a settlement update on September 1, 2020, which was provided. ALJ established September 30, 2020 to file a joint motion for adoption of settlement. TEB and appellant unable to reach agreement. A request submitted on December 10, 2020 for assistance from the Commission's Alternative Dispute Resolution (ADR) Program, a meeting will be scheduled to discuss this with the assigned ALJ as the next step.
- **K.20-06-003 / David Gorgoyan dba Celebrity Rides (TCP (TCP35518-B) Appeal / ALJ Goldberg**
On June 1, 2020, received defendant's appeal. On June 10, 2020, appeal was filed by the ALJ Docket Office. No Hearing date has been set. July 1, 2020, Attorney Hill is discussing a possible settlement with appellant's attorney. Update for January: No hearing date has been set.
- **K.20-06-008 / Hamidullah Hamidi dba All Access Limo Service (TCP 31413-B) Appeal / ALJ Goldberg**
On June 24, 2020, received defendant's appeal and filed by ALJ Docket Office. No hearing date has been set. Update for January: No hearing date has been set.
- **K.20-08-005 / Erick Pierre dba Pilot Limousines Services (TCP 23628-B) Appeal / ALJ (unassigned)**
On August 6, 2020, received defendant's appeal and filed by ALJ Docket Office. No hearing date has been set. On September 23, 2020, a Status Conference was held to discuss procedures and set a hearing date during the week of October 26, 2020. WebEx appeal hearing scheduled for November 3, 2020 at 9:00AM. WebEx appeal hearing held on November 3, 2020. On January 29, 2021, received ALJ decision reversing PUC Code Section 5379 and affirming waybills violations. ALJ reduced fine from \$3,000 to \$500. Comments to be filed 20 days after the decision date.
- **K (unassigned)/About Time Limousines LLC (TCP 21892) Appeal / ALJ (unassigned)**
On December 30, 2020, Docket Office received defendant's appeal. No compliance filing or hearing date yet.

Carrier Application Proceedings

- **A.19-09-011** / Application of PropSF, LLC (VCC94) to amend its Vessel Common Carrier Authorization to Add Unscheduled Prearranged Service Between Points in San Francisco, Marin, the Peninsula, and the East Bay, Establish Rates and a ZORF for Unscheduled Service, and Request a ZORF of 20% for Both Scheduled and Unscheduled Services / 12/23/20 **Status Conference transcript issued.**
- **A.20-09-004** / Application of Blue & Gold Fleet, L.P. a Delaware Limited Partnership (VCC-77), for Authorization to Discontinue Scheduled Passenger Transport Service Between San Francisco and Angel Island State Park / 12/22/20 **Scoping Ruling issued**
- **A.20-09-005** / Application of Blue & Gold Fleet, L.P. a Delaware Limited Partnership (VCC-77), for Authorization to Discontinue Scheduled Passenger Transport Service Between San Francisco and Tiburon / 12/22/20 **Scoping Ruling issued**
- **A.20-10-009** / Application of 9 Line Xpress LLC for authority to operate as a scheduled and on-call passenger stage corporation between points in Camp Pendleton CA, Oceanside CA, Santa Monica CA, San Diego CA and between private residences in Rocklin CA and Roseville CA to SMF Airport and SFO Airport, and to establish a Zone of Rate Freedom / **12/7/20 Decision 20-12-017 issued.**
- **A.20-03-010** / Application of Transit Systems Unlimited, Inc. for authority to Operate as Self-Insured Charter-Party Carrier of Passengers pursuant to Public Utilities Commission General Order No. 115-G / **01/ 11/2021 ALJ directed parties to meet, confer and report back by 01/15/2021; CPED submitted its meet and confer letter to ALJ on 01/15/2021.**

Outreach/Training/Other Activities

Training for Managers, Supervisors, and Staff

- TEB Staff attended Covid-19 Prevention Program Training

UTILITIES ENFORCEMENT BRANCH

UEB protects California utility consumers from fraud and abuse by developing enforcement mechanisms and ensuring service providers comply with consumer protection laws and regulations. UEB investigates alleged violations by utilities, including communications (both wireline and wireless),

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energy (both electric and gas), and water companies. When sufficient evidence of violation is uncovered, UEB brings cases before the CPUC to seek appropriate penalties and remedies for consumers.

Monthly Highlights

- **Disconnections/Reconnections OIR (R.18-07-005):** Southern California Edison Company, Pacific Gas and Electric Company, Southern California Gas Company, and San Diego Gas and Electric Company filed a joint application for rehearing of Resolution UEB-006.
- **San Jose Clean Energy RA Citation Appeal (K.20-04-005):** CPED filed its opening brief, contending that SJCE’s arguments are identical to those made in its prior citation appeal in K.19-03-024. The Commission had previously rejected SJCE’s arguments in Resolution ALJ-282.
- **Frontier Oil (I.19-12-009):** The ALJ issued a Presiding Officer’s Decision approving the proposed settlement between Frontier and CPED, which requires Frontier to pay a penalty of \$400,000 to the State of California’s General Fund. Frontier is also required to invest \$2,100,000 in its network to improve service quality, service reliability, and network resiliency, focusing in areas of the most need over the next three years.

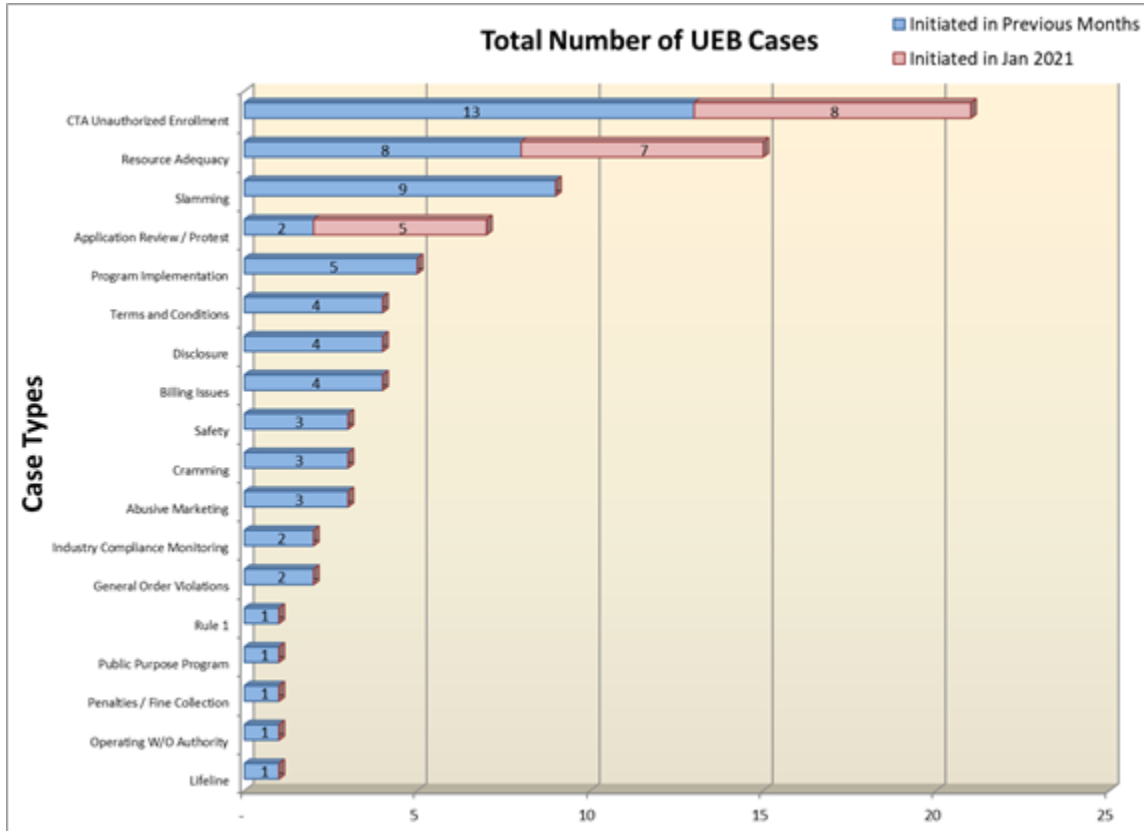
Continuum Surrender of CTA Registration (Resolution UEB-007): UEB mailed Resolution UEB-007 for comments. This resolution seeks the Commission’s approval for Continuum to surrender its CTA registration as the company no longer serves customers in California.

Key Activities

UEB is working on a total of 84 cases. Investigations center primarily on CTA Unauthorized Enrollment, Slamming, and Resource Adequacy. UEB’s cases come from a variety of sources, with Inter-Division referrals and UEB’s own scanning activities playing key roles.

Cases by Type as of January 31, 2021

Figure 1. UEB Total Number of Cases by Type Chart



Citations/Fines/Reparation

UEB did not issue any citations and there was no imposition of fines during the month of January 2021. Cumulative 2021 fines, reparations and penalties imposed are shown below.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
January 2021	\$0
Cumulative 2021	\$0

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

In January, UEB reviewed 132 CTA-related complaints received by the Consumer Affairs Branch (CAB) in December 2020 and identified 21 needing investigation. UEB issued 7 data requests for proof of enrollment authorization for 20 customers. One complaint did not contain enough information in CAB's Consumer Information Management System (CIMS) to be included in the data request. UEB received nine TPVs and eight signed agreements as proof of customer authorization. Two customers had contracts dating before UEB-003 was enacted (2013 and 2016), therefore the CTA was unable to provide proof of authorization. Three customers did not have service accounts with the alleged CTAs. SFE Energy Inc. provided both TPVs and signed agreements for four customers, which results in double counting. Staff's investigation for December is ongoing with Bolt Energy Services, LLC due to concerns with the submitted signed contracts as proof of enrollment authorization.

Table 8. UEB CTA-Related Complaints

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total Reviewed	Unauthorized Enrollment				
September	132	21	7	Received	Pending	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB's COPS tracker for the month of January. UEB was responsible for 41 separate Ordering Paragraphs. As of January 2021, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

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

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

UEB-Related Proceedings

Table 9. UEB-Related Proceedings

Docket No.	Title	ALJ	Commissioner
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Aceves
R.18-12-005	Ruling directs Pacific Gas and Electric Company to show cause why it should not be sanctioned for violation of Public Utilities Code § 451 and Commission statutes by failing to properly communicate with its customers, and coordinate with local governments and Public Safety Partners during the Public Safety Power Shutoff (PSPS) events during October 9 - November 1, 2019, resulting in a risk to public safety.	Semcer/ Poirier	Batjer
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.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	Rechtschaffen
I.19-12-009	Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of Frontier Communications to Determine Whether Frontier Violated Laws, Rules and Regulations through Service Outages and Interruptions and Disclosing and Publishing Customer Addresses.	Zhang	Randolph

K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A
K.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A

Outreach/Training/Other Activities

SNAP: There was no SNAP meeting in January 2021.