



# Consumer Protection and Enforcement Division



## Monthly Activity Report February 2021

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## OVERVIEW

The Consumer Protection and Enforcement Division (CPED) implements California Public Utilities Commission (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 six different sections: (1) Key Activities, (2) Citations/Fines/Refunds/Telephone Disconnects, (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 two branches: The Transportation Enforcement Branch (TEB) which has three Units (Airport Enforcement Unit (AEU), Compliance Enforcement Unit (CEU), Field Enforcement Unit (FEU)) 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 on policy matters, and advises decision makers regarding for-hire carriers.

## Key Activities

### Investigations

In February 2021, TEB closed 6 investigation cases and initiated 6 new cases.

**Table 1. TEB Enforcement Activity**

Rolling 12-Month Enforcement Activity	Mar 2020	April 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Totals
Open Investigations	129	134	146	140	116	96	89	94	96	87	81	61	N/A
New Investigations Initiated	30	34	18	4	6	11	19	20	0	6	0	6	154
Investigations Completed	25	22	24	28	26	18	14	18	9	12	20	6	222
Cease and Desist Notices	17	12	25	3	7	11	7	9	4	8	7	11	121
Official Notices	5	4	4	3	1	0	0	1	0	2	1	0	21
Telephone Disconnects	0	0	0	0	0	0	0	1	0	0	0	0	1
Citations	11	3	14	26	0	11	5	11	5	2	5	2	95
Citations Appealed	2	1	0	2	0	2	1	0	0	1	0	0	9

Consumer complaints decreased by five complaints in February compared to the prior month. This month, the Consumer Intake Unit (CIU) received four complaints.

**Table 2. TEB CIU Complaints Received**

<b>February 2021 CIU Complaint Activity</b>	
Open complaints as of February 1, 2021	5
New complaints received during month	4
Complaints closed during month	8
Complaints Referred to Enforcement	4
Open complaints as of February 28, 2021	1

**Table 3. CIU Complaints Referred to TEB**

	Mar 2020	Apr 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021
<b>Open Investigations as of first day of month</b>	31	27	32	33	25	24	24	22	20	20	18	17
<b>New Investigations Initiated</b>	9	11	8	0	1	4	3	2	0	0	0	4
<b>Closed Investigations During Month</b>	13	6	7	8	2	4	5	4	0	2	1	0
<b>Open Investigations as of last day of month</b>	27	32	33	25	24	24	22	20	20	18	17	21
<b>Investigations open longer than 6 months</b>	10	11	18	7	6	12	15	11	14	10	9	12
<b>% of total open investigations</b>	37%	34%	54%	28%	25%	50%	68%	55%	70%	56%	53%	57%

### Carrier Application and Permit Activity

As of February 2021, TLAB’s Licensing Section has received 289 applications (New, Renewals, Refiles, and Transfer) and issued 211 permits. Currently, TLAB has completed 550 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).

**Table 4. TLAB Passenger Carrier Activity**

<b>Year-to-Date Passenger Carrier Activity</b>	<b>Total</b>
New Applications Docketed	65
Renewal Applications Docketed	202
Refile Applications Docketed	16
Transfer Applications Docketed	6
Authorities Issued	211
Authorities Suspended	617
Authorities Revoked	157
Authorities Reinstated (Suspended/Revoked)	371
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	243
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	260
Pending Reinstatement from Suspension and Revocation	47
Voluntary Suspensions	142
Voluntary Revocations	24
Vehicles added to Passenger Carrier Equipment Statements	345
Address and DBA Changes	302
Vehicle inspection requests sent to CHP	283

### Transportation Call Center Statistics

Beginning February 12, 2020, all Licensing staff became available to answer calls from applicants and carriers. The number of calls in 2020 averaged 198 calls/month. As of February 2021, TLAB has received a total of 287 telephone calls in 2021:

- 64 inquiries for pending application, suspension/revocation, reinstatements, and PUCTRA questions
- 88 inquiries for related to adding/deleting vehicles and changing account information
- 135 inquiries for general licensing requirements

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### Citations/Fines/Refunds/Telephone Disconnects

**Table 5. TEB Fine Citations, Fines Paid, Consumer Refunds and PUCTRA Underpayment Fees**

TEB Fines/Refunds	Mar 2020	Apr 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	Totals
<b>Fines Assessed</b>	\$30,500	\$26,000	\$66,000	\$68,000	\$0	\$31,000	\$16,000	\$33,000	\$12,000	\$25,000	\$31,000	\$10,000	\$348,500
<b>Fines Paid</b>	\$37,233	\$11,190	\$3,002	\$19,173	\$4,400	\$20,900	\$11,950	\$12,000	\$1,250	\$3,900	\$5,650	\$2,700	\$133,348
<b>Overcharge Refunds/ Settlements by TEB Consumer Unit</b>	\$2,269	\$0.00	\$522	\$41.50	\$0	\$0	\$724	\$48.50	\$0	\$0	\$0	\$114.76	\$3,719.76
<b>PUCTRA Underpayment Fees</b>	\$0.00	\$0.00	\$0.00	\$636.95	\$1,601	\$0.00	\$9,545	\$0	\$0	\$0	\$0	\$0	\$11,782.95



## Citations

All citations below were issued in February and some may be under appeal or awaiting a hearing before an Administrative Law Judge.

- T.21-02-001. Friendly Transportation Inc. dba Mobile Mansion, Oakland (TCP 16412). Case: PSG-5183. Fine: \$5,000. Violations: carrier 1) operated as a charter-party during suspension of authority; 2) operated as a charter-party carrier without evidence of Public Liability and Property Damage insurance; and 3) failed to include required information on waybills. Carrier also failed to produce records.
- T.21-02-002. Silverio Munoz Baranda III dba SF Limousine, Daly City (TCP 28259). Case: PSG-5288. Fine: \$5,000. Violations: carrier 1) operated as a charter-party after revocation of authority; 2) operated as a charter-party carrier without evidence of Public Liability and Property Damage insurance; and 3) Engaged driver without evidence of Workers' Compensation Insurance. Carrier also failed to produce records.

## Statewide Airport Enforcement Unit Surveillance Activities

- The TEB, AEU conducted field activities and surveillance at major airports throughout California. Targeted airports included Los Angeles International, San Diego, Orange County, Long Beach, Hollywood Burbank, Palm Springs, San Francisco, Oakland, and San Jose airports. The main purpose of these activities was to monitor passenger transportation carriers' (PTC) activities during COVID-19 and report if drivers of these vehicles are complying with face covering and social distance state mandates. AEU staff continued to observe small increase of airport ground traffic during the month of February coming off the COVID -19 era historical lows. AEU Staff did observe that drivers for these carriers were wearing face coverings and complying with social distance mandates. Some of the TNC vehicles observed were not in compliance with the required trade dress. AEU staff is collecting such information to inform any potential enforcement actions.

## Los Angeles Airport Citation Program

**Table 6. LAX Citations and Fines Collected**

Month	Citations issued by LAX	Citations issued by CPUC	Vehicles impounded	C&D letters issued by CPUC	Total fines collected
<b>March 2020</b>	2	0	2	2	\$0
<b>April 2020</b>	0	0	0	0	\$0
<b>May 2020</b>	2	1	1	2	\$1,000
<b>June 2020</b>	0	0	0	0	\$0
<b>July 2020</b>	3	3	3	3	\$3,000
<b>August 2020</b>	1	1	1	1	\$1,000
<b>September 2020</b>	10	10	10	10	\$10,000
<b>October 2020</b>	0	0	0	0	\$0
<b>November 2020</b>	2	2	2	2	\$2,000
<b>December 2020</b>	0	0	0	0	\$0
<b>January 2021</b>	0	0	0	0	\$0
<b>February 2021</b>	1	0	0	5	\$0
<b>Totals</b>	21	17	19	25	\$17,000

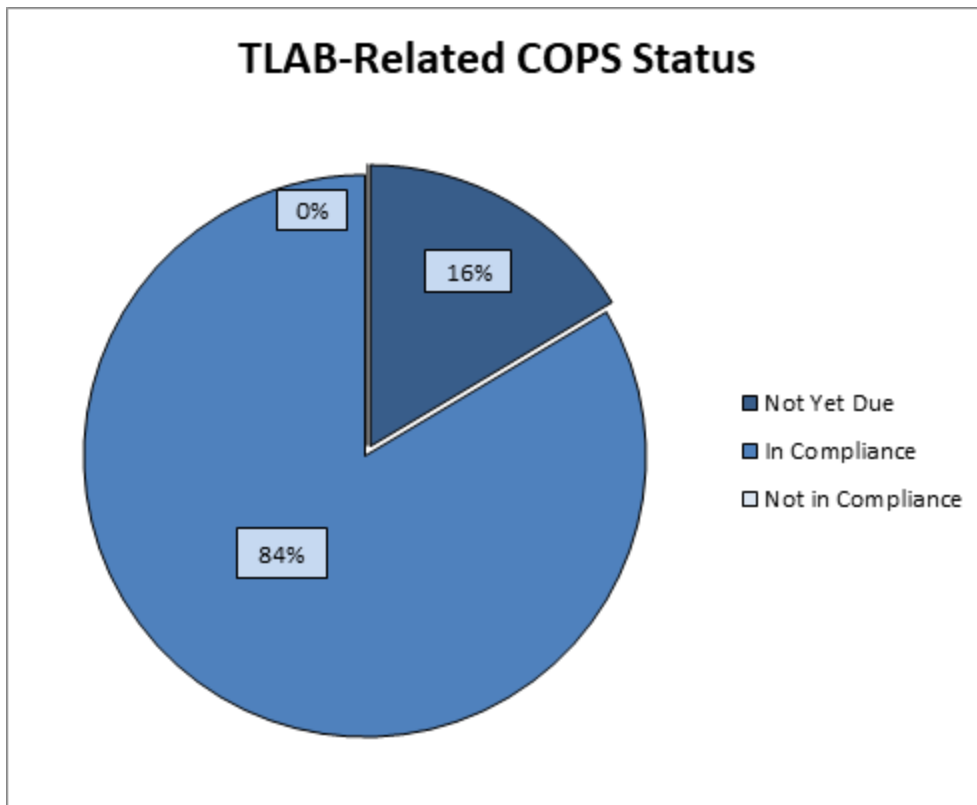
## Telephone Disconnects

- None to report

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## Compliance with Ordering Paragraphs

**Figure 1. Compliance with Ordering Paragraphs**



The Transportation Program is currently responsible for 613 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.

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## Docket Activity

### Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.**
  - 1) 2/22/2021: Assigned [Administrative Law Judge](#) (ALJ) Ruling Granting Uber's Motion Requesting Alternative Dispute Resolution on 12/14/2020 Presiding Officer's Decision.
- **R.19-02-012 / TNC Rulemaking / Chiv / Shiroma.**
  - 1) 2/11/2021: Decision 21-02-030 extends the proceeding deadline to February 21, 2022.
  - 2) 2/18/2021: Comments on Proposed Track 3 Decision received from SF (SFMTA, SFCTA, SFMOD), Disability Advocates (Disability Rights California, Center for Accessible Technology, Disability Rights Education and Defense Fund), Uber, Lyft, Via, LA Metro
  - 3) 2/23/2021: Reply Comments on Proposed Track 3 Decision received from SF, Lyft, SFTWA, Uber, Disability Advocates

### Formal Enforcement Proceedings

- **No Order Instituting Investigation (OI)s or Order to Show Cause (OSC)s**

### Citation Appeal Proceedings

- **K.20-10-014 / Mohammedzeyn Adgo, dba All Point Limo (TCP 23256) Appeal / ALJ Jungreis.** On October 27, 2020, received defendant's appeal and filed by ALJ Docket Office. On December 1, 2020, CPED filed both a compliance filing and a Motion for Leave to File Late the Compliance Filing for Citation # F-5708. On December 18, 2020, ALJ scheduled hearing for Citation Appeal. 20-10-014 on January 13, 2021, at 10:00 a.m. Hearing was held on January 13, 2021, awaiting ALJ decision. On February 18, 2021, ALJ Jason Jungreis dismissed citation.
- **K.21-02-001 / Bogale Getu Abebe., Hayward (TCP 32714).** On January 11, 2021, received defendant's appeal and filed by ALJ Docket Office. Compliance Filing for Citation F-5729 was filed February 16, 2021. No hearing date set.
- **K.19-09-015 / 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. April 2020, no hearing date scheduled by the ALJ. May 2020, no hearing date scheduled by ALJ. Status

Conference held on January 29, 2021. Set for another Status Conference on April 1, 2021.

- **K.20-06-003 / David Gorgoyan dba Celebrity Rides (TCP (TCP35518-B) Appeal / ALJ Goldberg**  
On June 1, 2020, received defendant's appeal (Citation F-5663 imposing a \$20,000 fine). On June 10, 2020, appeal was filed by ALJ Docket Office. No hearing date has been set.
- **K.20-06-008 / Hamidullah Hamidi dba All Access Limo Service (TCP 31413-B) Appeal / ALJ Goldberg**  
On June 24, 2020, received defendant's appeal and filed by ALJ Docket Office. Update for February: No hearing date has been set.
- **K.20-08-005 / Erick Pierre dba Pilot Limousines Services (TCP 23628-B) Appeal / ALJ (unassigned)**  
On August 6, 2020, received defendant's appeal and filed by ALJ Docket Office. No hearing date has been set. On September 23, 2020, a Status Conference was held to discuss procedures and set a hearing date during the week of October 26, 2020. WebEx appeal hearing held on November 3, 2020. On January 29, 2021, received ALJ decision reversing PUC Code Section 5379 and affirming waybills violations. ALJ reduced fine from \$3,000 to \$500. Comments to be filed 20 days after the decision date. On February 18, CPED submitted its Comments on Draft Resolution ALJ-399.
- **K.21-01-019/About Time Limousines LLC (TCP 21892) Appeal / ALJ (unassigned)**  
On December 31, 2020, defendant filed appeal of Citation F-5694 imposing a fine of \$4,000. Docket Office accepted the appeal on January 4, 2021. No hearing date has been set.

## **Carrier Application Proceedings**

- **A.20-09-005 / Application of Blue & Gold Fleet, L.P. a Delaware Limited Partnership (VCC-77), for Authorization to Discontinue Scheduled Passenger Transport Service Between San Francisco and Tiburon / 02/02/2021 Protest filed against application.**
- **A.21-02-015 / In the Matter of the Application of STAR & CRESCENT BOAT COMPANY, a California corporation, doing business as FLAGSHIP CRUISES & EVENTS (VCC-63), For Authorization of a Passenger Fare Increase on Its Vessel Common Carrier Service on San Diego Bay Between the City of Coronado and the City of San Diego / 02/17/2021 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 / 02/19/2021 Both parties submitted opening briefs.**

[CPED Monthly Activity Report /January 2021](#)

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## Outreach/Training/Other Activities

### Training for Managers, Supervisors, and Staff

- TEB Staff attended Preventing Nepotism in the Workplace Training.
- TEB Supervisors attended Covid Prevention Program Training
- CPED Managers and Supervisors Training on Advisory/Advocacy roles (provided by Legal Division)
- Training for Authors and Approvers on CPUC Website Content

### 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.

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## Monthly Highlights

- **San Jose Clean Energy RA Citation Appeal (K.20-04-005):** SJCE filed its reply brief, contending that commercial impracticability is its defense to RA penalties.
- **Clean Power Alliance of Southern California (CPA) (K.20-05-006):** The Commission approved Resolution ALJ-394, dismissing citation E-4195-82 because the Commission found that no procurement was ever needed to correct for the error caused by CPA's use of the incorrect resource adequacy values for its demand response resources in its filings.
- **Frontier Oil (I.19-12-009):** CPED and Frontier filed a joint response to the Request For Review of Presiding Officer's Decision Approving Proposed Settlement of Frontier and CPED, providing additional details regarding the implementation of the settlement terms, including: (1) the process Frontier will use to identify settlement projects in the areas of need specified in the Settlement Agreement; (2) the documentation Frontier will provide to CPED to ensure that the settlement projects are incremental to projects that would have otherwise been completed as part of Frontier's construction and network improvement plans; and (3) the tracking and reporting of information that Frontier will provide to CPED in its quarterly reports.

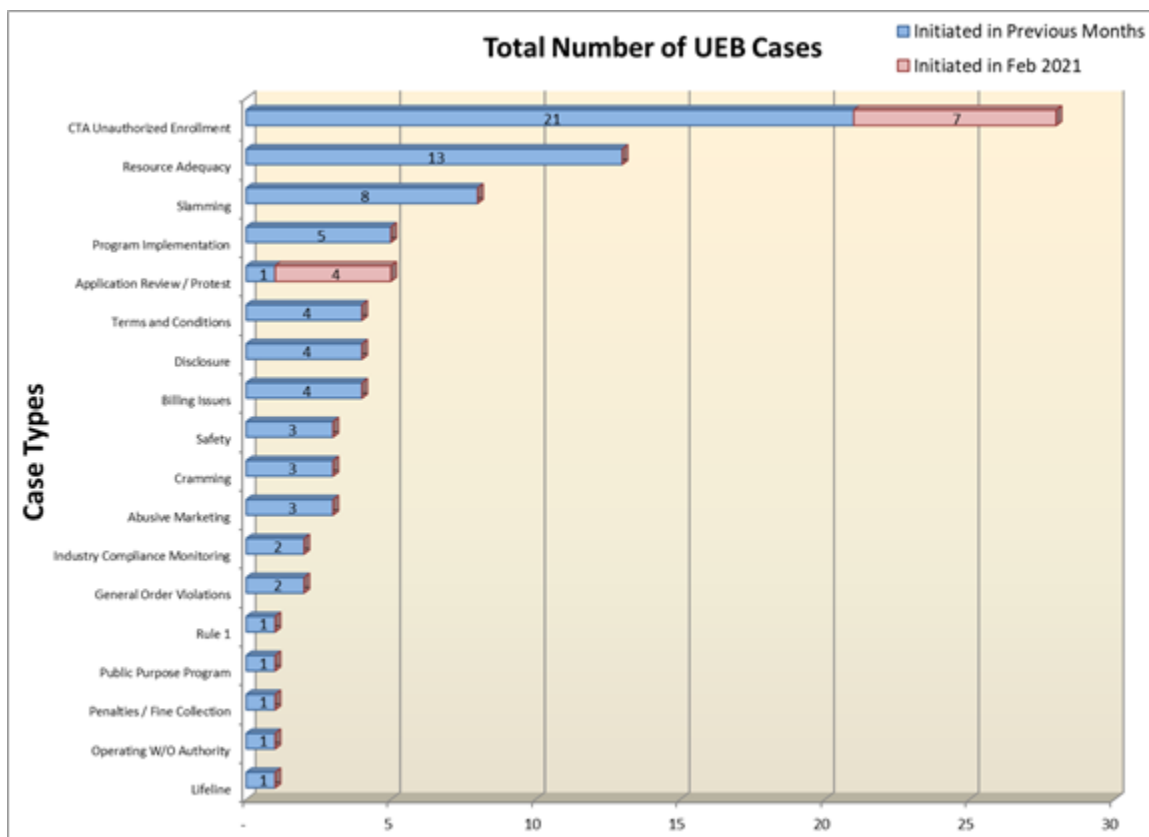
- Continuum Surrender of CTA Registration (Resolution UEB-007):** No comments were received for UEB Resolution UEB-007. This resolution, scheduled for Commission voting in March, seeks the Commission’s approval for Continuum to surrender its CTA registration as the company no longer serves customers in California.

## Key Activities

UEB is working on a total of 89 cases. Investigations center primarily on CTA Unauthorized Enrollment, Slamming, 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.

### Cases by Type as of February 28, 2021

**Figure 1. UEB Total Number of Cases by Type Chart**



## Citations/Fines/Reparation

UEB issued seven citations during the month of February 2021. All seven citations were attributed to resource adequacy deficiencies totaling \$4,556,916. Cumulative 2021 fines, reparations and penalties imposed are shown below.

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

Date	Citations/Fines/ Reparation
February 2021	\$4,556,916
Cumulative 2021	\$4,556,916

- 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. UEB issued seven citations and have received payment for two of the seven citations in February 2021 as shown below.

**Table 8. UEB Resource Adequacy Citations**

RESOURCE ADEQUACY CITATIONS FEBRUARY 2021					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
E-4195-0093	2/2/2021	Commercial Energy	\$5,609.70	3/2/2021	Payment received 3/1/2021
E-4195-0094	2/2/2021	Commercial Energy	\$4,795.20	3/2/2021	Payment received 3/1/2021
E-4195-0095	2/5/2021	East Bay Community Energy	\$1,486,033.60	3/8/2021	Payment received 2/23/2021



E-4195-0096	2/4/2021	Monterey Bay Community Energy	\$1,101,031.20	3/8/2021	Payment received 2/22/2021
E-4195-0097	2/4/2021	Pilot Power Group	\$41,292.00	3/8/2021	
E-4195-0098	2/3/2021	San Diego Community Power	\$388,288.00	3/5/2021	
E-4195-0099	2/9/2021	Western Community Energy	\$1,529,866.40	3/11/2021	
		<b>Total</b>	<b>\$4,556,916.10</b>		

- 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 February, UEB reviewed 168 CTA-related complaints received by the Consumer Affairs Branch (CAB) in January 2021 and identified 48 needing investigation. UEB issued 7 data requests for proof of enrollment authorization for 46 customers. Two complaints did not contain enough information in CAB's Consumer Information Management System (CIMS) to be included in the data requests. UEB received 34 TPVs and 3 signed agreements as proof of customer authorization. Two customers had contracts dating before UEB-003 was enacted (2015), therefore, the CTA was unable to provide proof of authorization. Six customers did not have service accounts with the alleged CTAs. Staff's investigation for January is ongoing with Bolt Energy Services, LLC (due to the CTA not being able to identify two customers) and Smart One Energy, LLC (an extension to March 6, 2021, was granted due to the COVID-19 pandemic).

In addition, staff issued a Notice of Citation to Bolt Energy Services, LLC (Bolt) for two customers alleging unauthorized enrollments between the months of November 2020 and December 2020. Bolt's response to the Notice of Citation is due March 29, 2021.

**Table 9. 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				
September	168	4	7	Received	Pending	0

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### Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of January. UEB was responsible for 41 separate Ordering Paragraphs. As of January 2021, 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.

## UEB-Related Proceedings

**Table 10. UEB-Related Proceedings**

<b>Docket No.</b>	<b>Title</b>	<b>ALJ</b>	<b>Commissioner</b>
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Aceves
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/ Poirier	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	Rechtschaffen
I.19-12-009	Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of Frontier Communications to Determine Whether Frontier Violated Laws, Rules and Regulations through Service Outages and Interruptions and Disclosing and Publishing Customer Addresses.	Zhang	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
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

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## Outreach/Training/Other Activities

**SNAP:** States have been receiving ETC applications from carriers who received winning bids in the Rural Broadband Auction. Some of the named winners were not well known or didn't sound like a company that placed bids in some States. This has apparently raised some questions as to who these entities are and what companies will be providing service in particular census blocks. The FCC is updating this information on its websites for States to use in reviewing ETC applications. A Public Notice is being prepared to address the confusion around these many entities.