



Consumer Protection and Enforcement Division



Monthly Activity Report March 2020

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OVERVIEW

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

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

PASSENGER TRANSPORTATION

The Commission's Transportation Program oversees for-hire passenger carriers (limousines, airport shuttles, chartered and scheduled bus operators, transportation network companies and ferries). The Program consists of three branches: the Transportation Enforcement Branch-North (TEB-N), TEB-South (TEB-S) and the Transportation Licensing and Analysis Branch (TLAB).

TEB investigates alleged violations, conducts joint inspections, issues warning notices and citations, prosecutes enforcement cases before the Commission and supports civil and criminal cases brought by local prosecutors, such as a district or city attorney. TEB also staffs a consumer complaint 800 phone line and conducts outreach activities to educate consumers, carriers, and state and local law enforcement and prosecutors on consumer protection statutes, regulations and policies that affect passenger transportation.

TLAB's Licensing Section analyzes applications from carriers, writes proposed decisions to approve or deny a carrier's CPCN application, issues permits and certificates, and tracks carrier compliance with permit requirements while TLAB's Analysis Section functions as the Commission's subject matter expert and advises decision makers regarding for-hire carriers.

KEY ACTIVITIES

Investigations

In March 2020, TEB closed 24 investigation cases and initiated 28 new ones. The Consumer Intake Unit (CIU) received six complaints and referred four of those complaints to the Enforcement Unit for further investigation.

2020 Enforcement Activity	Jan	Feb	Mar	YTD
Open Investigations as of 3/1/2020	111	117	68	
New Investigations Initiated	46	16	28	90
Investigations Completed	18	26	24	68
Cease and Desist Notices	28	19	16	63
Official Notices	3	7	4	14
Telephone Disconnects	2	3	0	5
Citations	6	8	9	23
Citations Appealed	0	0	2	2

Complaints

Consumer complaints decreased by 50% in March compared to the prior month, possibly a result of less passenger travel due to COVID-19 restrictions imposed in mid-March. This month, the Consumer Intake Unit (CIU) received just six complaints.

Complaint Activity	Jan	Feb	Mar	YTD
Open complaints as of first day of current month	3	3	1	
New complaints, by source:	17	12	6	35
Consumer	13	12	5	30
Competitor	4	0	1	5
Complaints referred to Enforcement	9	8	4	21
Open complaints as of last day of current month, by duration:				
0-30 days	3	1	1	
31-60 days	0	0	2	
Complaints closed by CIU, by duration:				
0-30 days	14	14	4	32

Carrier Application and Permit Activity

As of March 2020, TLAB’s Licensing Section has received **704** applications (New, Renewals, Refiles, and Transfer) and issued **661** permits. Currently, TLAB has completed **385** additional applications but cannot approve them until the California Highway Patrol (CHP) completes bus terminal inspections (CHP requires 60 days) and/or the carrier provides proof of insurance or enrollment in a drug testing program (up to 7 days). **One** new TNC application is currently under review.

Year-to-Date Passenger Carrier Activity	Total
New Applications Docketed	172
Renewal Applications Docketed	478
Refile Applications Docketed	44
Transfer Applications Docketed	10
Authorities Issued	661
Authorities Suspended	1159
Authorities Revoked	246
Authorities Reinstated (Suspended/Revoked)	680
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	179
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	206
Pending Reinstatement from Suspension and Revocation	20
Total Active/Suspended TCP and PSC Authorities as of 03/31/2020	6011
Total Active/Suspended TNC Authorities as of 03/31/2020	13
Voluntary Suspensions	170
Voluntary Revocations	47
Vehicles added to Passenger Carrier Equipment Statements	1518
Address and DBA Changes	672
Vehicle inspection requests sent to CHP	930
Returned Applications (incomplete package)	143

CITATIONS/FINES/REFUNDS

TEB Fines/Refunds	January	February	March	YTD
Fines Assessed	\$34,500	\$21,000	\$30,500	\$55,500
Fines Paid	\$13,590	\$14,040	\$37,233.33	\$27,630
Overcharge Refunds/Settlements by TEB Consumer Unit	\$1,496	\$559	\$2,269.06	\$2,055

Citations

- **F-5627. Vadim Gazanchiyants dba Town Limo, San Rafael** (TCP 29044). Case: PSG-5005. Fine: \$2,000. Violations: carrier 1) Failed to enroll drivers in and maintain a Controlled Substance & Alcohol Testing Certification program; 2) underreported gross revenue and underpaid PUCTRA fees; 3) failed to maintain and produce records; and 4) failed to provide accurate waybills.
- **F-5648. Khristo Makdisi dba Skyline Sedan & Transportation Service, Napa** (TCP 14167). Case: PSG-5137. Fine: \$5,000. Violations: carrier 1) Operated after suspension of authority; 2) failed to maintain and have on file the required PLPD insurance; and 3) failed to maintain a Controlled Substance & Alcohol Testing Certification program.
- **F-5649. Emilio A. Castillo-Vasquez dba Amazing Limousines of Sacramento LLC, Sacramento** (TCP 36667). Case PSG-4982. Fine: \$5,500. Violations: carrier 1) Operated after expiration of authority; 2) advertised after expiration of authority; and 3) failed to maintain and provide access to records.
- **F-5646. Aljabari Raed A, San Bruno** (TCP 18395). Case: PSG-5154. Fine \$2,000. Violations: carrier 1) Operated at airport without an airport authority; 2) failure to produce records
- **F-5647. Universal Green Solutions, LLC, San Jose** (TCP 36763). Case: PSG-5157. Fine \$2,000. Violations: carrier 1) Operated after suspension of authority.
- **F-5650. Ng Ming Yin, San Francisco** (TCP 17519). Case: PSG-5198. Fine \$2,000. Violations: carrier 1) Operated after expiration of authority.
- **F-5636. Rye Transportation Inc. dba Rye Limousine** (TCP 32275). Case: PSG-5081. Fine: \$2,000. Violations: 1) Operating after suspension of authority; 2)

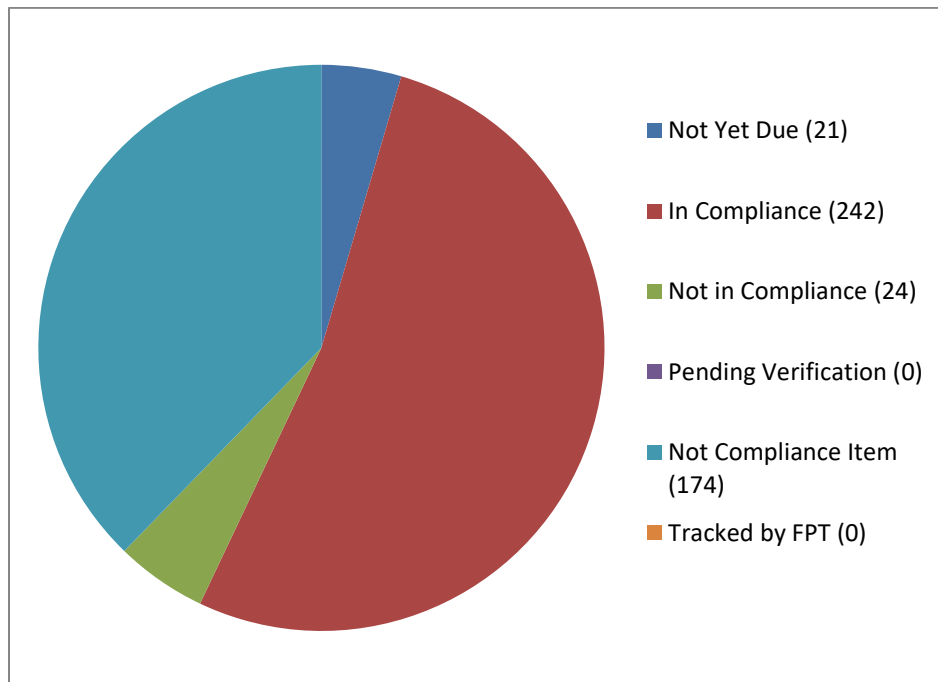
failed to enroll driver in the DMV EPN Program; and 3) not enrolling driver in drug consortium program.

- **F-5652. Events and Tours, Inc.** (TCP 37265). Case: PSG-5140. Fine: \$5,000. Violations: 1) Operated without WKCP insurance; 2) failed to enroll driver in the DMV EPN Program; 3) failed to enroll driver in drug consortium program; 4) failed to maintain records; and 5) Failed to display TCP number on front and rear bumpers
- **F-5651. P Monterey LP, dba The Park Lane, Monterey** (TCP-26923). Case: PSG-5037. Fine: \$4,000. Violation: carrier 1) Operated as a charter-party carrier after expiration of its authority; 2) failed to enroll drivers in Alcohol and Drug Program; and 3) failed to enroll drivers in DMV EPN program.

Los Angeles Airport Citation Program

Month	Citations issued by LAX	Citations issued by CPUC	Vehicles impounded	C&D letters issued by TEB-S	Total fines collected
January	16	8	15	16	\$8,000
February	19	11	15	16	\$10,250
March	2	0	2	2	\$0
Year to date	35	19	30	32	\$18,250

COMPLIANCE WITH ORDERING PARAGRAPHS



The Transportation Program is currently responsible for 461 separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and DMV pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. OPs also introduce new reporting requirements and transportation policies.

DOCKET ACTIVITY

Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.** On March 12, 2020, the Commission adopted and published [Decision 20-03-014](#) on TNC data confidentiality issues in “Track 3.”
- **R.19-02-012 / TNC Access for Persons with Disabilities / Mason & Chiv / Shiroma.** On March 12, 2020, the Commission adopted [Decision 20-03-007](#) on Track 2 Issues: Offsets, Exemptions, and Access Provider Disbursements.

Enforcement Proceedings

- No OIIs or OSCs.

Citation Appeal Proceedings

- **K.19-08-017 / Amir Khouri Faiz d/b/a Classic Limousine (TCP 21472) Appeal / ALJ McGary.** On March 12, 2020, Commission approved Citation F-5545 in part; reduced \$5,000 fine to \$2,500, pending lawful operation for 24 months; and closed the proceeding.
- **K.19-09-15 / Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z) Appeal / ALJ Kim.** On September 26, 2019, appeal was received and filed by ALJ Docket Office. No hearing date scheduled by the ALJ.
- **K.19-12-004/ Superior Enterprises, LLC (TCP 35089) Appeal / ALJ Goldberg.** Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing scheduled for April 20, 2020 by the ALJ.

K.19-12-005/ D and D Limo, Inc. (TCP 36542) Appeal / ALJ Goldberg. Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing scheduled for April 21, 2020 by the ALJ.

- **K.19-12-006/On Time Coach Executive, LLC. (TCP 38149) Appeal / ALJ Goldberg.** Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing scheduled for April 21, 2020 by ALJ.
- **K.20-03-12 / Belmont Village Calabasas, LLC. (TCP - Unlicensed) Appeal / ALJ Kline.** On March 16, 2020, appeal was received and filed by the ALJ Docket Office. No hearing date scheduled by the ALJ.

Carrier Application Proceedings

- **A.19-09-011 / Application of PropSF, LLC (VCC94) to amend its Vessel Common Carrier Authorization to Add Unscheduled Prearranged Service Between Points in San Francisco, Marin, the Peninsula, and the East Bay, Establish Rates and a ZORF for Unscheduled Service, and Request a ZORF of 20% for Both Scheduled and Unscheduled Services / 03/02/2020 Assigned Commissioner's Scoping Memo and Ruling issued.**
- **A.20-03-008 / Application of MAIN EXPRESS, LLC, for Passenger Stage authority under Section 1031, et. seq., of the California Public Utilities Code, to transport passengers and baggage express, on an on-call, county-to-county fare basis, between the counties of San Diego, Orange, Los Angeles, San Bernardino, Riverside, Kern, Monterey, Tulare, Fresno, Santa Clara, San Mateo, San Francisco, Alameda and Sacramento, on the other hand; and to establish a Zone of Rate Freedom (ZORF) under Section 454.2, et. Seq., of the PU Code / 03/06/2020 Application filed.**
- **A.20-03-010 / Application of Transit Systems Unlimited, Inc. for Authority to Operate as Self-Insured Charter-Party Carrier of Passengers Pursuant to Public Utilities Commission General Order No. 115-G / 03/13/2020 Application filed.**

OUTREACH/TRAINING/OTHER FIELD ACTIVITIES

Joint Agencies Work/Outreach

- **Shasta County District Attorney's Roundtable, Redding.** On March 3, 2020, Northern California-based staff participated in the District Attorney's roundtable, a forum attended by various federal, state, county and local agencies to discuss cases

currently under investigation, enforcement efforts and issues that may be common amongst the agencies.

- **Shasta County District Attorney’s Fraud Prevention Fair, Redding.** On March 4, 2020, Northern California based staff participated in a fraud prevention fair hosted by the Shasta County District Attorney’s Office. Approximately 400 members of the community attended the fair. Attendees received tools and information about fraud prevention. Visitors to TEB’s table engaged staff in discussions of CPUC consumer protection efforts and were received various handouts, including consumer advisories and information on filing transportation and utilities-related complaints.
- **San Francisco International Airport (SFO) Ground Transportation Unit and San Francisco Airport Police.** Staff and management from TEB-Northern California, SFO Ground Transportation Unit and San Francisco Airport Police meet monthly to jointly address complaints of unlicensed passenger carriers that operate at SFO. In March 2020, joint staff observed/inspected 456 vehicles prior to the city’s COVID-19 shelter-in-place directive. Among the 456 vehicles, TEB staff found that two carriers operated with a suspended, revoked or expired authority, while three carriers failed to register their vehicles with CPUC.
- **California Air Resources Board (CARB) Clean Miles Standard Regulation Expert Panel Discussion.** On March 20, 2020, TLAB staff and management remotely attended an all-day working group meeting to discuss issues related to implementation of SB 1014 (Skinner, 2018) on TNCs and greenhouse gas emissions reductions.

Training

- **Roles and Responsibilities of the Superior Analyst.** On March 7, 2020, TLAB staff attended CalHR training on the “Roles and Responsibilities of the Superior Analyst.”

UTILITIES ENFORCEMENT BRANCH

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

MONTHLY HIGHLIGHTS

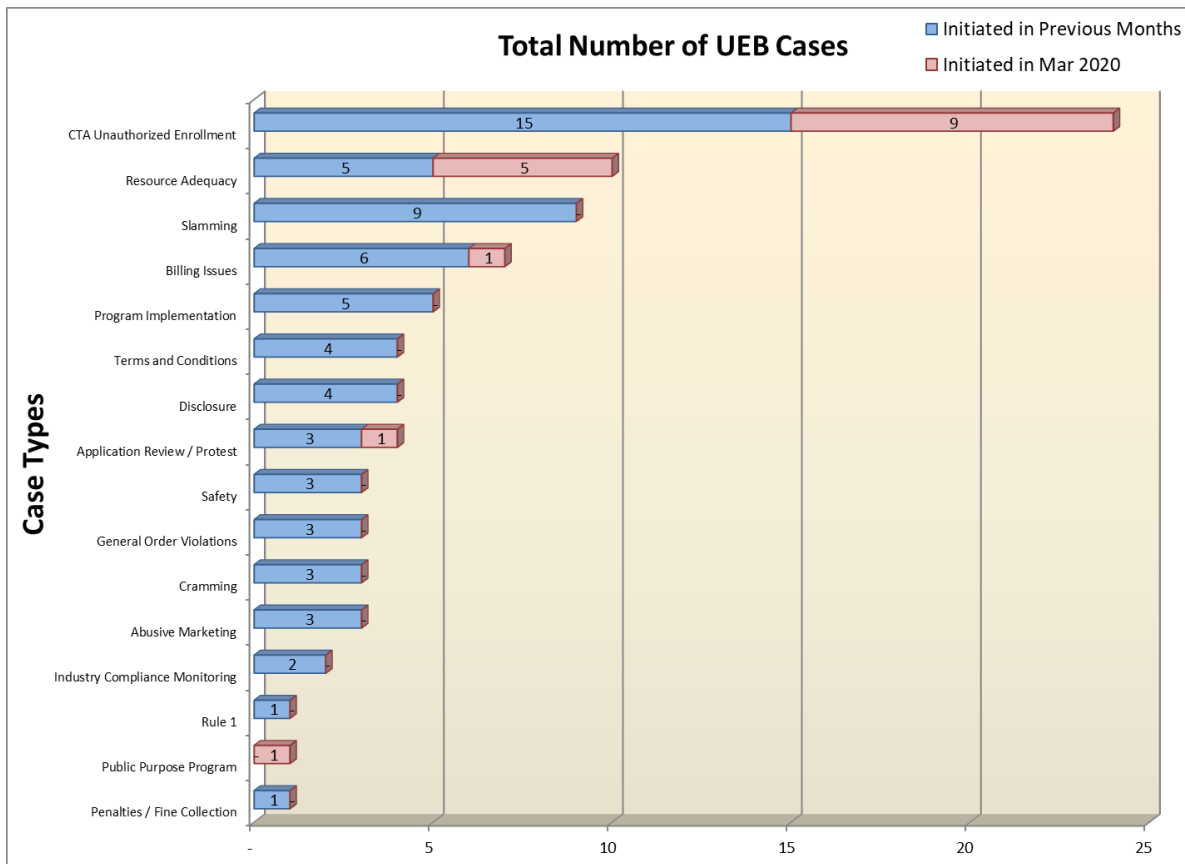
- **One Million New Internet User Coalition (NIU) (I.18-07-009) (Commissioner Rechtschaffen/ALJ KIM):** Based on the ALJ's ruling, CPED and NIU filed separate case management statements to respond to 5 questions posed by the ALJ to prepare for hearings. In addition, CPED filed a Motion requesting that the Commission order NIU to respond to CPED's data request. This discovery dispute was a result of NIU's refusal to provide responsive information to the data request.
- **Frontier Communications (I.19-12-009) (Commissioner Randolph/ALJ Zhang):** CPED and Frontier held a noticed settlement conference and reached a settlement in principle of all issues in the OII. As such, CPED and Frontier requested, and ALJ Zhang suspended the proceeding schedule while awaiting an update regarding settlement.
- **Resource Adequacy (RA) Citation Program:** UEB issued 7 RA citations totaling \$2,156,367 against Load Serving Entities for failing to comply with resource adequacy requirements pursuant to Resolution E-4195, and Decisions 10-06-036, 11-06-022 and 14-06-050.
- **PG&E Public Safety Power Shutoff (PSPS) (R.18-12-005) (Commissioner Batjer/ALJ Semcer):** Based on the ALJ's ruling, parties filed reply comments addressing the need for additional and modified de-energization guidelines. This ruling directs PG&E to show cause why it should not be sanctioned by the Commission for failing to properly communicate with its customers and

coordinate with local governments and Public Safety Partners, resulting in a risk to public safety.

KEY ACTIVITIES

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

Cases by Type as of March 31, 2020



CITATIONS/FINES/REPARATION

UEB issued 7 Resource Adequacy (RA) citations totaling \$2,156,367 during the month of March 2020. The citations were for a RA deficiency that was remedied after 5 business

days from the date of notification by the Energy Division or not remedied at all or for a deficiency that was cured within 5 business days from the date of notification by the Energy Division.

Cumulative January through March 2020 fines, reparations and penalties imposed are shown below.

Date	Citations/Fines/ Reparation
March 2020	\$2,156,367
Cumulative 2020	\$9,293,605

- Resource Adequacy (RA) Citation Program:** UEB issues citations and levy 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 and 14-06-050.

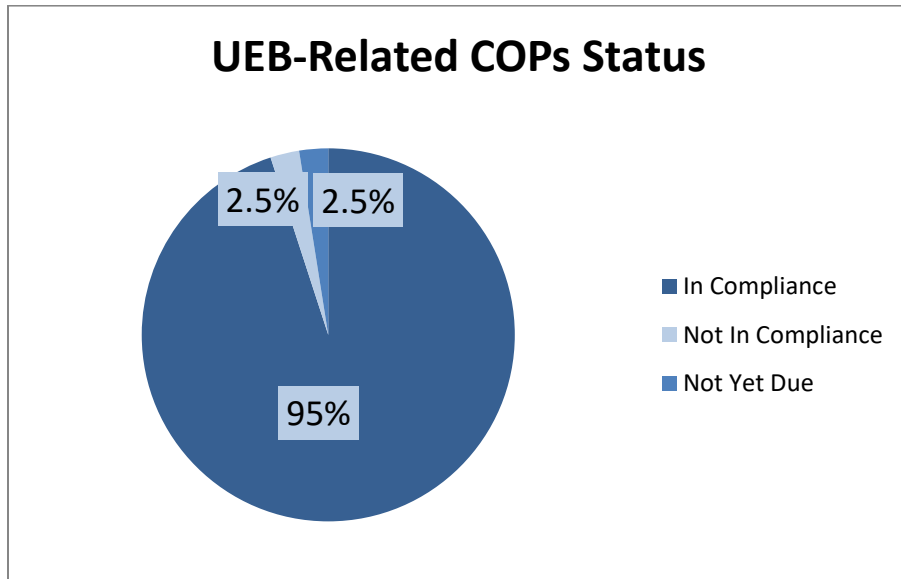
RESOURCE ADEQUACY CITATIONS MARCH 2020					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
E-4195-0078	3/11/2020	Commercial Energy	\$3,330.00	4/10/2020	Awaiting payment or appeal
E-4195-0079	3/10/2020	Just Energy Solutions	\$5,261.40	4/9/2020	Awaiting payment or appeal
E-4195-0073	3/6/2020	American Powernet Management	\$56,410.20	4/6/2020	Awaiting payment or appeal
E-4195-0075	3/10/2020	Commercial Energy	\$350,597.40	4/9/2020	Awaiting payment or appeal
E-4195-0077	3/10/2020	East Bay Community Energy	\$614,618.10	4/9/2020	Awaiting payment or appeal
E-4195-0076	3/10/2020	Peninsula Clean Energy	\$10,000.00	4/9/2020	Awaiting payment or appeal
E-4195-0074	3/10/2020	San Jose Clean Energy	\$1,116,149.40	4/9/2020	Awaiting payment or appeal
		Total	\$2,156,367		

- **Core Transport Agent (CTA):** UEB reviews CTA-related complaints received by the Commission to enforce compliance with the standards for verification of change in provider requirements in D. 18-02-002, and to identify acts constituting grounds for suspension or revocation of registration pursuant to PU Code Section 983.5.
 - In March, UEB reviewed 152 CTA-related complaints received by CAB in February 2020 and identified 29 needing investigation. UEB issued 9 data requests for proof of enrollment authorization for 29 customers on March 20, 2020 and provided the CTA's with a due date of April 3, 2020. So far, UEB received 8 TPVs as proof of customer authorization."

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total	Unauthorized Enrollment				
February	152	29	9	Pending	Pending	0

Citation #	Date Issued	Company	Citation Amount	Date Due	Payment Status
UEB-003-#006-#026	2/13/2020	Smart One Energy	\$20,000.00	3/13/2020	Paid
UEB-003-#027-#036	2/26/2020	Spark Energy	\$10,000.00	3/27/2020	Payment pending upon request for 30-day extension

COMPLIANCE WITH ORDERING PARAGRAPHS



There was one new Ordering Paragraphs added to UEB’s COPS tracker for the month of March. UEB was responsible for 39 separate Ordering Paragraphs. As of March 31, 2020, 37 (representing 95%) have been complied with, one is not yet due and one is not in compliance (both representing 2.5%, respectively).

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

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

UEB-RELATED PROCEEDINGS

Docket No.	Title	ALJ	Commissioner
A.19-04-014	Application of Cox California Telcom, LLC (U5684-C) Requesting the Commission Not Require Cox to Pay Disputed Surcharge Amounts Identified in Audit Report.	Kline	Shiroma
R.18-12-005	Ruling directs Pacific Gas and Electric Company to show cause why it should not be sanctioned for violation of Public Utilities Code § 451 and Commission statutes by failing to properly communicate with its customers, and coordinate with local governments and Public Safety Partners during the Public Safety Power Shutoff (PSPS) events during October 9 - November 1, 2019, resulting in a risk to public safety.	Semcer	Batjer
I.17-04-021	Order Instituting Investigation on the Commission’s Own Motion into the Billing Practices of Southern California Gas Company (U904G); and Order to Show Cause Why the Commission Should not Revise Rule No. 14, Impose Penalties and/or Other Remedies for Extending Billing Periods and Issuing Untimely Monthly Bills.	Ayoade	Rechtschaffen
I.18-07-009	Order Instituting Investigation on the Commission’s Own Motion into the California’s One Million New Internet Users Coalition’s Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds.	Zhang	Aceves
I.19-12-009	Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of Frontier Communications to Determine Whether Frontier Violated Laws, Rules and Regulations through Service Outages and Interruptions and Disclosing and Publishing Customer Addresses.	Zhang	Randolph
K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A

OUTREACH/TRAINING/OTHER ACTIVITIES

SNAP: The FCC presented a summary of telecommunications carrier’s responses to the COVID-19 outbreak. The carriers have all sent letters and reports to the FCC describing how the carriers are monitoring their networks to see the impact the shift to working from home is having on service. Some carriers are waiving data caps when requested by customers and opening up their networks to make it easier for customers to roam without facing penalties. The FCC has set up a group tasked with monitoring these issues and continues to gather and analyze information presented by the carriers.