

# Consumer Protection and Enforcement Division

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MONTHLY ACTIVITY REPORT

January 2022



**California Public  
Utilities Commission**

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## TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)

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

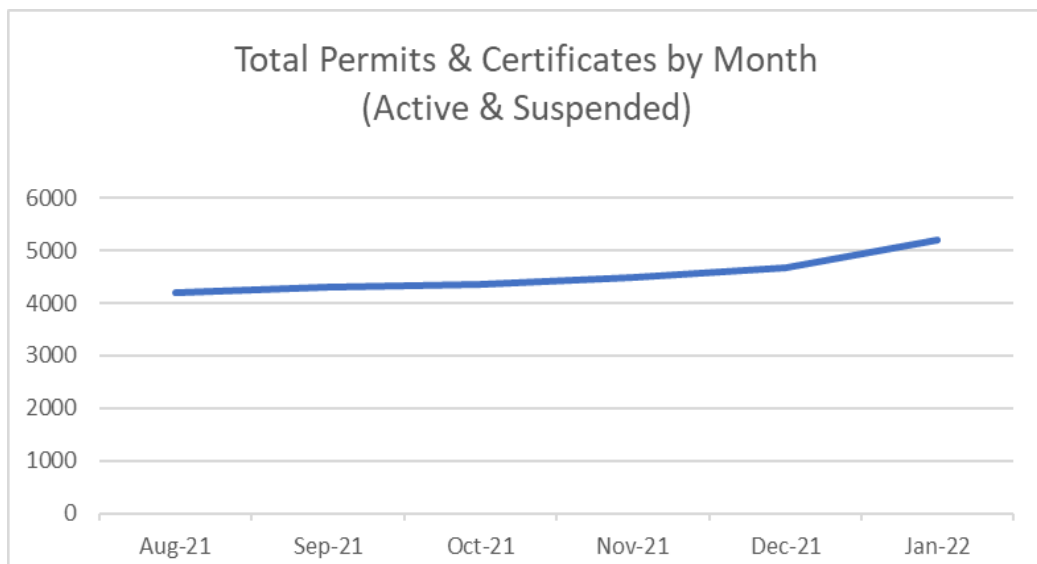
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### Processing Carrier Applications

As of January 2021, TLAB's Licensing Section was processing and managing applications for nearly 5,000 carriers throughout California. Items processed include initial applications, refiles, renewals, transfers, reinstatements, and equipment updates. This work is being accomplished through the new Transportation Carrier Portal (TCP), an on-line software system that allows carriers to submit required application forms electronically and make payments online using a credit card, and that facilitates internal processing of the applications. TCP tracks several metrics that illuminate the numbers of carriers being regulated, and productivity rates of the application processing.

**Total Permits and Certificates.** Figure 1 shows the total number of permits being regulated by the PUC, including active and suspended accounts, by month.

**Figure 1. Total Permits & Certificates**



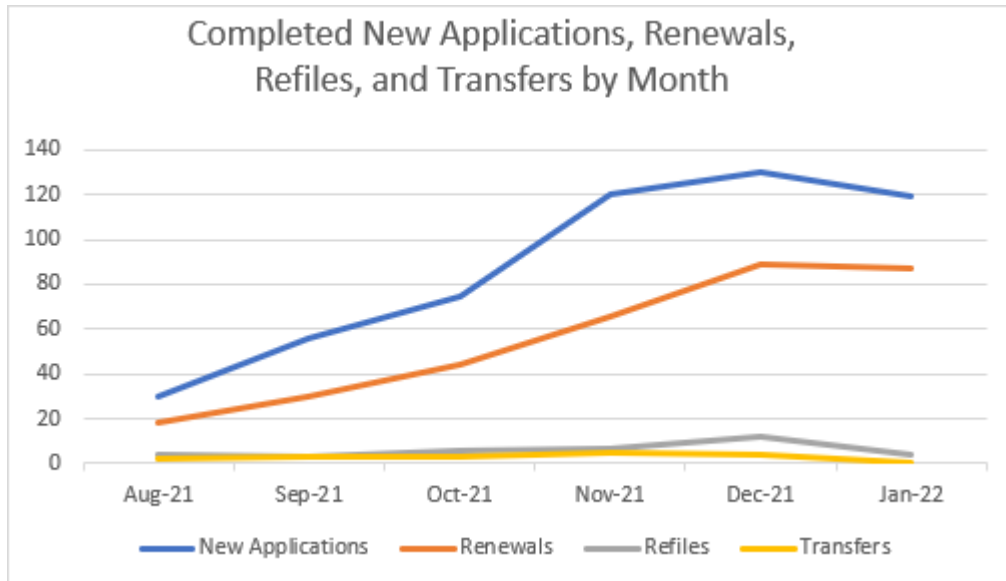
**Permits and Certificates by Category.** The PUC grants permits and certificates for five categories of transportation carriers. Figure 2 shows total numbers for those categories in the current month.

**Table 1. Permits and Certificates by Category**

Carrier Type	Current Total
Transportation Charter Party	5039
Passenger Stage Corporation	125
Vessel Common Carrier	18
Transportation Network Company	12
Autonomous Vehicle	7

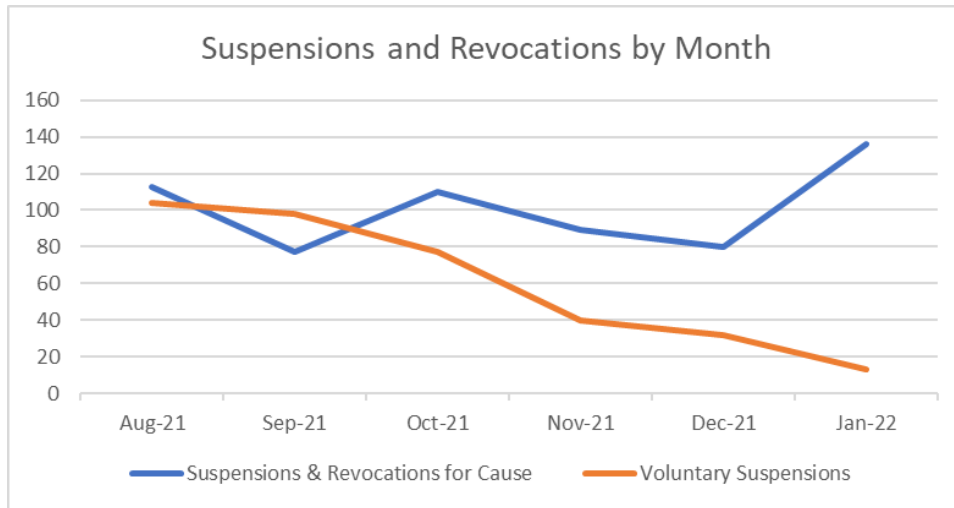
**Monthly Completions of Permit Categories.** In addition to new applications, TLAB processes refiles, transfers, renewals, and reinstatement of authority. Figure 3 shows the numbers of each completed by month.

**Figure 2. Monthly Completions of Permit Categories**



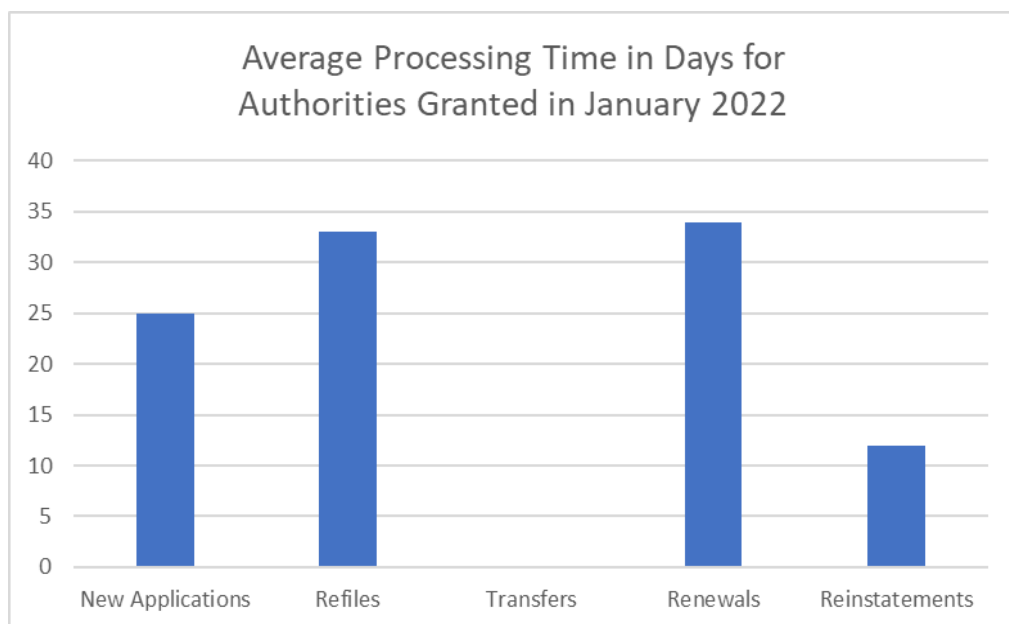
**Suspensions and Revocations.** Carriers can be suspended or revoked for varying failures to comply with licensing rules, such as not maintaining active insurance. Carriers also have the option to voluntarily suspend operations, typically during times of reduced driving times caused by external factors such as the pandemic. Figure 4 shows both types of suspensions/revocations by month.

**Figure 3. Suspensions and Revocations by Month**



**Average Processing Times.** The total time to process an application, from initial receipt to granting or denial of a permit or certificate, is dependent on internal processing time and on the time for external entities to provide necessary information. Upon receipt of an application, the assigned analyst reviews the package for completeness, and issues a deficiency notice to the carrier for any outstanding items. Examples of these items include insurance information filed by the carrier’s insurance agent, drug and alcohol testing information, and inspection by the California Highway Patrol for vehicles with 7 passengers or more. Figure 5 shows the average total processing time for the major categories of permits and certificates processed by TLAB.

**Figure 4. Average Processing Times**

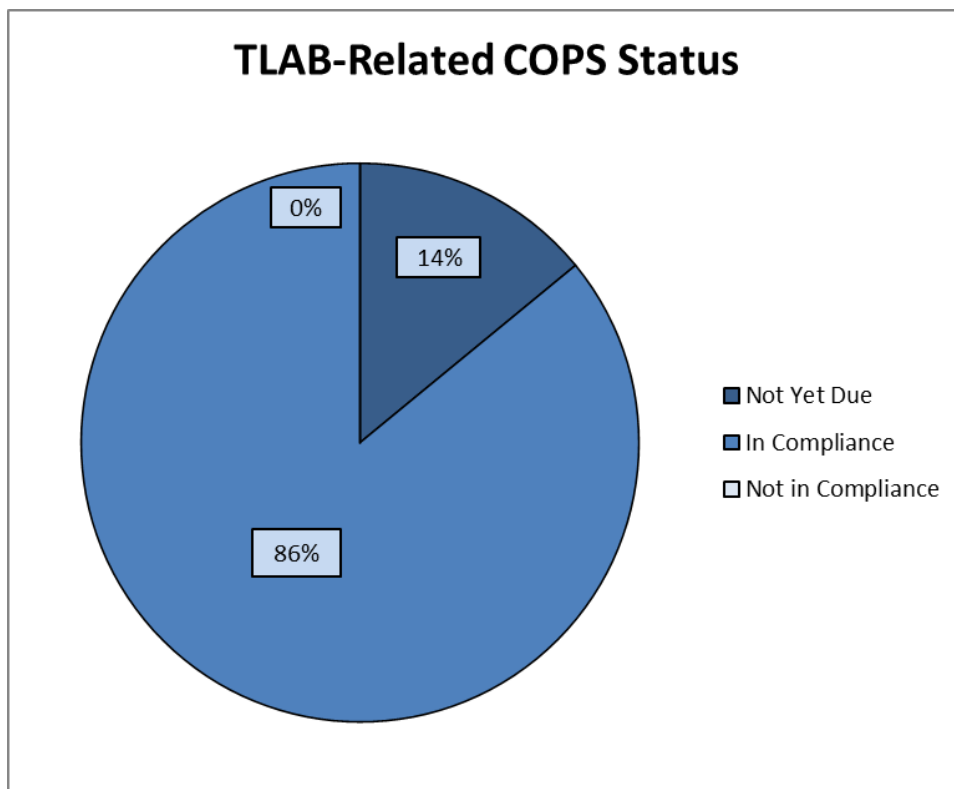


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## Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for 656 separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and California Department of Motor Vehicles (DMV) pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. OPs also introduce new reporting requirements and transportation policies. Figure 6 shows compliance with the Ordering Paragraphs.

**Figure 5. Compliance with Ordering Paragraphs**



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

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

1. January 3, 2022:
  - a. Uber Technologies Compliance Filing, responsive to D.21-12-003 (Joint Settlement Agreement)
  - b. Uber / CPED Joint Motion regarding Commission requirements for public versions of TNC Annual Report data
2. January 18, 2022: Lyft Response to Uber / CPED Joint Motion
3. January 21, 2022: Opening Comments to Third Amended Phase III.C Scoping Memo filed by Uber, Lyft, CPED
4. January 28, 2022: Reply Comments to Third Amended Phase III.C Scoping Memo filed by Uber, Lyft, CPED, HopSkipDrive

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

1. January 7, 2022: Motion for Intervenor Compensation filed by Disability Advocates (Disability Rights California, Center for Accessible Transportation, Disability Rights Education & Defense Fund)
2. January 14, 2022: Track 5 Scoping Memo (divided into Track 5A and 5B)
3. January 28, 2022: Opening comments on Track 5A filed by Uber, Lyft, HopSkipDrive

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

1. January 6-7, 2022: Opening Comments on Order Instituting Rulemaking filed by FLO Services, Protect App-Based Drivers, Waymo, Uber, HopSkipDrive, Lyft, Joint Commenters (Union of Concerned Scientists, Rideshare Drivers United, Sierra Club, BlueGreen Alliance), SFTWA, Cruise, SEIU Local 721 and 1021, AMPLY Power, San Francisco (SFO, SFMTA, SFCTA)
2. January 12, 2022: Emailing Ruling setting Prehearing Conference (Feb 11)
3. January 18, 2022: Reply Comments filed by SFTWA, AMPLY Power, Uber, FLO Services, San Francisco, Lyft, Waymo
4. January 31, 2022: Email Ruling with PHC instructions



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

- **A.21-11-013** / Application of PropSF, LLC (VCC94) for Authorization to Provide Scheduled VCC Service to Treasure Island and to Amend Rates for Prearranged Non-Scheduled Service by Mileage/ **01/03/2022 PropSF replied to Tideline Marine Group’s protest.**
- **A.22-01-009** / MAWS Transportation, LLC (PSC28383) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone-of Rate Freedom (ZORF) fares and to expand Its Service Area to Include the Eastern Sierra Regional Airport / **01/29/2022 Formal application filed**
- **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 / **01/31/2022 Proposed Decision issued.**

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## Joint Agency Collaboration/Outreach/Training

**Joint Agency Collaboration.** TLAB finds great value in sharing information and collaborating with other transportation-related agencies, including other regulatory agencies and city and county transportation agencies.

- Jan 6, 2022:
  - TLAB Staff met with Caltrans regarding Access for All Program implementation
  - TLAB Staff met with Local Access Fund Administrators in the TNC Access for All Program (SBCAG, SLOCOG, CCTA, SANDAG, LA Metro, Fresno COG)
- Jan 13, 2022: TLAB Staff regular bi-monthly Clean Miles Standard coordination meeting with CARB Staff
- Jan 21, 2022: TLAB Staff met with CA Transportation Commission staff regarding Access for All implementation
- Jan 25, 2022: TLAB Staff regular DMV<>CPUC monthly AV Programs Staff meeting

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

- January 11, 2022: TLAB staff met with representatives from Los Angeles World Airport (LAWA) and carriers involving in facilitating transportation for the Super Bowl in February 2022 regarding operational details and regulatory requirements associated with this event.

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

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

## TRANSPORTATION ENFORCEMENT BRANCH

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

Consistent with the Commission's Strategic Directives<sup>1</sup> and Enforcement Policy<sup>2</sup>, TEB developed the TEB Safety Management System that is implemented through the following concepts Transportation Safety Assurance, Transportation Risk Management, and Transportation Safety Promotion.

### Transportation Safety Management System

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

1. **Transportation Safety Assurance** - Assuring that the entities the Commission regulates comply with the law and have sufficient training and resources to ensure the safety of the public, their workers, and the environment. For TEB, this includes Investigations, Carrier Inspections, Field Operations, and related Enforcement Activities.
  - **Formal Enforcement Proceedings**
    - **I.21-12-001/Uber Technologies, Inc., and Uber Black Sub-carriers/ALJ Stevens/Commissioner Shiroma.** On December 2, 2021, the Commission opened an Order Instituting Investigation (OII) to determine whether passenger carriers violated any provisions of the Public Utilities Code or other applicable rules and regulations. No update for January.
2. **Transportation Risk Management** - Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.

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

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

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

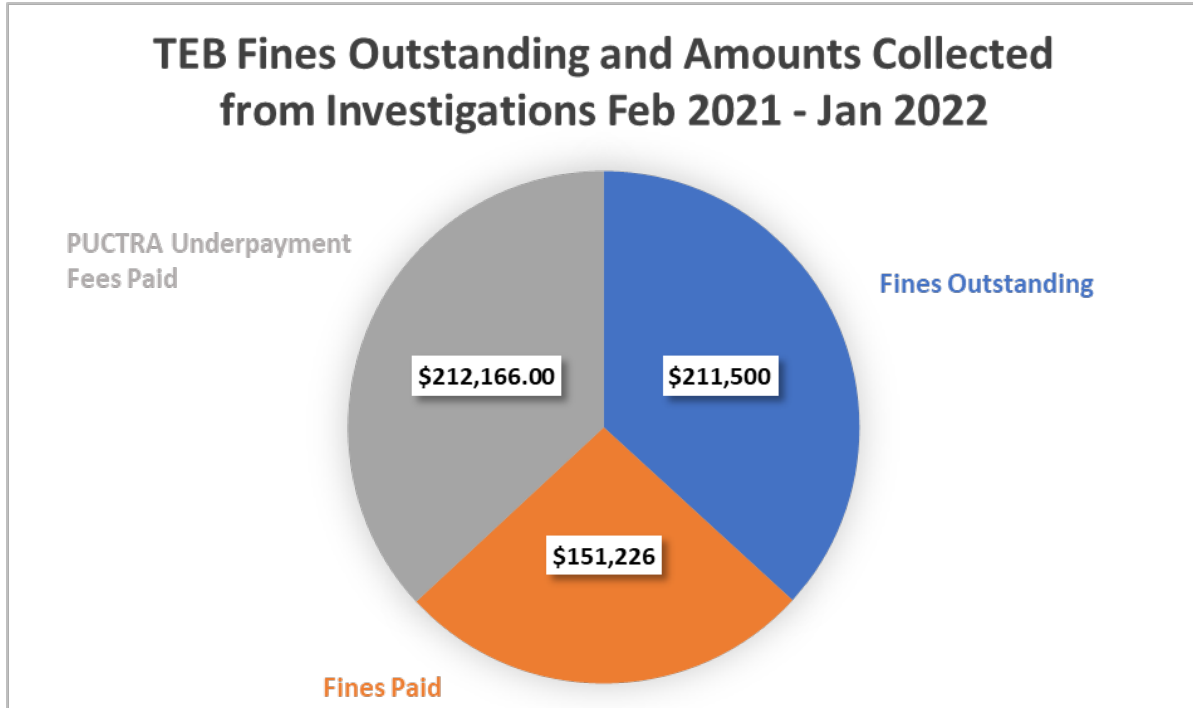
TEB Enforcement Activities

**Table 2**

12 Month Enforcement Activity	Feb 2021	Mar 2021	April 2021	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Total
Open Investigations	61	61	73	70	67	67	71	64	74	62	60	46	N/A
New Investigations	6	14	9	9	18	8	5	15	26	18	6	22	156
Investigations Completed	6	2	12	12	18	4	12	5	38	20	20	26	175
Investigations Open Longer than 6 Months	12	15	10	8	3	3	5	7	6	4	9	19	N/A
% of investigations Open Longer than 6 Months	57%	60%	50%	47%	12%	9%	17%	20%	16%	11%	29%	41%	N/A
Cease and Desist Notices	11	2	11	6	9	9	2	8	10	14	4	12	98
Warning Letters	0	0	0	0	1	0	1	6	3	7	4	2	24
Telephone Disconnects	0	0	1	0	0	0	1	0	0	1	0	0	3
Citations	2	8	2	4	6	2	4	6	3	4	3	8	52
Civil Compromise Actions	0	1	1	2	1	2	0	2	2	0	0	2	13
Vehicle Impounds	0	3	1	4	2	2	0	4	0	0	1	6	23

TEB Fines Outstanding, Fines Paid, and PUCTRA Underpayment Fees Paid

**Figure 6**



Consumer Intake Unit (CIU) Statistics

**Table 3**

January 2022 CIU Complaint Activity	
Open complaints as of January 1, 2022	3
New complaints received during month	10
Subtotal	13
Less: Complaints closed by CIU directly	5
Complaints Referred to Enforcement during month	7
Open CIU complaints as of January 31, 2022	1

Citation Appeal Proceedings

**Table 4**

Docket No.	Entity	Status
K.19-09-015	Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z)	Request filings submitted on 12/16/2021
K.20-06-003	David Gorgoyan dba Celebrity Rides (TCP 35518)	Reply briefs submitted on 9/13/2021
K.21-01-019	About Time Limousines LLC (TCP 21892)	Awaiting ALJ ruling
K.21-02-001	Bogale Getu Abebe., Hayward (TCP 32714)	Awaiting hearing date
K.21-09-015	Gogo Charters LLC (Unlicensed)	Awaiting hearing date
K.22-12-003	Taco Tour LLC, San Diego, (TCP 38185)	Awaiting hearing date
K-22-01-005	Pro Limo Service, Tarzana	Awaiting hearing date

TEB Field Operations – Probable Violations and Observation Summary

**Table 5**

Month	Transportation Charter-Party (TCP)		Transportation Network Companies (TNC)		Passenger Stage Corporations (PSC)	
	Observed	Probable Violations	Observed	Probable Violations	Observed	Probable Violations
June 2021	229	8	707	147	1	0
July 2021	213	2	781	85	1	0
Aug 2021	254	4	930	102	2	0
Sept 2021	136	4	693	114	0	0
Oct 2021	192	10	862	107	0	0
Nov 2021	42	0	253	21	0	0
Dec 2021	148	4	487	40	0	0
Jan 2022	49	0	228	35	0	0



## Joint Operations with Law Enforcement Agencies

**Table 6**

Agency	Operation
San Francisco International (SFO) Airport	Ongoing passenger-carrier surveillance
Hollywood Entertainment Police Department	Passenger carrier surveillance at Hollywood District
Napa County District Attorney's office and St. Helena Police Department	Passenger carrier inspection in Napa County

## UTILITIES ENFORCEMENT BRANCH (UEB)

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

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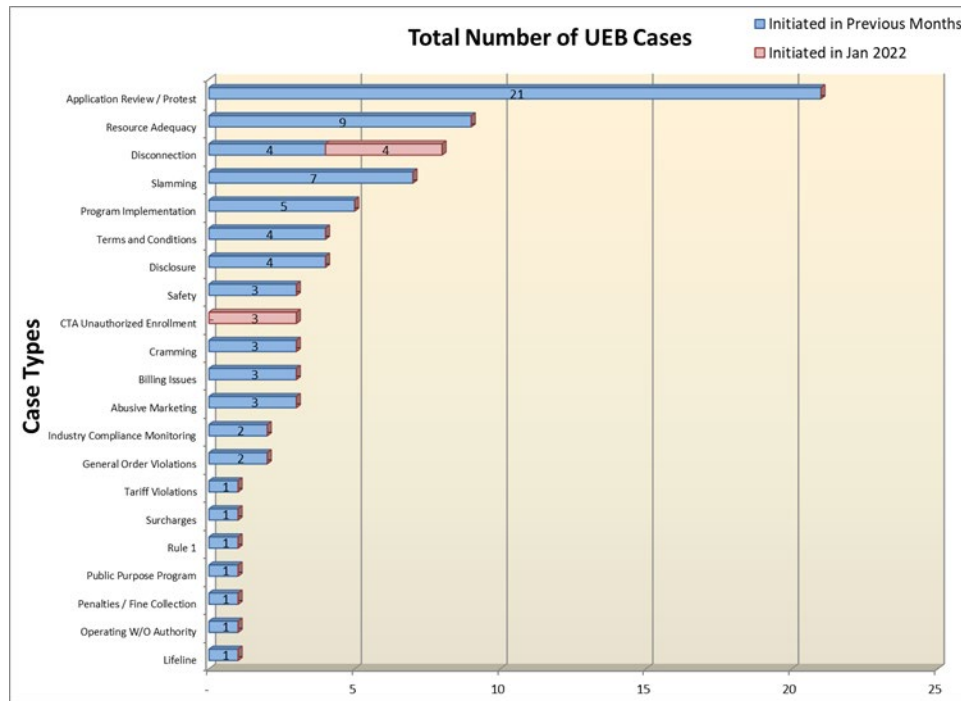
### Monthly Highlights

- **Commercial Energy RA Citation Appeal (K.21-08-001):** On January 4, 2022, ALJ Chiv issued a ruling directing parties to meet and confer and submit a second joint filing on disputed facts by February 4, 2022.
- **Western Community Energy (WCE) RA Citation Appeal (K.21-03-005):** On January 7, 2022, CPED and WCE met and conferred on the status of WCE's bankruptcy proceeding. On January 14, 2022, WCE filed a Report on Stay of Appeal Proceeding requesting an extension of the stay until May 31, 2022. On January 24, 2022, ALJ Wercinski issued an email ruling staying the proceeding through May 31, 2022.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-03-005):** On January 10, 2021, CPED and SDCP filed reply briefs addressing the issues in ALJ Goldberg's November 22, 2021 ruling. On January 25, 2022, CPED and SDCP attended a status conference with ALJ Goldberg to discuss the remaining schedule for the proceeding.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On January 10, 2022, ALJ Wercinski issued an email ruling setting forth the schedule for the proceeding. Included in the schedule are discovery cutoff of March 1, 2022, opening testimony on April 26, 2022, and reply testimony on May 20, 2022.

## Key Activities

UEB is working on a total of 84 cases. Investigations center primarily on Application Review, CTA Unauthorized Enrollment, Disconnections, 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.

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



## Citations/Fines/Reparation

UEB did not issue any fines, penalties, or citations during the month of January 2022. Cumulative 2021 fines, reparations and penalties imposed are shown below.

**Table 7. UEB Fines, Reparations, and Penalties**

Date	Citations/Fines/ Reparation
Cumulative 2021	\$55,566,213
January 2022	\$0

- Resource Adequacy (RA) Citation Program:** UEB issues citations and levies fines to enforce Load Serving Entities’ (LSE) compliance with system, local, and flexible resource adequacy requirements pursuant to Resolution E-4195, as modified by Decisions 10-06-036, 11-06-022, 14-06-050, 19-06-026, and 20-06-031. In January, UEB did not issued any new RA citations and received new collections.
- Core Transport Agent (CTA):** UEB reviews CTA-related complaints received by the Commission to enforce compliance with the standards for verification of change in provider requirements in D. 18-02-002, and to identify acts constituting grounds for suspension or revocation of registration pursuant to Pub. Util. Code Section 983.5.

In January, UEB reviewed 66 CTA-related complaints received by the Consumer Affairs Branch (CAB) in December 2021 and identified 19 needing investigations for potential unauthorized enrollment. Staff identified seven duplicate cases. UEB issued six data requests for proof of enrollment authorization for 20 customers. UEB received TPV recording only for 6 customers; Signed contract and Electronic TPV (eTPV) for 4 customers; Both TPV recording and signed contract for 6 customers; TPV recording, signed contract, and welcome package for 1 customer. One customer did not have a service account with the subject CTA. One customer was enrolled prior to UEB-003, therefore proof of authorization has passed the record retention period. Staff recommends no further action for December 2021 complaints.

**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				
December	66	19	6	17	0	0

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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 2022, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

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

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

**Table 9. UEB-Related Proceedings**

<b>Docket No.</b>	<b>Title</b>	<b>ALJ</b>	<b>Commissioner</b>
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Aceves
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.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	Batjer
K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A
K.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.21-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Golberg	N/A
K.21-03-006	Appeal of Western Community Energy to citation E-4195-99 issued on February 9, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
K.21-08-001	Appeal of Commercial Energy to citation E-4195-100 issued on July 1, 2021 by Consumer Protection & Enforcement Division.	Chiv	N/A

**State National Action Plan (SNAP):** On January 20, 2022, the FCC discussed its Connect America Fund Phase II auction. This auction focused on providing funding to carriers to deliver voice and broadband service to a certain number of locations in certain high-cost areas served by an incumbent price cap carrier. As of September 2020, the FCC had authorized more than \$1.47 billion in support over 10 years to 194 winning carriers in a 2018 competitive bidding process (Auction 903) to bring service to a total of 702,745 qualifying locations in 45 states.