



California Public
Utilities Commission

Monthly Activity Report

CONSUMER PROTECTION AND
ENFORCEMENT DIVISION

November 2023

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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.

Processing Carrier Applications

TLAB’s Transportation Licensing Section is processing and managing applications for over 7,300 carriers throughout California. Items processed in November 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.

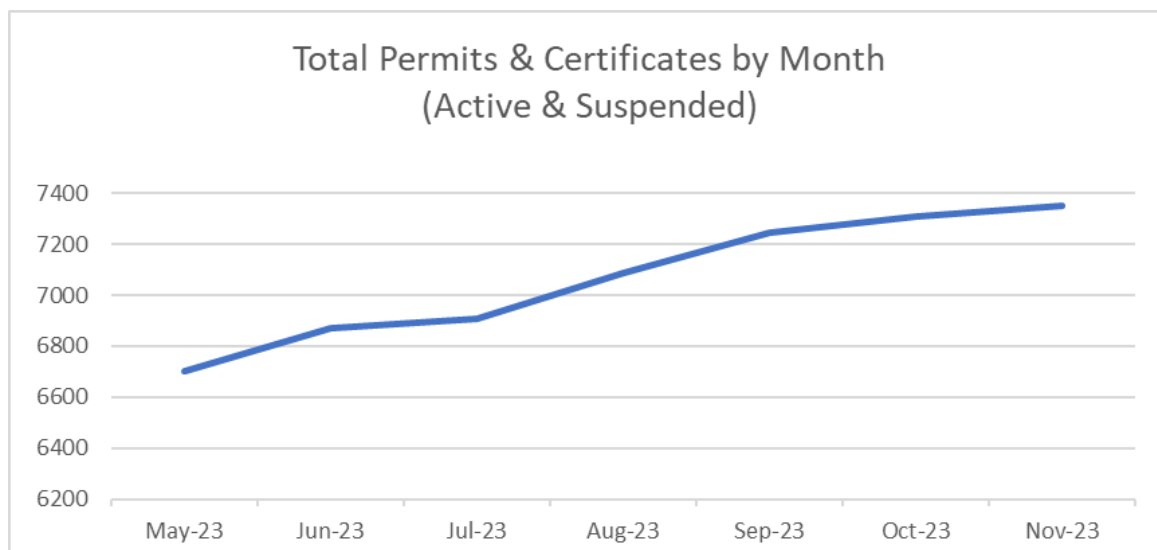


Table 1. Permits and Certificates by Category

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	7203
Passenger Stage Corporation	105
Vessel Common Carrier	17
Transportation Network Company	17
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 application numbers of each category completed by month.

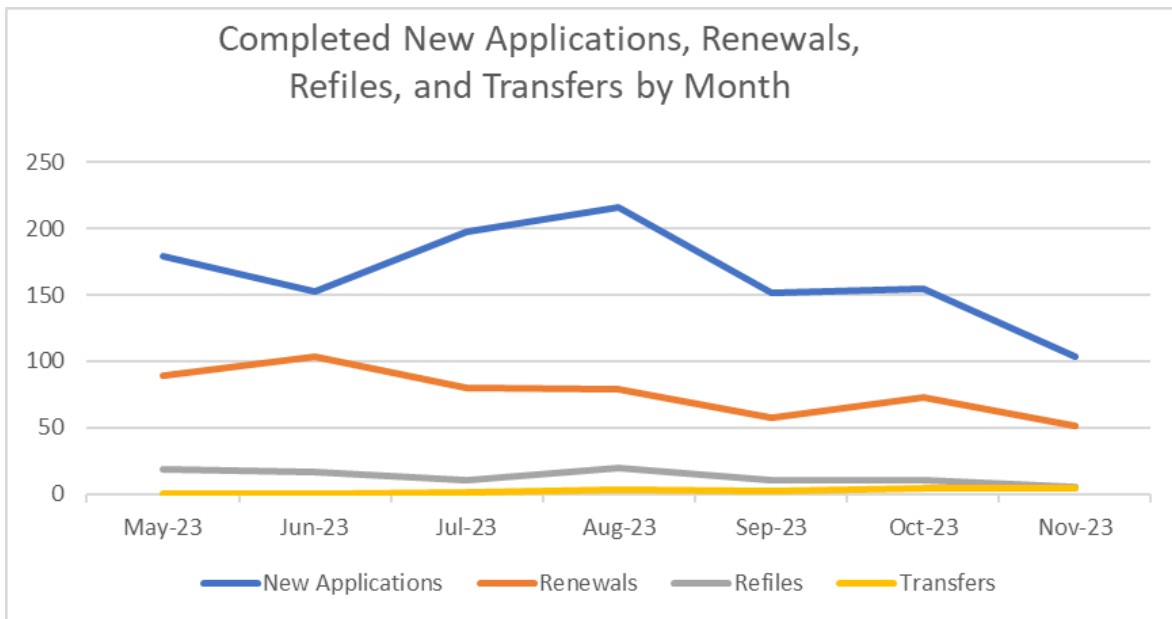


Figure 3. Suspensions and Revocations by Month

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

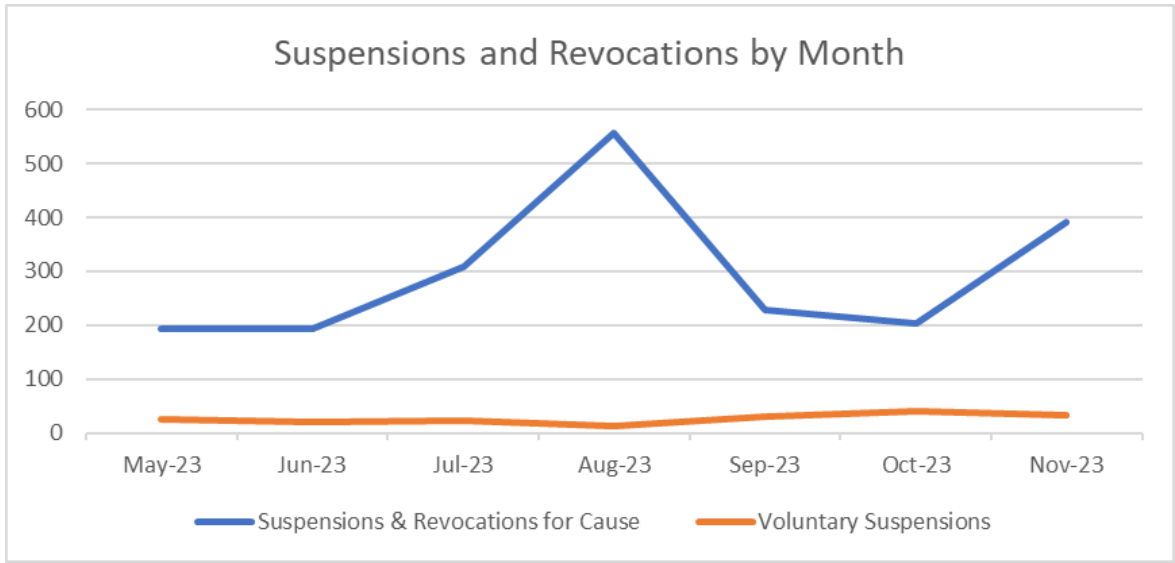
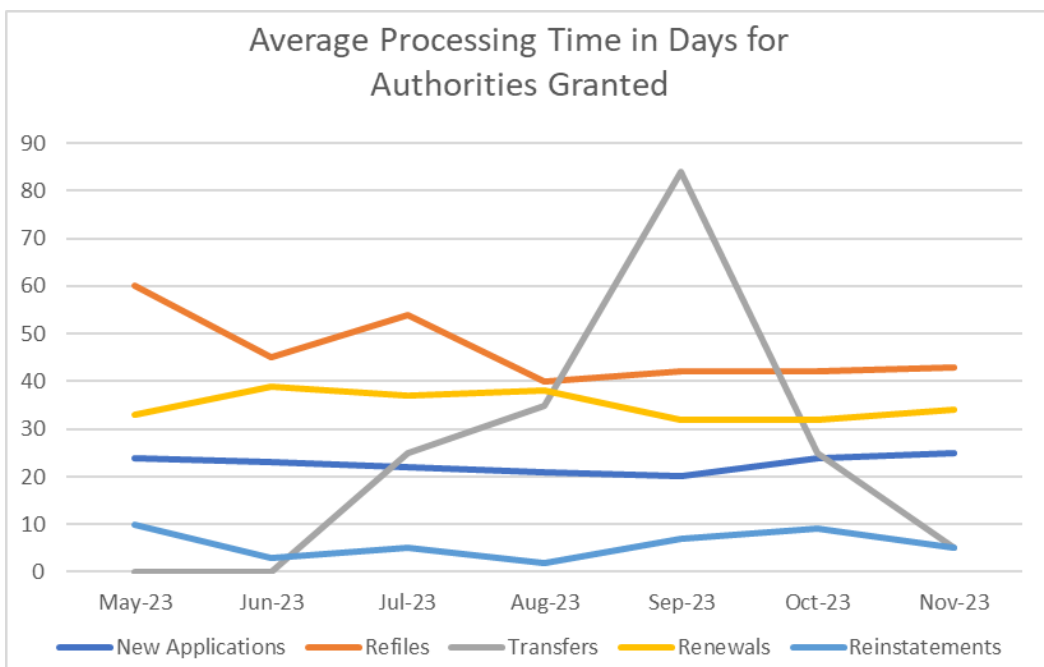


Figure 4. Average Processing Times

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, CPUC staff review them for completeness and issue deficiency notices to carriers for any outstanding items.

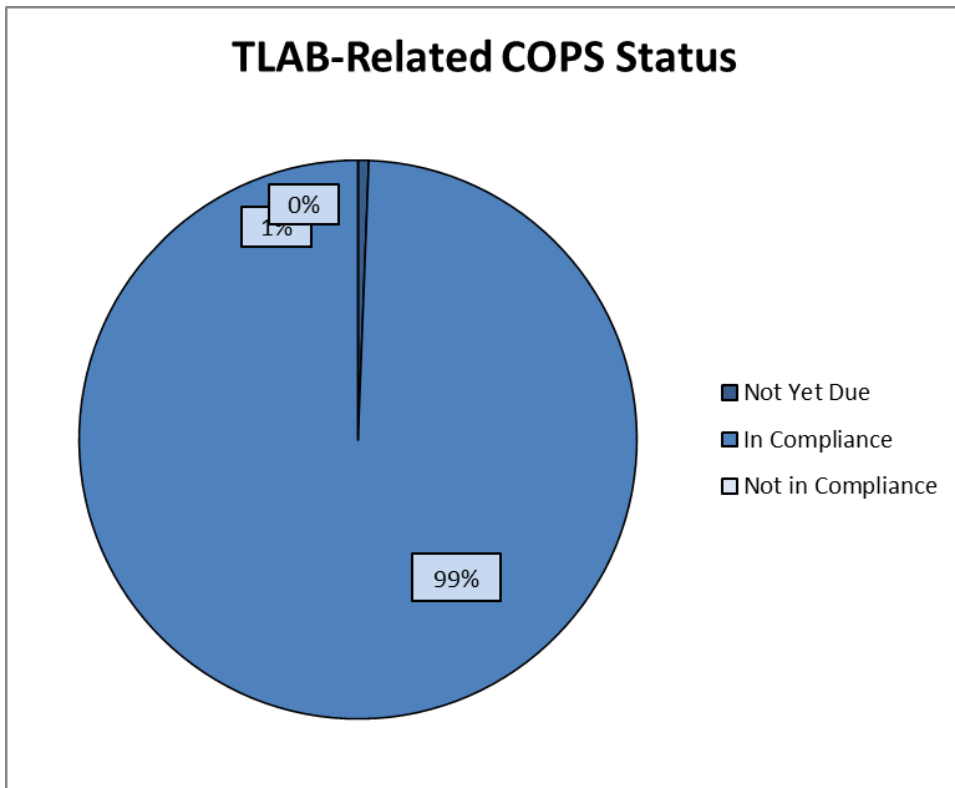
Examples of these items include evidence of insurance coverage filed by the carrier’s insurance provider; evidence of compliance with drug and alcohol testing requirements; and inspection by the California Highway Patrol for modified limousines and vehicles with a seating capacity of 11 or more. Figure 4 shows the average total processing time for the major categories of permits and certificates processed by TLAB.



Compliance with Ordering Paragraphs

Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for 709 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.



Docket Activity

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.

- 1) **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma**
 - a) No docket activity.
- 2) **R.19-02-012 / TNC Access Rulemaking / Chiv / Shiroma**
 - b) No docket activity.
- 3) **R.21-11-014 / Clean Miles Standard / Wang / Shiroma**
 - c) No docket activity.

Applications for Rehearing of Autonomous Vehicle Permits. On September 14, the City and County of San Francisco filed applications for rehearing of two recently approved resolutions authorizing Cruise and Waymo to expand driverless passenger service:

- A.23-09-014 for Rehearing of Resolution TL-19145 (Cruise)
 - » On November 8, 2023, the Commission ordered a stay of Res. TL-19145, which will be in place until the Commission acts on the AFR.
- A.23-09-015 for Rehearing of Resolution TL-19144 (Waymo)
 - » This application was denied by the Commission on November 8, 2023; minor modifications were made to the resolution.

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.22-05-019 / Neptune Holding Inc.'s Application for Authority to Control Greyhound Lines, Inc. Pursuant to Section 854 of the California Public Utilities Code / 11/08/2023 Proposed Decision published dismissing Application.**

- **A.22-10-016** / In the Matter of the Application of Blue & Gold Fleet, L.P. (VCC-77) For Authorization to Increase Passenger Fares on Its Vessel Common Carrier Service On San Francisco Bay Between Sausalito and San Francisco and for Authority to Adjust Fares Within a Zone of Rate Freedom. / **11/02/23 ALJ ruling directing applicant to file supplemental information. 11/07/23 Applicant filed supplemental information.**
- **A.23-05-006** / Application of STAR & CRESCENT BOAT COMPANY (VCC-63), doing business as FLAGSHIP CRUISES & EVENTS, for a Passenger Fare Increase and Authority to Establish a Zone of Rate Freedom for its Vessel Common Carrier Service on San Diego Bay Between the City of Coronado and the City of San Diego. / **11/09/23 Ruling issued on additional information regarding unreported merger and closing record.**
- **A.23-07-001** / Application of California Wine Tours, Inc. (PSC-9679) to Abandon Scheduled Passenger Stage Corporation Service Between Points in Napa, Sonoma, Vallejo, the San Francisco International Airport, and the Oakland International Airport. / **11/28/2023 Notice of Prehearing Conference scheduled for 12/12/2023, at 11:00 a.m.**
- **A.23-07-003** / Application of Tideline Marine Group, Inc. (VCC-93) to Discontinue Scheduled and Unscheduled Service. / **11/28/2023 Notice of Prehearing Conference scheduled for 12/12/2023, at 10:00 a.m.**
- **A.23-07-009** / In the Matter of the Application of: THE SONOMA COUNTY AIRPORT EXPRESS, INC. (PSC-1120) to modify Applicant's existing Certificate of Public Convenience and Necessity (CPCN) to abandon service between hotels in Sonoma County and wineries located in Santa Rosa, Kenwood and Geyserville. / **11/15/2023 Applicant filed Amended Application per ALJ's Order.**
- **A.23-11-013** / Application of Avalon Freight Services LLC (VCC-91) 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. / **11/20/2023 Application filed.**

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.

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:

- New Employee Training
- Supervisory Development Training
- Cybersecurity Training
- Anti-Harassment Training
- Leadership Training

TRANSPORTATION ENFORCEMENT BRANCH (TEB)

The Transportation Enforcement Branch (TEB) regulates Charter-Party Carriers 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 conducts our core safety assurance through compliance inspections, investigations, and enforcement activities. TEB promotes safety by conducting outreach activities for passenger carriers, training for law enforcement on applicable General Order regulations, and reviews all public complaints that it receives.

Consistent with the Commission’s Strategic Directives¹ and Enforcement Policy,² TEB developed and utilizes a Safety Management System that is implemented through the following pillars: Transportation Safety Assurance, Transportation Risk Management, and Transportation Safety Promotion.

Transportation Safety Management System

TEB reports the following progress for November 2023 for the following program elements.

Transportation Safety Assurance – Assuring the Commission’s regulated entities 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, Field Operations, and related Enforcement Activities.

- Transportation enforcement field activities:
 - » John Wayne Airport (SNA)
 - » Oakland International Airport (OAK)
 - » Temecula Wine Region
 - » Los Angeles International Airport (LAX)

- Formal Enforcement Proceedings:
 - I.21-12-001/Uber Technologies, Inc., and Uber Black Sub-carriers/ALJ Stevens/Commissioner

¹ [CPUCs Strategic Directives \(ca.gov\)](#)

² [CPUC Adopts Enforcement Policy to Promote Maximum Compliance, Transparency, and Public Safety](#)

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 updates for November 2023.

- Consumer Affairs Branch (CAB) Referrals:

- » Effective June 16, 2023, CAB is responsible for ingesting all transportation-related complaints. CAB now processes transportation complaints, maintains consumer complaint statistics, and refers complaints that require further investigation to TEB. For the month of November, CAB referred **two (2)** transportation complaints, which were assigned for investigation.

Transportation Risk Management – Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates. Continued monitoring information including but not limited to data obtained from field enforcement operations for emerging trends and any associated risks above the risk tolerance level.

- The third quarter risk assessment report was completed on November 16, 2023.

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.

- Arcata–Eureka Airport (ACV) enforcement training.

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sept 2023	Oct 2023	Nov 2023	Total
Open Investigations	74	76	70	76	81	74	70	84	78	65	67	56	N/A
New Investigations	7	13	10	15	12	11	8	19	9	3	15	25	147
Investigations Completed	12	9	15	23	8	20	9	16	10	16	16	12	166
Investigations Open Longer than 6 Months	25	23	37	20	34	13	18	11	12	24	19	19	N/A
% Of investigations Open Longer than 6 Months	32%	30%	52%	26%	42%	18%	25%	13%	15%	37%	28%	34%	N/A
Cease and Desist Notices	2	4	5	7	15	8	8	12	21	18	13	6	119
Warning Letters	0	1	1	0	2	4	3	0	0	1	1	7	20
Telephone Disconnects	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	1	2	4	2	2	4	1	3	2	2	5	4	32
Civil Compromise Actions	0	1	0	1	2	0	2	5	9	6	6	2	34
Vehicle Impounds	1	0	1	1	1	0	5	4	16	5	1	3	38

Between January and November 2023, as a result of its investigations, TEB assessed \$156,000 in fines, \$81,668 of which (52%) has been paid.

Table 3. Citation Appeal Proceedings

Docket No.	Entity	Status
K.22-11-012	Edwin Torres, North Hollywood, unlicensed	Awaiting an appeal hearing date. No updates for November 2023.
K.23-04-007	Lkhavasuren Dulmaa, Moraga, unlicensed. (PSG 5804)	Mr. Dulmaa and CPED agreed that Mr. Dulmaa will pay a \$1,000 fine and work with TLAB to obtain TCP authority. ALJ Mathews accepted the settlement agreement and instructed Mr. Dulmaa to withdraw his appeal. Parties awaiting ALJ Mathews’ final Resolution. No updates for November 2023.

Table 4. 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
Nov 2023	177	30	0	0	0	0
Oct 2023	51	18	48	23	0	0
Sep 2023	25	25	66	21	0	0
Aug 2023	61	31	92	42	0	0
Jul 2023	61	5	25	8	0	0
Jun 2023	79	10	18	5	0	0
May 2023	16	3	335	66	1	0
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

Table 5. Joint Operations with Law Enforcement Agencies

Agency	Operation
Los Angeles International Airport (LAX)	TCP, TNC, and PSC passenger carrier operation at LAX

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.

Monthly Highlights

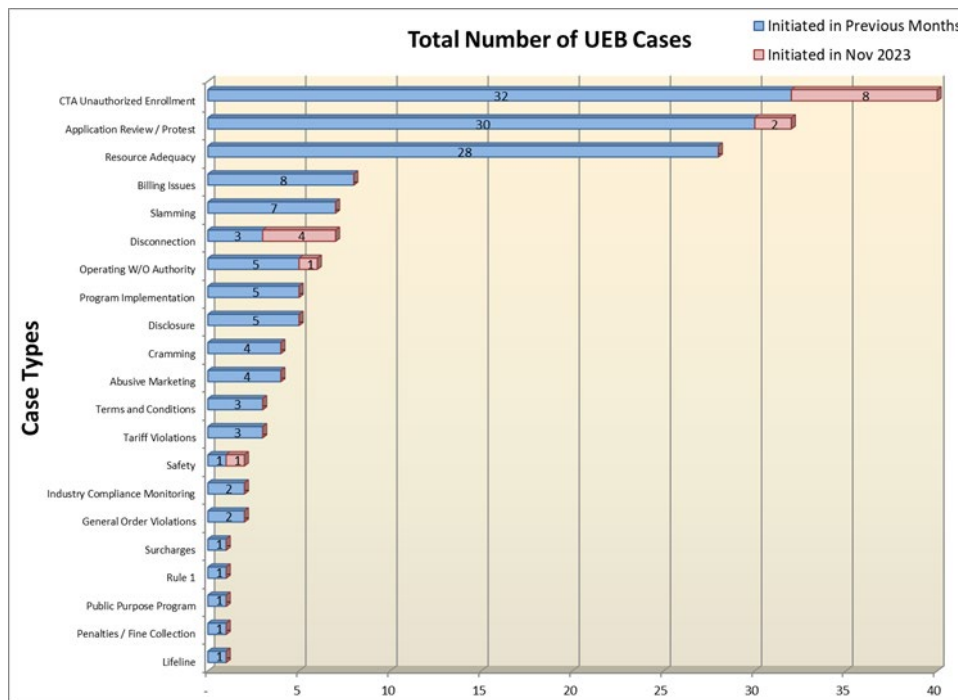
- **Lingo Telcom of the West (Resolution UEB-014):** On November 2, 2023, in Resolution UEB-014 the Commission approved the Administrative Consent Order and Settlement Agreement between CPED and Lingo. Lingo agrees to pay \$320,000 to the general fund to resolve all issues UEB raised regarding Lingo’s failure to include the required CAB toll-free number on its customers’ bills.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-10-024):** On November 7, 2023, ALJ Chiv issued an email ruling on the procedural schedule for briefs and other matters. On November 17, 2023, CPED and OCPA filed a joint motion to admit testimony into evidence.
- **Shell Energy North America (SENA) RA Citation Appeal (K.21-11-018):** On November 10, 2023, SENA filed a motion for reconsideration of the assigned administrative law judge’s ruling denying subpoena request. On November 13, 2023, SENA filed its opening testimony arguing that it was impossible for SENA to meet its local RA obligations due to market conditions. On November 30, 2023, CPED filed its reply testimony arguing that SENA has not met its burden of proof to demonstrate the impossibility of resource procurement.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-05-017):** On November 13, 2023, ALJ Petersen issued an email ruling ordering CPED and OCPA to meet and confer and send joint email response to the service list regarding whether discovery is complete by November 20, 2023. On November 20, 2023, CPED and OCPA sent a joint email response confirming discovery is complete on this matter.
- **Desert Community Energy (DCE) RA Citation Appeal (K.23-05-017):** On November 17, 2023, CPED and DCE submitted a joint response stating that evidentiary hearings are not necessary. On November 28, 2023, ALJ Chiv issued a ruling on the procedural schedule for briefs and other matters.

- Silicon Valley Clean Energy Authority (SVCEA) RA Citation Appeal (K.23-11-015):** On November 27, 2023, SVCEA filed a Notice of Appeal of Citation No. E-4195-0143 issued by CPED on October 27, 2023 in the amount of \$3,012,248.00. A compliance filing is due December 11, 2023.
- Dagobah Systems, Inc. CPCN (D.23-11-093):** On November 30, 2023, the Commission adopted and approved the Settlement Agreement between Dagobah and CPED. Pursuant to the settlement agreement, Dagobah shall pay a fine of \$7,000. The Commission also granted Dagobah a certificate of public convenience and necessity to provide resold interexchange services in California.

Key Activities

UEB is working on a total of 163 cases. Investigations center primarily on CTA Unauthorized Enrollment, Application Review/Protest, 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 6. UEB Total Number of Cases by Type as of November 30, 2023



Citations/Fines/Reparation

During the month of November 2023, UEB issued four RA Citations totaling \$5,771,430. The Commission also imposed penalties of \$320,000 in Resolution UEB-014 against Lingo, and \$7,000 in D.23-11-093 against Dagobah.

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

Table 6. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/Reparation
January – October	\$24,717,149
November 2023	\$6,098,430
Cumulative 2023	\$30,815,579

- 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, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, 20-06-031, 21-06-029, 22-06-050 and 23-06-029. In November 2023, UEB issued four citations totaling \$5,771,430 and received payment of \$123,964.80 in citation penalty. UEB also received one Notice of Appeal (K.23-11-015) for citation E-4195-0143.
- Disconnection Citation Program:** UEB issues citations to enforce compliance with the disconnections-related consumer protection rules in D.20-06-003. This citation program is applicable to Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas), collectively referred to as California’s large investor-owned utilities (IOUs).
- 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 November, UEB reviewed 78 CTA-related complaints received by the Consumer Affairs Branch (CAB) in October 2023 and identified 24 needing investigation for potential unauthorized enrollment. Staff issued 7 data requests for proof of enrollment authorizations. UEB has received proof of enrollment authorizations for 20 customers; 4 customers did not have information in the CIMS database for staff to pursue data requests from. Staff is in the process of contacting customers to confirm the legitimacy of the purported proof of authorizations. Therefore, staff’s investigation for October is ongoing.

Table 7. 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				
November	78	24	7	22	0	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of November. UEB was responsible for 41 separate Ordering Paragraphs. As of November 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.

UEB-Related Proceedings

Table 8. UEB-Related Proceedings

Proceeding	Description	Assigned ALJ	Assigned Commissioner
K.21-03-006	Appeal of Western Community Energy to citation E- 4195-99 issued on February 9, 2021 by Consumer	Wercinski	K.21-03-006

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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
K.23-05-017	Appeal of Desert Community to citation E-4195-133 issued on April 17, 2023 by Consumer Protection & Enforcement Division.	Chiv	N/A
K.23-05-019	Appeal of Orange County Power Authority to citation E-4195-134 issued on April 24, 2023, by Consumer Protection & Enforcement Division.	Kelly	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

K.23-11-015	Appeal of Constellation New Energy to citation E-4195-143 issued on October 27, 2023 by Consumer Protection & Enforcement Division.	N/A	N/A
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Outreach/Training/Other Activities

State National Action Plan (SNAP): On November 16, 2023, the FCC discussed its continued rollout of the Enhanced Alternative Connect America Cost Model offered for Rate-of-Return carriers expanding rural broadband access. Carriers electing to receive this funding will maintain current levels of service and commit to deploy 100/20 Mbps service or faster by 2028. Carrier commitments and the level of funding each carrier can expect to receive are available at the FCC’s broadband deployment section of its website.