

# Consumer Protection and Enforcement Division

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MONTHLY ACTIVITY REPORT

April 2023



**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.

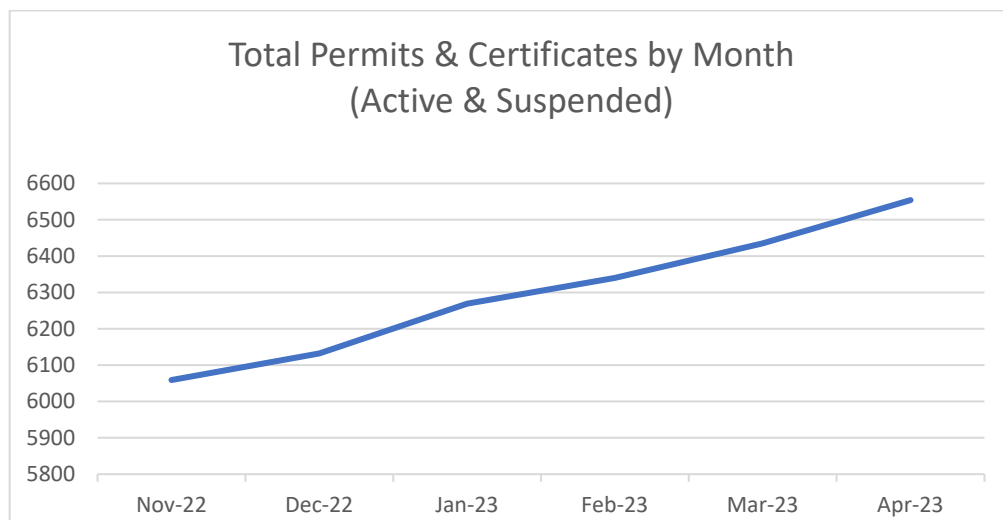
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### Processing Carrier Applications

TLAB's Transportation Licensing Section is processing and managing applications for over 6,500 carriers throughout California. Items processed in April 2023 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the CPUC 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.



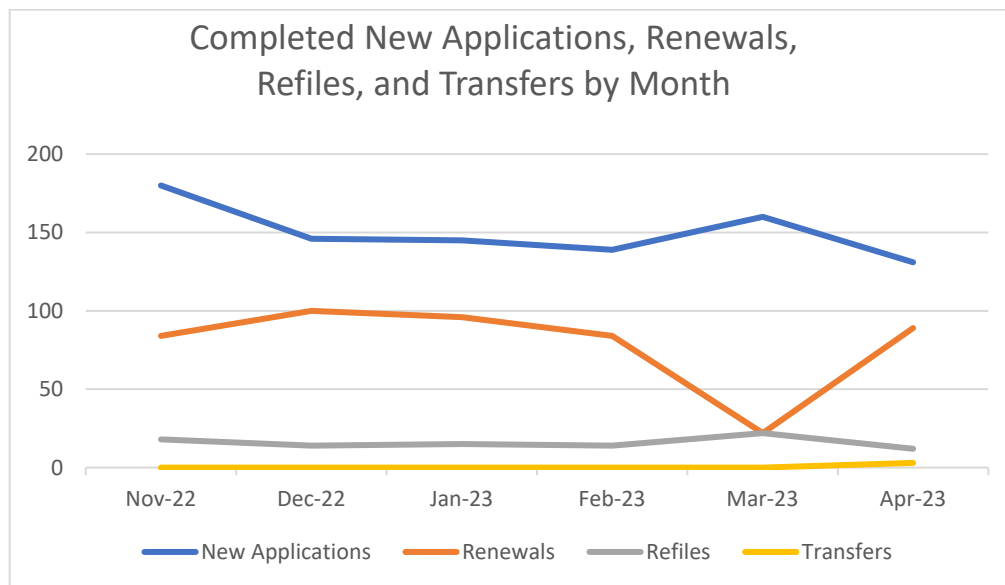
**Table 1. Permits and Certificates by Category**

**Permits and Certificates by Category.** The Commission 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	6409
Passenger Stage Corporation	103
Vessel Common Carrier	17
Transportation Network Company	18
Autonomous Vehicle	7

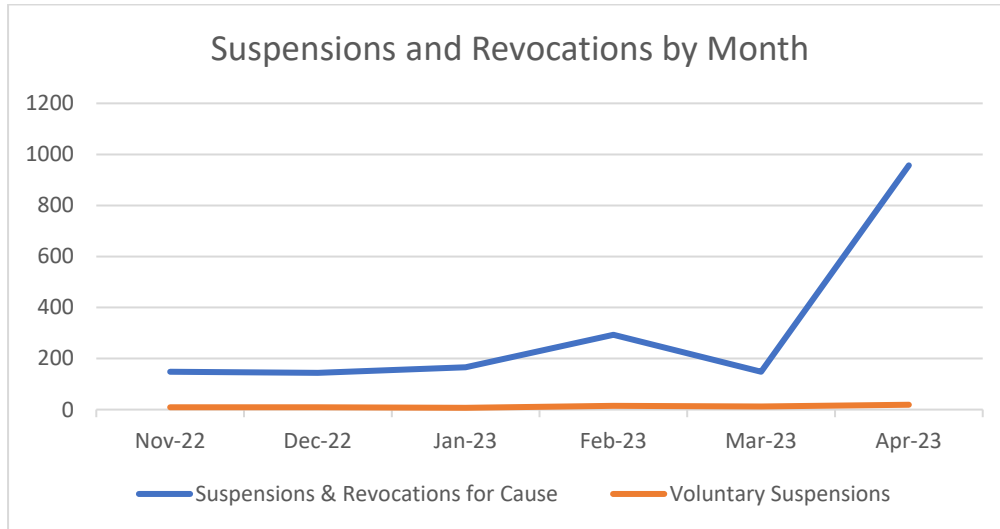
**Figure 2. Monthly Completions of Permit Categories**

**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

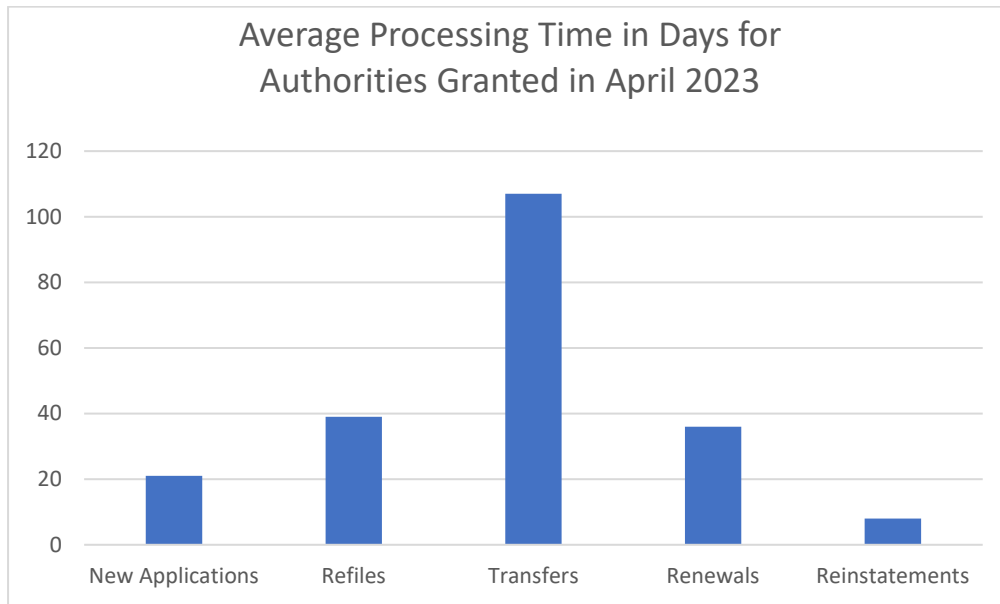
**Suspensions and Revocations.** Carriers can be suspended or revoked for various reasons such as failing to maintain active insurance or file annual or quarterly PUCTRA statements. Carriers may also voluntarily suspend operations. Figure 3 shows both types of suspensions/revocations by month.



### Figure 4. Average Processing Times

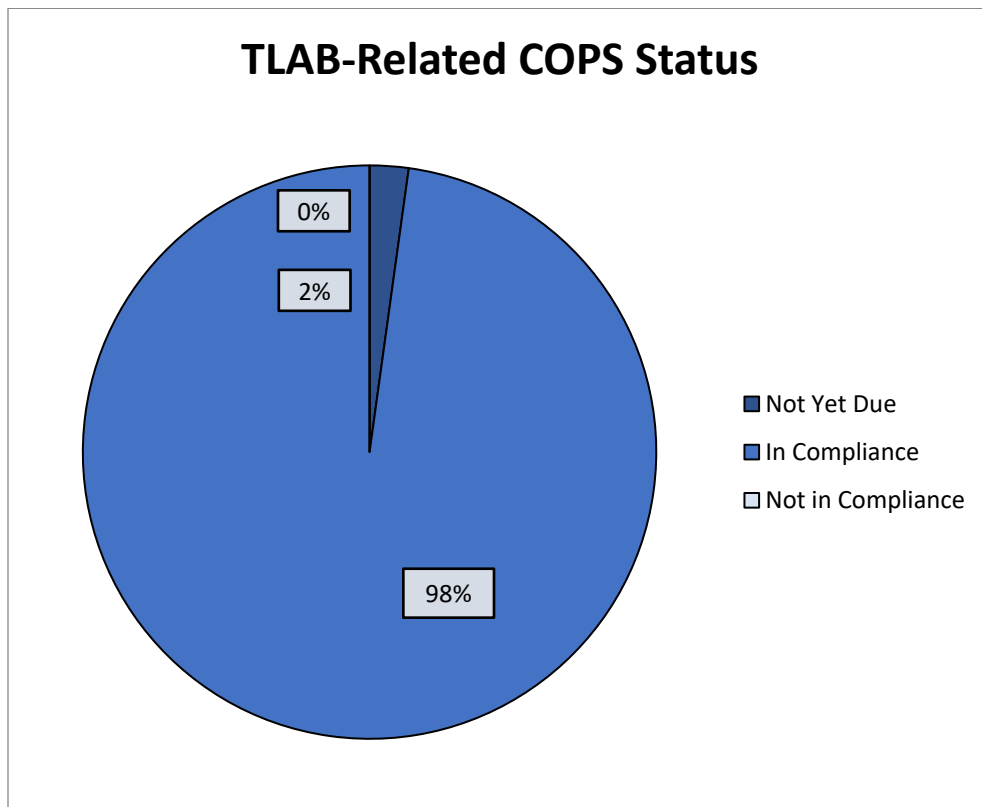
**Average Processing Times.** The total time to process an application, from initial receipt to issuance or denial of a permit or certificate, depends on internal processing time and on the time for external entities to provide necessary information. Upon receipt of applications application, CPUC staff review them for completeness and issue deficiency notices to carriers for any outstanding items.

Examples of these items include evidence of insurance coverage filed by the carrier’s insurance agent; evidence of compliance with drug and alcohol testing requirements; 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 **690** 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. No Docket Activity.

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

1. No Docket Activity.

**R.21-11-014 / Clean Miles Standard / Wang / Shiroma**

1. No Docket Activity.

**Carrier Application Proceedings.** The Transportation Licensing Section assists the Commission in the regulation of 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 in the State. Examples are commute ferry services in the San Francisco Bay and services between California mainland points and Catalina Island. PSCs and VCCs are common carriers and must file requests 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.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 / **04/27/2023 Commission granted application in D.23-04-039.**
- **A.22-10-013** / In the Matter of the Application of PACIFIC MARITIME GROUP, Inc., a California corporation, doing business as PACIFIC TUGBOATS (VCC-88), For Authorization to Increase Rates on its Vessel Common Carrier Service Operated Out of Los Angeles, Long



Beach and Redondo Beach Harbors and Connecting to Avalon, Two Harbors and the Isthmus on Santa Catalina Island and all the Camps and Beaches That Surround Santa Catalina Island / **04/03/2023 Notice of Reassignment to ALJ Afary.**

- **A.22-10-019** / Application of Bill's Bus Inc. (PSC18345) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone of Rate Freedom (ZORF) fares for its existing route and for permission to abandon San Diego Route from San Diego State to Pacific Beach due to lack of staff and financial viability / **03/22/2022 Scoping Ruling issued.**
- **A.23-01-012** / Application of ANGEL ISLAND-TIBURON FERRY, INC. (VCC-82) for a General Fare Increase Pursuant to Public Utilities Code Section 454 and for Authority to Establish a Zone of Rate Freedom / **04/17/2023 Prehearing Conference held.**
- **A.23-01-018** / Application of Island Boat Service (VCC-80) for Authorization to Increase Passenger Fares on Its Vessel Common Carrier Service Between Vessels and ShorePoints and Between all Points and Places On or Within Three Miles of Santa Catalina Island and For Zone of Rate Freedom / **04/12/2023 Prehearing Conference held.**

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## Joint Agency Collaboration/Outreach/Training

**Joint Agency Collaboration.** Information sharing and collaboration with other transportation agencies is a critical part of TLAB's work.

- Bi-monthly TLAB Staff and CARB Staff coordination meeting on the Clean Miles Standard
- Monthly TLAB and Department of Motor Vehicles Autonomous Vehicles meeting
- Monthly TLAB Meeting w/ California Highway Patrol

**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.

- CPED presented on Autonomous Vehicles at the Association of Environmental Professionals Conference on April 25

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

[CPED Monthly Activity Report / April 2023](#)

- Hot Weather Heat training
- New Employee Training
- Supervisory Development Training
- TCT Phase 1-training
- Ethics Training

## TRANSPORTATION ENFORCEMENT BRANCH

The Transportation Enforcement Branch (TEB) regulates Charter-Party Carrier of Passengers (TCP) (e.g., limousines, airport shuttles, chartered and scheduled bus operators, Transportation Network Companies (TNC)) and vessels in California to safeguard the public 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.

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### Transportation Safety Management System

TEB reports the following progress for April 2023, for the following program elements.

1. **Transportation Safety Assurance** – Assuring that 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.

➤ **Safety Field Inspections**

- Indio Coachella I, II
- Indio-Stagecoach Music Festival
- Napa County
- Palm Springs Airport

➤ **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.

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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](https://www.cpuc.ca.gov/enforcement-policy)

- ADR was terminated after CPED rejected a counteroffer.
- ALJ Brian Stevens. On March 8, 2023, CPED and Uber filed separately a renewed Motion Requesting Evidentiary Hearings. On March 17, 2023, ALJ Stevens filed a ruling modifying the schedule of the proceeding. On March 20, 2023, Uber filed Supplemental Rebuttal Testimony. On March 27, 2023, Uber filed a Motion to Dismiss. On March 28, 2023, the ALJ Stevens, denied the Consumer Protection and Enforcement Division’s Motion to serve Sur Rebuttal. On April 7, 2023, ruling was issues related to the logistics of the evidentiary hearing that is calendared for the adjudicatory proceeding.

2. **Transportation Risk Management** – Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.

- Continued with data collection from TEB Field activities for internal operations analysis.

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.

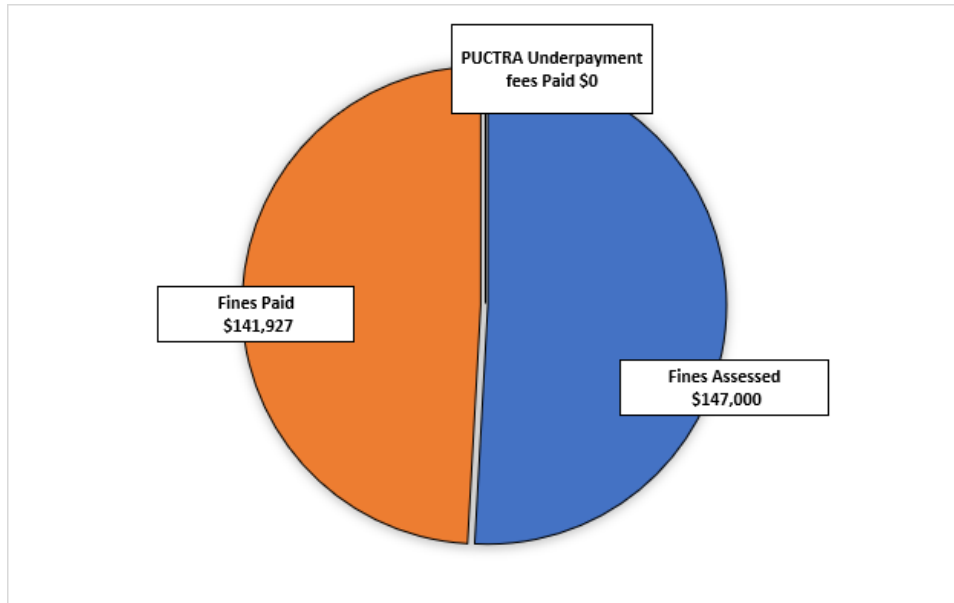
- There were no Training and Safety Promotions conducted in April 2023.

**Table 2. TEB Enforcement Activities**

12 Month Enforcement Activity	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	Total
Open Investigations	82	98	90	72	64	80	77	74	76	70	76	81	N/A
New Investigations	7	24	7	3	11	27	8	7	13	10	15	12	144
Investigations Completed	3	7	10	16	24	9	11	12	9	15	23	8	147
Investigations Open Longer than 6 Months	24	27	35	23	32	21	25	25	23	37	20	34	N/A
% Of investigations Open Longer than 6 Months	29%	28%	39%	32%	50%	26%	32%	32%	30%	52%	26%	42%	N/A
Cease and Desist Notices	10	17	12	16	12	20	13	2	4	5	7	15	133
Warning Letters	2	3	4	1	2	2	0	0	1	1	0	2	18
Telephone Disconnects	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	1	5	2	1	0	4	7	1	2	4	2	2	31
Civil Compromise Actions	3	5	12	10	22	13	5	0	1	0	1	2	74
Vehicle	9	7	9	14	19	13	9	1	0	1	1	1	84

<b>Impounds</b>														
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**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations  
May 2022 – April 2023**



**Table 3. Consumer Intake Unit (CIU) Statistics**

CIU Statistics	
Open complaints as of April 1, 2023	4
New complaints received during month	12
Subtotal	16
Less: Complaints closed by CIU directly	6
Complaints Referred to Enforcement during month	10
Open CIU complaints as of April 30, 2023	0

**Table 4. Citation Appeal Proceedings**

Docket No.	Entity	Status
K.22-11-012	Edwin Torres, North Hollywood, unlicensed	On November 10, 2022, appeal was filed. Case assigned to ALJ Robert W. Haga. On December 20, 2022, the case was reassigned to ALJ Jacob Rambo for ADR. The case is still pending, awaiting an appeal hearing date.
K.23-01-021	Ali B Zanjani dba Royalty Limousine (TCP 16194)	On February 1, 2023, the Acceptance of Appeal Notice from the Docket Office (Appeal File Date: January 25, 2023; Citation T.23-01-001 imposing a \$5,000 fine). A Virtual Evidentiary Hearing took place on February 28, 2023 @ 10AM. No updates waiting for ALJ's decision.
K.23-04-007	Lkhavasuren Dulmaa, Moraga, unlicensed. PSG 5804	On April 12, 2023, an appeal was filed. ALJ Sumner Matthews assigned case on April 18, 2023. Compliance filing filed on April 26, 2023. Awaiting hearing date.



**Table 5. TEB Field Operations – Probable Violations and Observation Summary**

Month	Transportation Charter-Party (TCP)		Transportation Network Companies (TNC)		Passenger Stage Corporations (PSC)	
	Observed	Probable Violations	Observed	Probable Violations	Observed	Probable Violations
Apr 2023	204	47	113	47	1	1
Mar 2023	79	22	13	6	2	0
Feb 2023	26	10	69	19	0	0
Jan 2023	144	32	110	85	0	0
Dec 2022	72	14	37	20	0	0
Nov 2022	144	28	46	16	0	0
Oct 2022	78	18	321	49	3	0
Sept 2022	79	17	280	31	11	13
Aug 2022	470	23	562	109	0	0
July 2022	208	6	366	45	1	0
June 2022	160	15	500	45	2	0
May 2022	143	7	356	71	2	0

**Table 6. Joint Operations with Law Enforcement Agencies**

Agency	Operation
Helena Police Department (HPD)	TCP, PSC, and TNC passenger carrier inspection in Napa.
California Highway Patrol (CHP)	TCP, PSC, and TNC passenger carrier inspection at Cache Creek Casino in Brooks.
Palm Springs International Airport (PSP)	TCP, PSC, and TNC passenger carrier inspection at Palm Springs International Airport.
California Highway Patrol (CHP)	TCP/PSC passenger carrier inspection in Indio (Coachella I, Coachella II and Stagecoach Music Festivals).

## 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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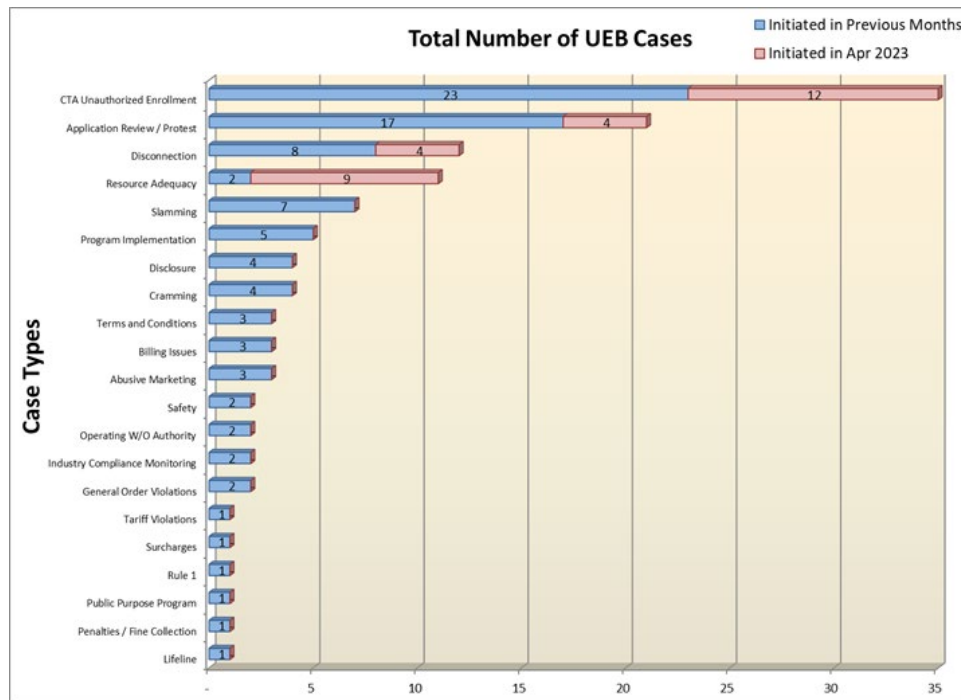
### Monthly Highlights

- **Kloud Communications (A.22-11-011):** On April 5, CPED and Kloud attended a prehearing conference (PHC) scheduled by ALJ Seaneen Wilson. The PHC addressed issues regarding positions of the parties, scope and schedule of the proceeding, and other procedural matters. CPED protested the application of Kloud alleging that the applicant violated Rule 1.1 for its failure to disclose a prior sanction of one of its principals, and a settlement agreement between the company and Safety Enforcement Division.
- **Shell Energy North America (SENA) RA Citation Appeal (K.21-11-018):** On April 11, 2023, ALJ Cai issued a ruling ordering Shell Energy and CPED to file a joint response addressing six questions by April 28, 2023 in light of the Commission's issuance of D.22-03-036 and D.22-08-055. On April 28, 2023, Shell Energy and CPED filed a joint response to the questions in the April 11, 2023 ruling.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-10-024):** On April 25, 2023, OCPA filed a motion for extension of time to serve its prepared testimony due to a discovery issue related to confidential information that arose. On April 26, 2023, ALJ Zhang issued a ruling granting OCPA's motion requesting an additional three months to serve its prepared testimony. On April 26, 2023, CPED requested a clarification that ALJ Zhang's April 26, 2023 ruling applies to all parties. On April 27, 2023, ALJ Zhang issued a ruling clarifying that the extension granted in the April 26, 2023 ruling applies to all parties. In addition, dates for service of the reply testimony, the meet and confer, and the joint responses were rescheduled as well.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-03-005):** On April 27, 2023, ALJ Chiv issued a ruling granting parties' motions to admit evidence into the evidentiary record, motions to admit confidential exhibits under seal, and motions for leave to file confidential documents under seal.

## Key Activities

UEB is working on a total of 122 cases. Investigations center primarily on CTA Unauthorized Enrollment, Application Review/Protest, Disconnection 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 April 30, 2023**



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## Citations/Fines/Reparation

UEB issued three RA Citations totaling \$7,363,029.60 in the month of April 2023. In addition, UEB also issued one CTA citation in the amount of \$3,000.

Cumulative 2023 fines, reparations and penalties imposed are shown below.

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

Date	Citations/Fines/ Reparation
January – March 2023	\$1,000
April 2023	\$7,366,030
Cumulative 2023	\$7,367,030

- **Resource Adequacy (RA) Citation Program:**<sup>3</sup> 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, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, 20-06-031 and D.22-06-050. UEB received nine case referrals in April 2023 and issued three citations totaling \$7,363,029.60.
- **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 April, UEB reviewed 264 CTA-related complaints received by the Consumer Affairs Branch (CAB) in March 2023 and identified 39 needing investigation for potential unauthorized enrollment. Staff issued 10 data requests for proof of enrollment authorization. UEB received proof of enrollment authorization for 31 customers; 17 customers were enrolled prior to Resolution UEB-003; 1 customer did not have enough information in CIMS to issue the data request; 1 customer's account was rescinded before service commenced; and 1 customer's account was unable to be identified by the

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<sup>3</sup> "Energy Division consulted with Legal Division and determined that year-ahead RA citations contain market sensitive information related to load serving entities' net short position. Therefore, Energy Division asked that all information related to year-ahead RA citations be kept confidential until after the final compliance month with deficiencies have passed. As a result, UEB will no longer provide detailed information regarding RA citations issued. Please refer to the Commission's Website at [Utility Enforcement Branch \(ca.gov\)](http://Utility Enforcement Branch (ca.gov)) for publicly available information on RA citations."

CTA. Staff is waiting on two CTAs to provide its complete responses. As such, staff’s investigation for March is ongoing.

**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				
March	264	39	10	31	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 April. UEB was responsible for 41 separate Ordering Paragraphs. As of April 2023, 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 10. UEB-Related Proceedings**

R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Houck
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.21-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Chiv	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.21-11-018	Appeal of Shell Energy North America to citation E-4195-113 issued on October 21, 2021 by Consumer Protection & Enforcement Division.	Cai	N/A
K.22-05-017	Appeal of Orange County Power Authority to citation E-4195-116 issued on April 20, 2022 by Consumer Protection & Enforcement Division.	Petersen	N/A
I.22-04-005	Order Instituting Investigation on the Commission's Own Motion into MetroPCS California LLC Failure to Remit Prepaid Mobile Telephony Service Surcharges and User Fees	Mason	Houck
I.22-10-007	Order Instituting Investigation into the Operations and Practices of TC Telephone and Order to Show Cause to Determine Whether Respondents Violated the Laws, Rules, and Regulations Governing the California Universal LifeLine Program	Mason	Shiroma
K.22-10-024	Appeal of Orange County Power Authority to citation E-4195-125 issued on September 16, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
K.22-11-007	Appeal of Constellation New Energy to citation E-4195-130 issued on October 7, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A

A.22-02-020	Application of Dagobah Systems, Inc., dba Dagobah Communications Systems, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Melvin	Reynolds
A.22-10-005	Application of Digital Future UUC LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.	Tran	Shiroma
A.22-11-011	Application of Kloud Communications, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Wilson	Shiroma

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## Outreach/Training/Other Activities

**State National Action Plan (SNAP):** On April 20, 2023, the FCC discussed its Intergovernmental Advisory Committee (IAC) and extended nominations until May 12, 2023. The mission of the IAC is to provide aid to the FCC on the many telecommunications issues affecting local, state and Tribal governments that are within its jurisdiction. The IAC is composed of elected officials of municipal, county, state, and Tribal governments.