

# Consumer Protection and Enforcement Division

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MONTHLY ACTIVITY REPORT

MARCH 2022



**California Public  
Utilities Commission**

## Contents

TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB) .....	3
Processing Carrier Applications.....	3
Compliance with Ordering Paragraphs.....	7
Docket Activity.....	8
Joint Agency Collaboration/Outreach/Training .....	9
TRANSPORTATION ENFORCEMENT BRANCH .....	11
Transportation Safety Management System .....	11
TEB Enforcement Activities <b>Table 2</b> .....	13
TEB Fines Outstanding, Fines Paid, and PUCTRA Underpayment Fees Paid .....	14
Consumer Intake Unit (CIU) Statistics .....	15
Citation Appeal Proceedings .....	15
TEB Field Operations – Probable Violations and Observation Summary .....	16
Joint Operations with Law Enforcement Agencies .....	17
UTILITIES ENFORCEMENT BRANCH (UEB).....	18
Monthly Highlights .....	18
Key Activities.....	19
Citations/Fines/Reparation .....	20
Compliance with Ordering Paragraphs.....	21
UEB-Related Proceedings .....	22
Outreach/Training/Other Activities.....	23

# TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)

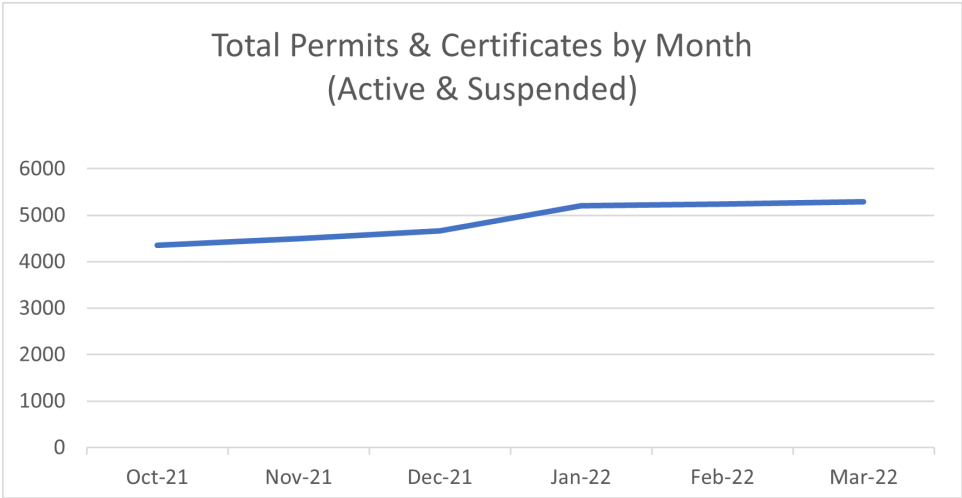
**TLAB’s Licensing Section** analyzes applications from carriers, issues permits and certificates to carriers that meet state requirements, writes proposed decisions to approve or deny carriers’ CPCN applications, manages changes to carrier operations, communicates with carriers, and tracks carrier compliance 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.

## Processing Carrier Applications

TLAB’s Licensing Section is processing and managing applications for nearly 5,000 carriers throughout California. Items processed as of March 2022 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the new Transportation Carrier Portal (TCPortal), an online system that allows carriers to submit applications and other requests electronically and make payments online. The TCPortal tracks certain licensing activities as shown in the following tables and figures.

**Figure 1. Total Permits & Certificates**

**Total Permits and Certificates.** Figure 1 shows the total number of operating authorities (active and suspended) by month.



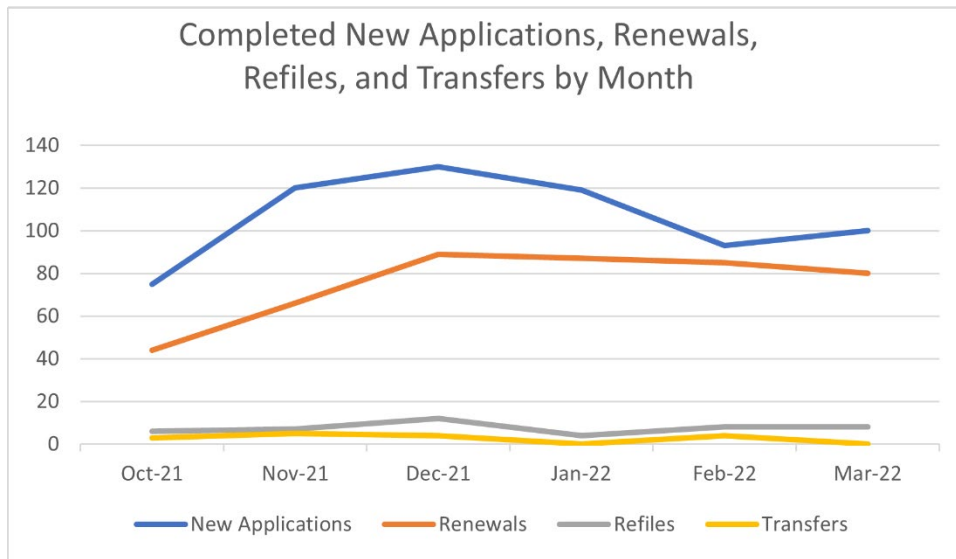
**Table 1. Permits and Certificates by Category**

**Permits and Certificates by Category.** The PUC grants permits and certificates for five categories of transportation carriers. Table 1 shows total numbers for those categories in the current month.

Carrier Type	Current Total
Transportation Charter Party	5123
Passenger Stage Corporation	125
Vessel Common Carrier	18
Transportation Network Company	16
Autonomous Vehicle	7

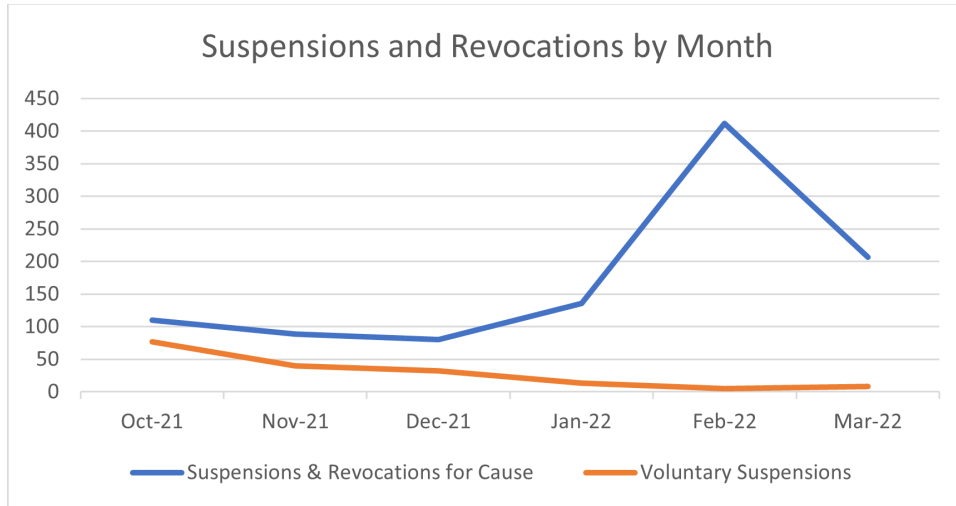
**Figure 2. Monthly Completions of Permit Categories**

**Monthly Completions of Permit Categories.** In addition to new applications for operating authorities, TLAB processes refile applications, transfer applications, and renewal applications. Figure 2 shows the numbers of each category completed by month.



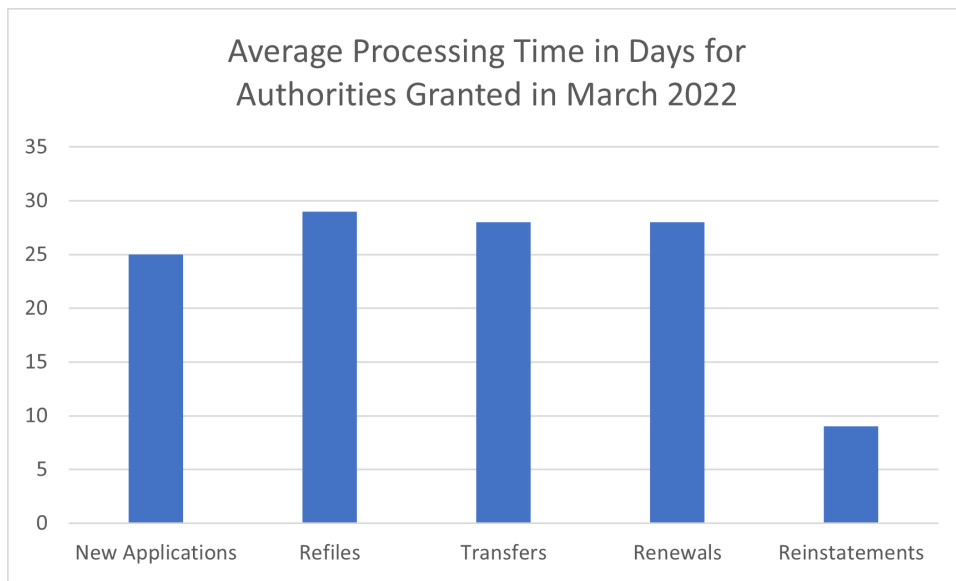
### Figure 3. Suspensions and Revocations by Month

**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. Figure 3 shows both types of suspensions/revocations by month.



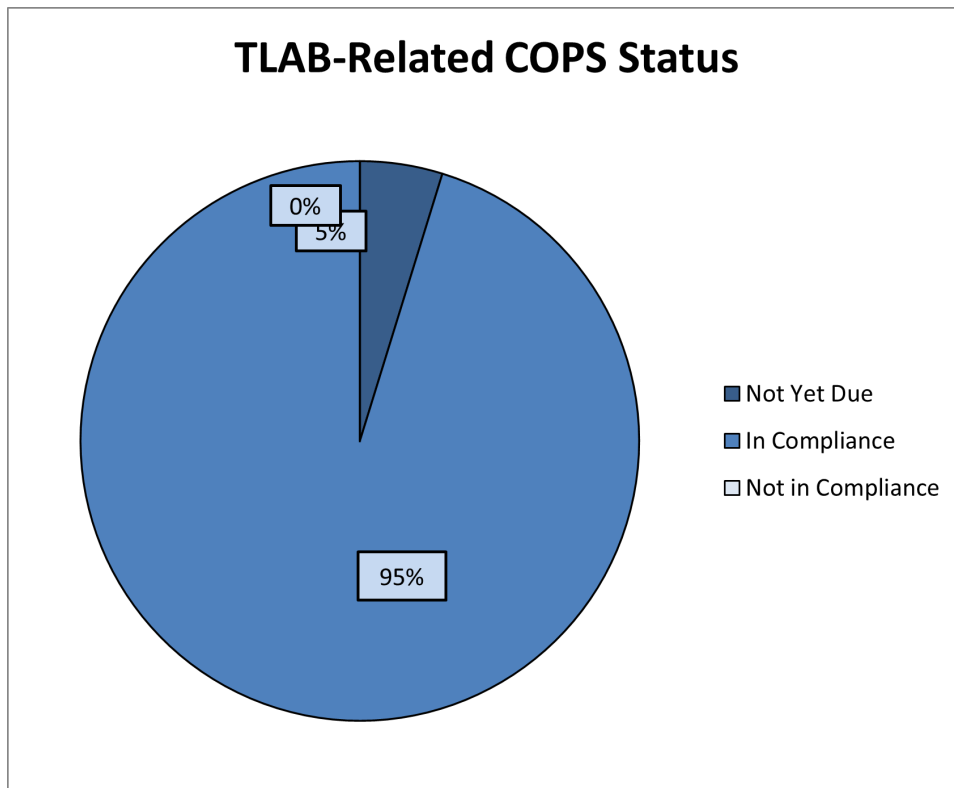
### Figure 4. Average Processing Times

**Average Processing Times.** The total time to process an application, from initial receipt to issuance 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, CPUC staff review the package for completeness and issue 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 a seating capacity of 11 or more. Figure 4 shows the average total processing time for the major categories of permits and certificates processed by TLAB.



### Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for **698** 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 5 shows compliance with the 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. March 4, 2022: Uber Compliance Filing Pursuant to D.21-12-003 (Joint Settlement)

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

1. March 1, 2022: Track 5A comments filed by Uber, Disability Advocates, Lyft, City of San Francisco, SFTWA.
2. March 11, 2022: Track 5A reply comments filed by Uber, Disability Advocates, Lyft, City of San Francisco, SFTWA.
3. March 16, 2022: Proposed Decision granting Intervenor Compensation to Disability Rights California and Disability Rights Education and Defense Fund.

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

1. March 14, 2022: Motion for Party Status – TURN (granted April 4)
2. March 25, 2022: Motion for Party Status – PG&E (granted April 4)

**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.21-06-006 / Application of Ventura Transit System, Inc. (PSC23334) to expand its passenger stage authority under to establish a scheduled route to serve three hotels in the immediate vicinity of the present service, under the existing Zone-of-Rate-Freedom (ZORF) granted in decision D.12- 01-023 / 03/04/2022 Prehearing conference (PHC) set for April 27, 2022.**



- **A.22-01-014** / Application of Avalon Freight Services LLC (VCC91) For Authorization to Modify Rates for Its Scheduled Vessel Common Carrier Freight Service Between the Port of Los Angeles, California on the one hand, and Avalon on Santa Catalina Island on the other hand / **03/02/2022 Protest to the application was received. 03/04/2022 PHC set for April 27, 2022.**
- **A.22-01-017** / Application of Uber Technologies, Inc. (TCP38150) to Provide High-Capacity Vehicle Service / **03/22/2022 PHC statement filed by Uber. 03/28/2022 PHC held.**

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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.

- March 4, 2022: TLAB staff met with SCO on TNC Access for All Program.
- March 8, 2022: TLAB hosted Clean Miles Standard Workshop, with honored guest Senator Skinner, President Reynolds and Commissioners Rechtschaffen and Houck, CEC Commissioner Monahan, and CARB Division Chief Jennifer Gress.
- March 10, 2022: TLAB Staff met with CARB Staff regarding CMS implementation coordination.
- March 16, 2022: TLAB Staff met with Cal-ITP Director regarding TNC Access for All Program.
- March 22, 2022: TLAB staff met with CHP staff for a regular check-in meeting regarding vehicle safety inspections.
- March 23, 2022: TLAB Staff met with DMV Autonomous Vehicle Branch Staff regarding AV Program coordination.
- March 30, 2022: TLAB met with CHP staff regarding vehicle inspections and the Coachella Valley Music Festival

**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.

- March 16, 2022: TLAB staff presented at a meeting of the California Bus Association.

**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 March 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. On March 23, 2022, Assigned Commissioner, Genevieve Shiroma, issued a scoping memo and ruling that sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.

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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 / March 2022

2. **Transportation Risk Management** - Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.
  - Evaluated and analyzed quantitative data and compared to qualitative information collected in 2021.
  
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.
  - On March 9, 2022, TEB conducted passenger carrier enforcement training for the Redondo Beach Police Department.

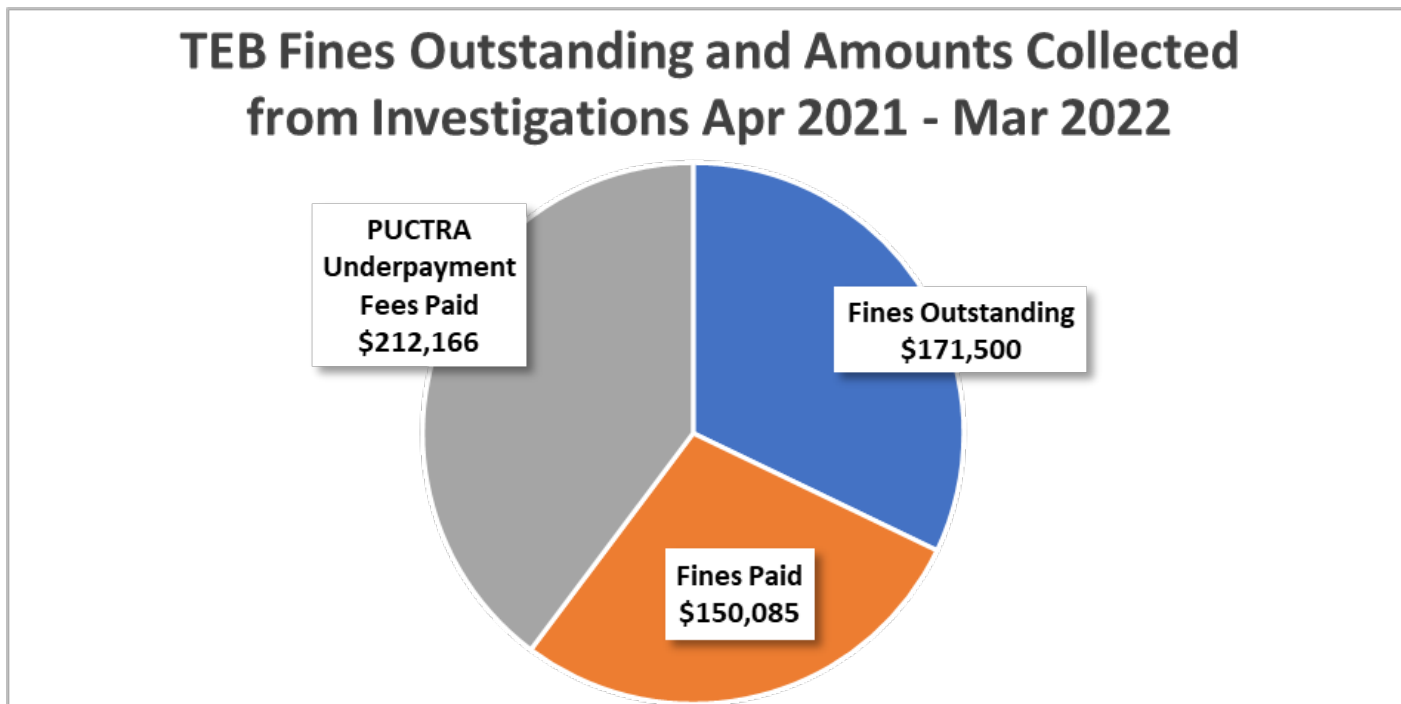
## TEB Enforcement Activities

Table 2

12 Month Enforcement Activity	Apr 2021	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Total
Open Investigations	73	70	67	67	71	64	74	62	60	46	42	48	N/A
New Investigations	9	9	18	8	5	15	26	18	6	22	21	33	190
Investigations Completed	12	12	18	4	12	5	38	20	20	26	15	15	197
Investigations Open Longer than 6 Months	10	8	3	3	5	7	6	4	9	19	19	23	N/A
% of investigations Open Longer than 6 Months	50%	47%	12%	9%	17%	20%	16%	11%	29%	41%	45%	48%	N/A
Cease and Desist Notices	11	6	9	9	2	8	10	14	4	12	9	16	110
Warning Letters	0	0	1	0	1	6	3	7	4	2	2	5	31
Telephone Disconnects	1	0	0	0	1	0	0	1	0	0	0	0	3
Citations	2	4	6	2	4	6	3	4	3	8	3	1	46
Civil Compromise Actions	1	2	1	2	0	2	2	0	0	2	9	5	26
Vehicle Impounds	1	4	2	2	0	4	0	0	1	6	3	11	34

CPED Monthly Activity Report / March 2022

Figure 6



Consumer Intake Unit (CIU) Statistics

**Table 3**

March 2022 CIU Complaint Activity	
Open complaints as of March 1, 2022	1
New complaints received during month	11
Subtotal	12
Less: Complaints closed by CIU directly	2
Complaints Referred to Enforcement during month	9
Open CIU complaints as of March 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.22-01-004	Taco Tour LLC, San Diego, (TCP 38185)	Awaiting hearing date
K-22-01-005	Pro Limo Service, Tarzana, (TCP 35882)	Settlement reached on 03/24/2022. Awaiting judge to prepare documentation
K.22-02-004	Earl McLeod, Hayward, unlicensed	Awaiting hearing date
K.21-10-007	PLS Transportation Group	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
Mar 2022	155	7	465	74	0	0
Feb 2022	96	0	558	131	0	0
Jan 2022	49	0	228	35	0	0
Dec 2021	148	4	487	40	0	0
Nov 2021	42	0	253	21	0	0
Oct 2021	192	10	862	107	0	0
Sept 2021	136	4	693	114	0	0
Aug 2021	254	4	930	102	2	0
July 2021	213	2	781	85	1	0
June 2021	229	8	707	147	1	0



## Joint Operations with Law Enforcement Agencies

**Table 6**

Agency	Operation
San Diego International Airport (SAN)	TNC/TCP Passenger carrier inspection
Napa St. Helena Police Department (2x)	Passenger carrier inspection
Lodi	Passenger carrier inspection
San Francisco International Airport (SFO)	TNC/TCP Passenger carrier inspection
San Diego Police Department	Passenger carrier inspection in San Diego's Gas Lamp District
Riverside County Sheriff's Department Agricultural	Passenger carrier inspection in Temecula

## 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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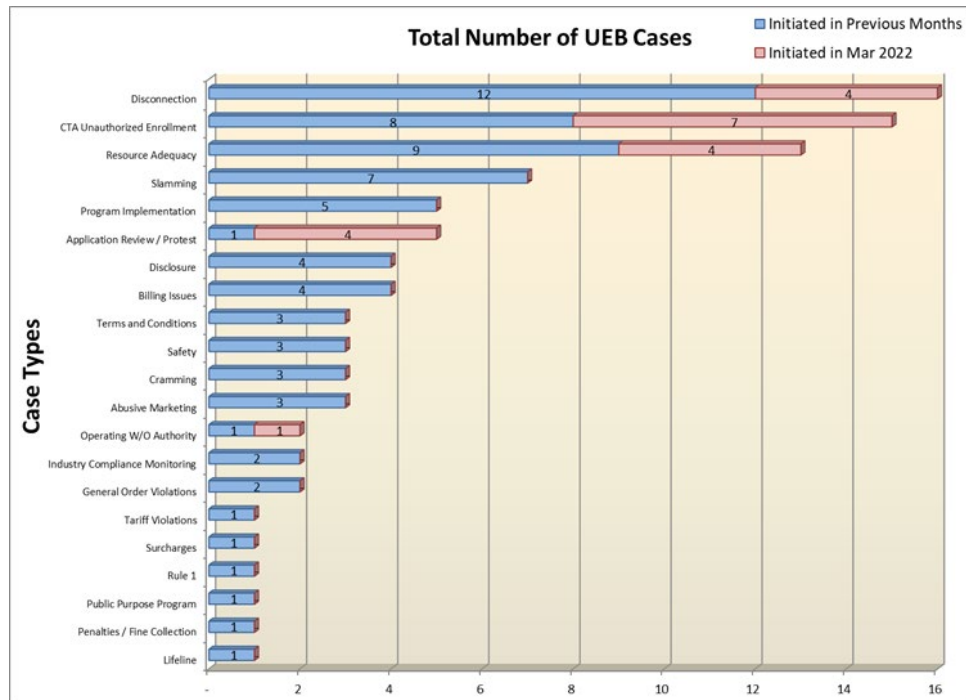
### Monthly Highlights

- **Frontier Oil (I.19-12-009):** On March 3, 2022, ALJ Zhang issued a Presiding Officer Decision (POD) approving with modifications the settlement agreement between CPED and Frontier. On March 15, 2022, Frontier filed a motion to request an extension until April 4, 2022 to evaluate and respond to the modifications made in the POD. On March 16, 2022, ALJ Zhang approved Frontier's March 15, 2022 motion. On March 30, 2022, CPED and Frontier filed joint comments accepting the POD and laid out the compliance filing requirements agreed upon by Frontier and CPED.
- **Commercial Energy RA Citation Appeal (K.21-08-001):** On March 4, 2022, CPED filed opening testimony, providing additional information related to Commercial Energy's history of noncompliance with Commission rules and related citations issued by CPED.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On March 7, 2022, CPED responded to SDCP data request #2. On March 11, 2022, SDCP responded to CPED data request DR-ELE-186-2.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-03-005):** On March 14, 2022, ALJ Goldberg issued an email ruling ordering SDCP to provide specific parameters that accompanied its solicitation or submission for bids by close of business on April 11, 2022. The email ruling also ordered SDCP and CPED to submit a joint stipulation or motion by close of business on April 22, 2022 to identify which documentary evidence shall be moved into the evidentiary record.

## Key Activities

UEB is working on a total of 83 cases. Investigations center primarily on Disconnections, CTA Unauthorized Enrollment, Resource Adequacy and Slamming. UEB's cases come from a variety of sources, with Inter-Division referrals and UEB's own scanning activities playing key roles.

### UEB Total Number of Cases by Type as of March 31, 2022



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## Citations/Fines/Reparation

UEB did not issue any fines, penalties, or citations during the month of March 2022. To date, there are no fines, reparations or penalties imposed in 2022.

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

Date	Citations/Fines/ Reparation
Cumulative 2022	\$0
March 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 March, 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 March, UEB reviewed 71 CTA-related complaints received by the Consumer Affairs Branch (CAB) in February 2022 and identified 27 needing investigation for potential unauthorized enrollment. Staff identified 5 duplicate cases. On March 8, 2022, staff issued 7 data requests for proof of enrollment authorization for 27 customers. UEB received TPV recording only for 11 customers; Signed contract only for 7 customers; Signed contract and Electronic TPV (eTPV) for 3 customers; Internet enrollment confirmation for 1 customer; TPV recording and signed contract for 2 customers; and TPV recording, signed contract, and welcome package for 2 customers. One customer did not have a service account with the subject CTA. Staff recommends no further action for February 2022 complaints. January's CTA investigation is ongoing, and a Notice of Citation for one case involving unauthorized enrollment is being finalized.

**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				
February	71	27	7	26	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 March. UEB was responsible for 41 separate Ordering Paragraphs. As of March 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	Houck
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	Reynolds
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
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## Outreach/Training/Other Activities

**State National Action Plan (SNAP):** On March 17, 2022, the FCC met to discuss the new methodology being used to collect broadband data by census block (fixed) and non-standardized location estimation (wireless). Census block collection will be refined down to individual locations. Wireless collection will be standardized across providers. The request for proposal was awarded to CostQuest to start collection, with first reports due in June 2022.