

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

JULY 2022



**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.

Processing Carrier Applications

TLAB’s Licensing Section is processing and managing applications for over 5,500 carriers throughout California. Items processed in July 2022 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the 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.

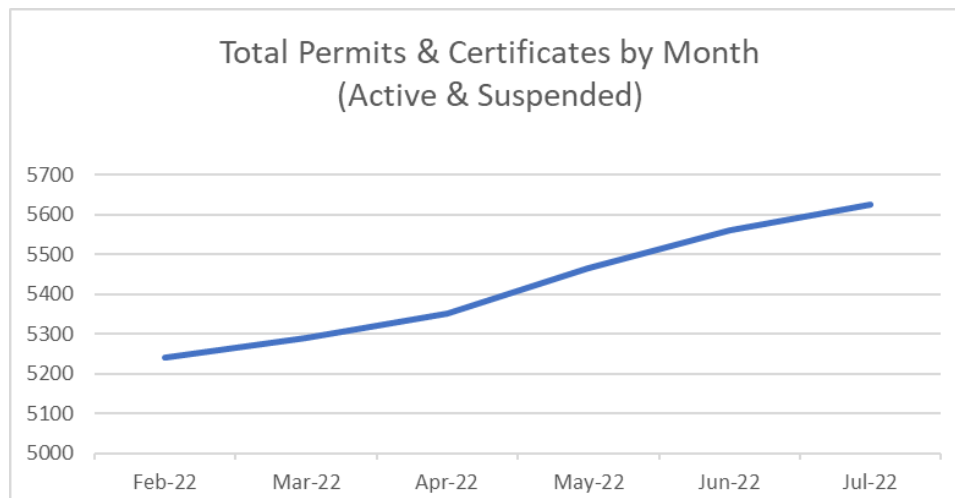


Table 1. Permits and Certificates by Category

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	5469
Passenger Stage Corporation	117
Vessel Common Carrier	18
Transportation Network Company	16
Autonomous Vehicle	7

Figure 2. Monthly Completions of Permit Categories

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

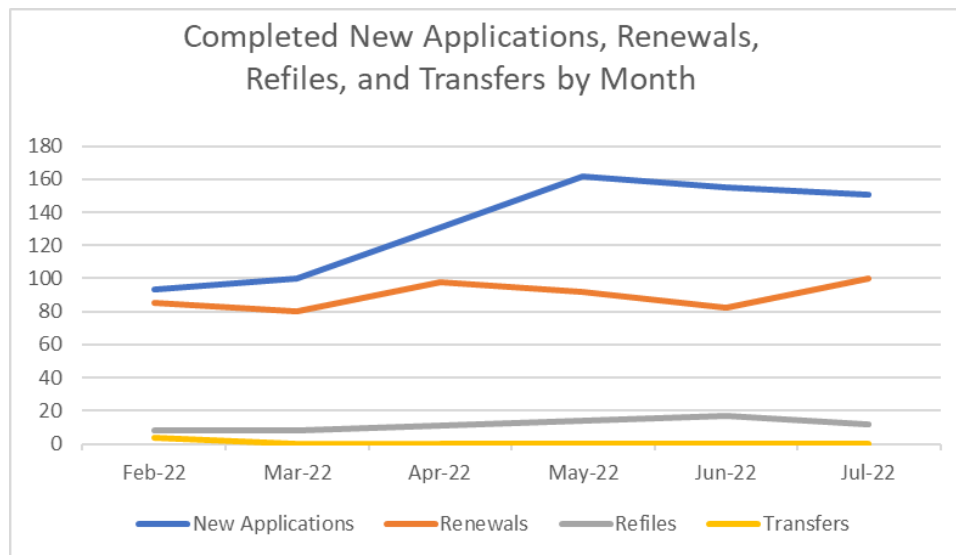


Figure 3. Suspensions and Revocations by Month

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

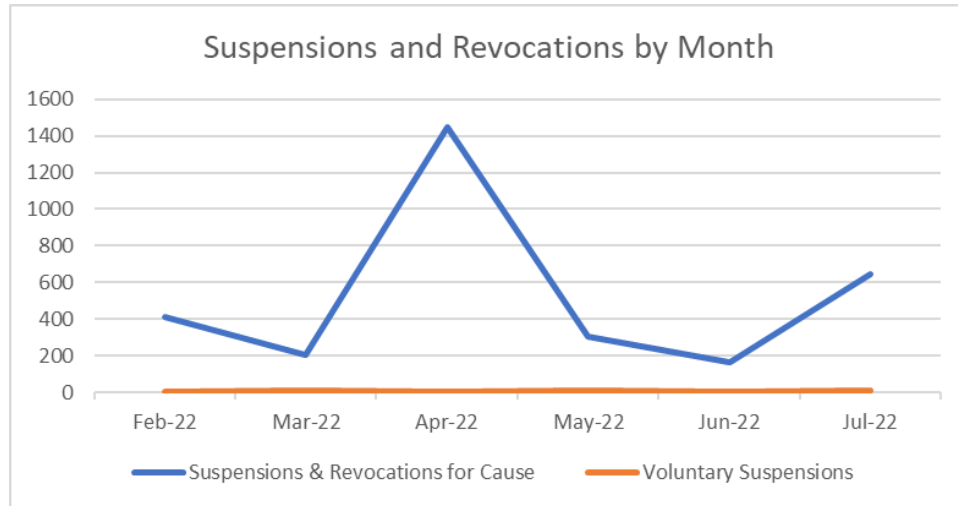


Figure 4. Average Processing Times

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.

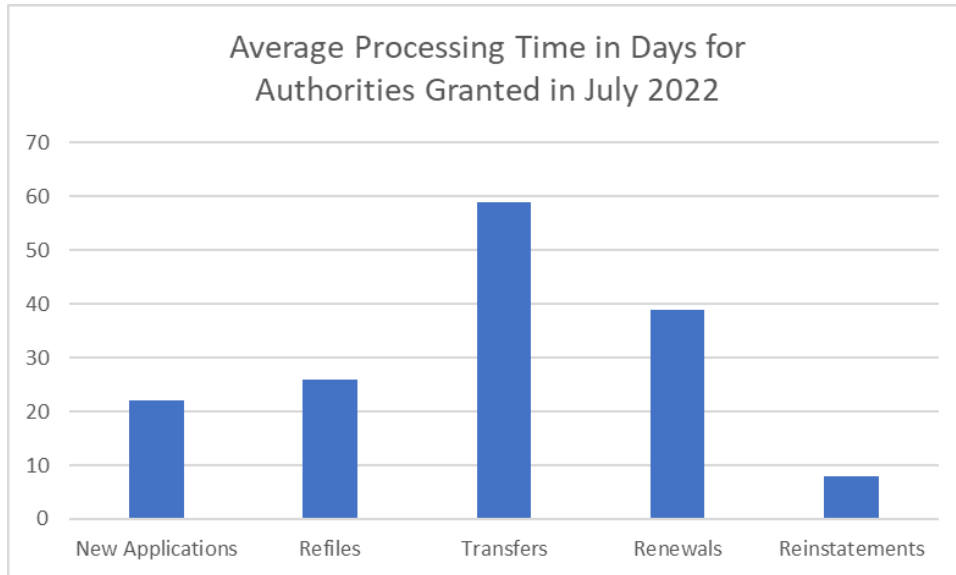
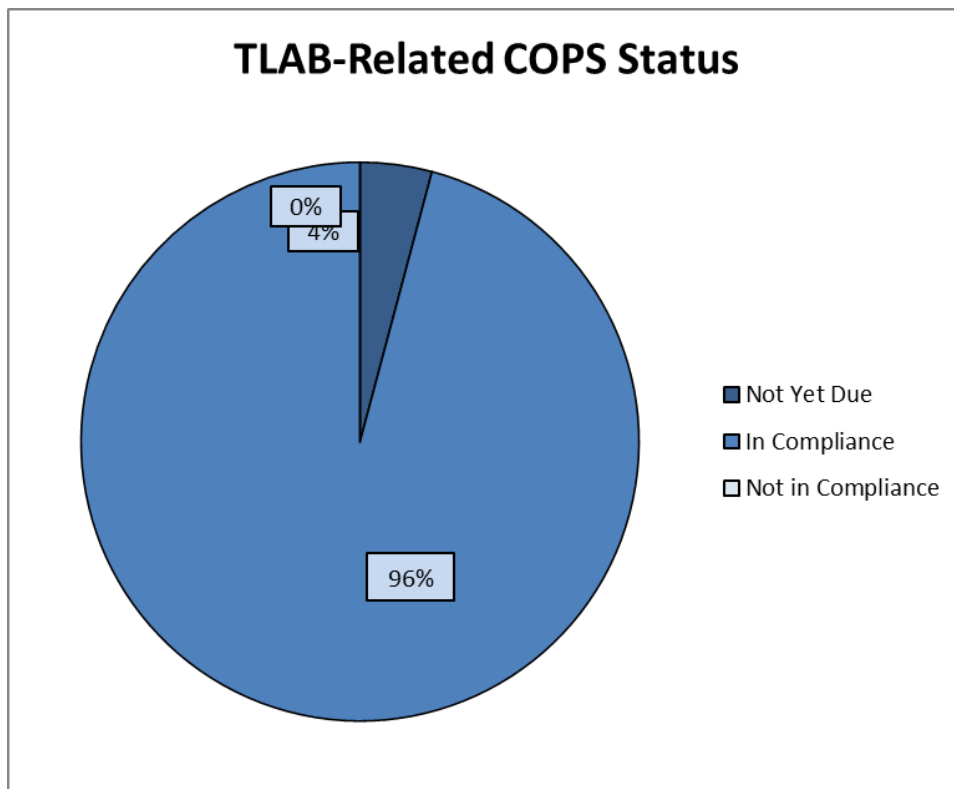


Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for **664** 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. July 1, 2022: City of SF Response to Motions of Uber, Lyft, and Nomad for Confidential Treatment of Certain Data in their 2022 Annual Reports
2. July 7, 2022: Lyft files Appeal of ALJ Ruling Granting, in Part, Confidential Treatment of Certain Data in their 2021 Annual Reports

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

1. July 14, 2022: Opening Comments on Additional Track 5A Proposals filed by San Francisco, SFTWA, Uber, Lyft, Disability Advocates
2. July 26, 2022: Reply Comments on Additional Track 5A Proposals filed by San Francisco, SFTWA, Uber, Lyft, Disability Advocates

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

1. No docket activity in July

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 within the state. Examples are commute ferry services in the San Francisco Bay and services between California mainland points and Catalina. PSCs and VCCs are common carriers and must file with the Commission through a formal process. Both carrier types require a “certificate of public convenience and necessity” (CPCN) from the Commission for the authority to operate in California.

- **A.21-11-013 / Application of PropSF, LLC (VCC94) for Authorization to Provide Scheduled VCC Service to Treasure Island and to Amend Rates for Prearranged Non-Scheduled Service by Mileage / 07/11/2022 Parties filed supplements to the protest**

- **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 / **06/07/2022 Scoping Ruling issued. 07/20/2022 Ruling granting Avalon Freight Services an extension of time to provide additional information**
- **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 / **07/25/2022 Applicant submitted confidential documents filed under seal.**

Joint Agency Collaboration/Outreach/Training

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

- July 6, 2022: TLAB meeting w/ CHP re: Terminal Inspections
- July 13, 2022: Bi-monthly TLAB AV Programs meeting with DMV AV Branch staff
- July 13, 2022: TLAB meeting with Mandela Washington Fellows re AV Programs
- July 14, 2022: TLAB monthly Local Access Fund Administrator Work Group meeting
- July 14, 2022: Bi-monthly TLAB meeting with CARB Staff on Clean Miles Standard implementation
- July 15, 2022: TLAB presented at Interagency AV Update meeting hosted by DMV
- July 29, 2022: Bi-monthly TLAB AV Programs meeting with DMV AV Branch staff

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.

- Hot Weather Heat training
- New Employee Training
- Covid-19 Prevention Program Training
- TCT Phase 1-training
- Ethics Training
- Word Essential Training

TRANSPORTATION ENFORCEMENT BRANCH

The Transportation Enforcement Branch (TEB) regulates Charter-Party Carrier 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 Directives¹ and Enforcement Policy², TEB developed the TEB Safety Management System that is implemented through the following concepts Transportation Safety Assurance, Transportation Risk Management, and Transportation Safety Promotion.

Transportation Safety Management System

TEB reports the following progress for July 2022, for the following program elements.

1. **Transportation Safety Assurance** – Assuring that the entities the Commission regulates comply with the law and have sufficient training and resources to ensure the safety of the public, their workers, and the environment. For TEB, this includes Investigations, Carrier Inspections, Field Operations, and related Enforcement Activities.

¹ [CPUCs Strategic Directives \(ca.gov\)](https://www.cpuc.ca.gov/strategic-directives)

² [CPUC Adopts Enforcement Policy to Promote Maximum Compliance, Transparency, and Public Safety](https://www.cpuc.ca.gov/enforcement-policy)
CPED Monthly Activity Report / July 2022

➤ **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.
 - July 2022 update on Proceeding Schedule

EVENT	DATE
All parties may serve additional opening testimony	September 2, 2022
All parties may serve additional rebuttal testimony	September 23, 2022
New or amended motions requesting evidentiary hearing	September 30, 2022
Evidentiary hearing (if needed)	October 31, 2022 through November 4, 2022
Opening briefs	December 8, 2022
Reply briefs	January 12, 2023

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

- No update for this month

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.

- July 2022 - Training given by TEB staff at Burbank and San Jose Airports

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Total
Open Investigations	71	64	74	62	60	46	42	48	66	82	98	90	N/A
New Investigations	5	15	26	18	6	22	21	33	8	7	24	7	192
Investigations Completed	12	5	38	20	20	26	15	15	14	3	7	10	185
Investigations Open Longer than 6 Months	5	7	6	4	9	19	19	23	25	24	27	35	N/A
% of investigations Open Longer than 6 Months	7%	11%	8%	6%	15%	41%	45%	48%	38%	29%	28%	39%	N/A
Cease and Desist Notices	2	8	10	14	4	12	9	16	14	10	17	12	128
Warning Letters	1	6	3	7	4	2	2	5	6	2	3	4	45
Telephone Disconnects	1	0	0	1	0	0	0	0	0	0	0	0	2
Citations	4	6	3	4	3	8	3	1	4	1	4	1	42
Civil Compromise Actions	0	2	2	0	0	2	9	5	7	3	5	12	47
Vehicle Impounds	0	4	0	0	1	6	3	11	6	9	7	9	56

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
August 2021 – July 2022**

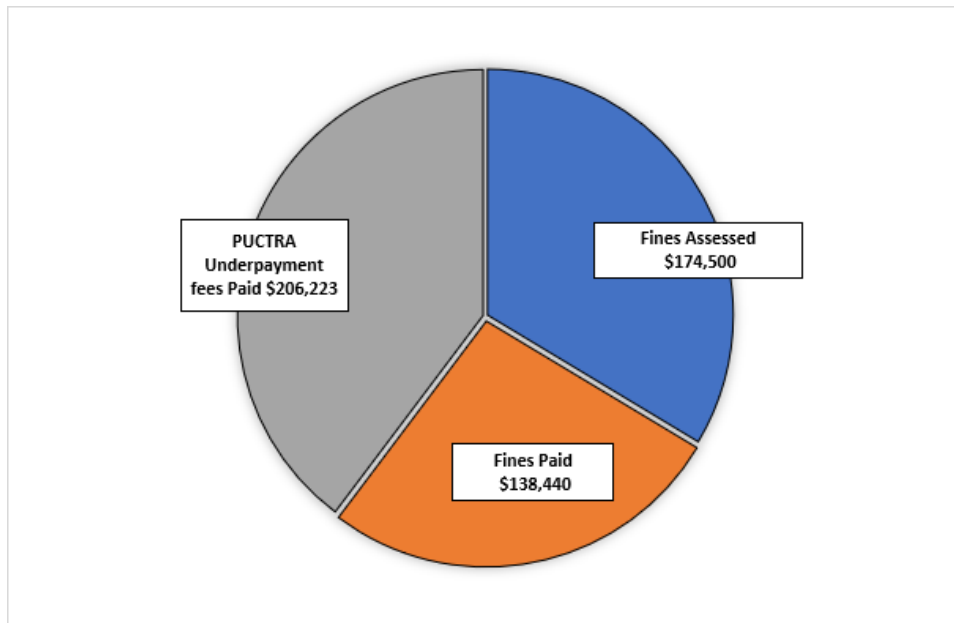


Table 3. Consumer Intake Unit (CIU) Statistics

CIU Statistics	
Open complaints as of July 1, 2022	2
New complaints received during month	7
Subtotal	9
Less: Complaints closed by CIU directly	2
Complaints Referred to Enforcement during month	5
Open CIU complaints as of July 31, 2022	2

Table 4. Citation Appeal Proceedings

Docket No.	Entity	Status
K.19-09-015	Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z)	On June 1, 2022, ALJ Draft Resolution was issued. Case is being reassigned to ALJ Patrick Petersen.
K.20-06-003	David Gorgoyan dba Celebrity Rides (TCP 35518)	Hearing held on 7/29/21. Briefs submitted 9/28/21. No update for July 2022.
K.21-01-019	About Time Limousines LLC (TCP 21892)	ALJ division reports a resolution will be issued shortly.
K.21-02-001	Bogale Getu Abebe., Hayward (TCP 32714)	Hearing held on May 23, 2022. Waiting for ALJ decision.
K.22-01-004	Taco Tour LLC, San Diego, (TCP 38185)	Carrier has agreed to make 12 monthly payments. No update for June 2022.
K.22-01-005	Pro Limo Service, Tarzana, (TCP 35882)	Settlement reached on Mar 24, 2022. Case dismissed without prejudice 5/10/2022.
K.22-02-004	Earl McLeod, Hayward, unlicensed	Hearing held on May 2, 2022. Waiting ALJ decision. No update for July 2022.
K.21-10-007	PLS Transportation Group	Hearing held on May 5, 2022. On June 7, 2022, CPED filed the Joint Motion for Adoption of Settlement Agreement. No update for July 2022.
K.22-06-007	Amore' Limousine Service, Inc (TCP 25876)	Temporary hearing date of September 29, 2022, pending approval by ALJ Wercinski.

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
July 2022	208	6	366	45	1	0
June 2022	160	15	500	45	2	0
May 2022	143	7	356	71	2	0
Apr 2022	129	1	510	49	0	0
Mar 2022	155	7	465	74	0	0
Feb 2022	96	0	558	131	0	0
Jan 2022	49	0	228	35	0	0
Dec 2021	148	4	487	40	0	0
Nov 2021	42	0	253	21	0	0
Oct 2021	192	10	862	107	0	0
Sept 2021	136	4	693	114	0	0
Aug 2021	254	4	930	102	2	0

Table 6. Joint Operations with Law Enforcement Agencies

Agency	Operation
Napa County District Attorney’s Office and St. Helena Police Department	TCP Passenger carrier inspection in Napa County

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

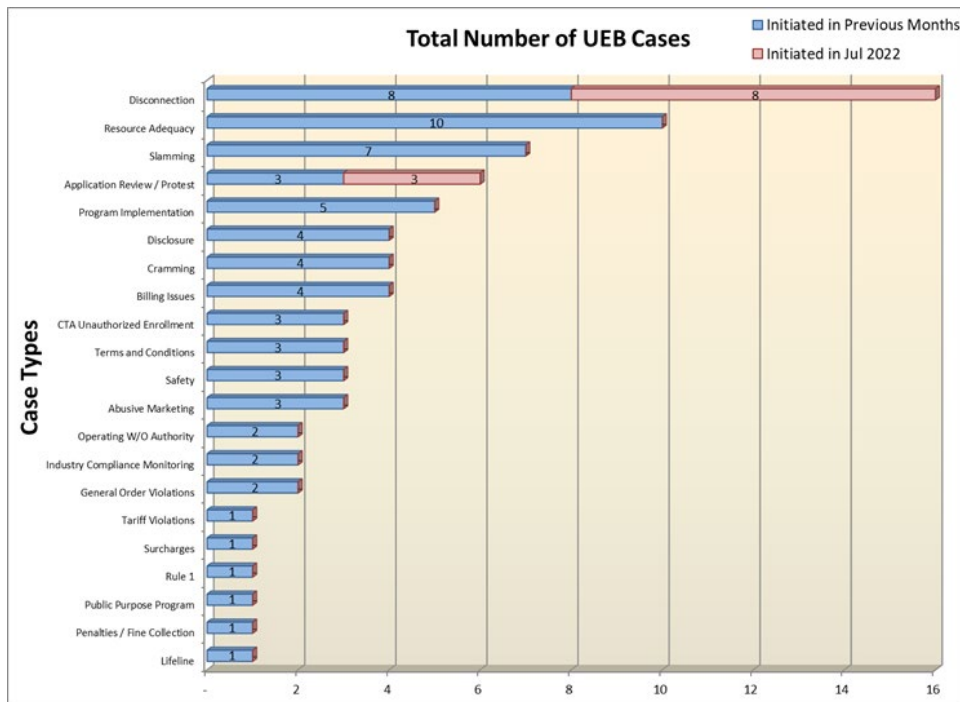
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On July 5, 2022, ALJ Wercinski issued a ruling taking evidentiary hearings off-calendar. On July 22, 2022, CPED filed a motion to admit its confidential exhibits into the record under seal. On July 25, 2022, CPED and SDCP filed a joint motion to admit evidence.
- **MetroPCS OII (I.22-04-005):** On July 13, 2022, ALJ Mason issued a ruling setting the prehearing conference (PHC) for July 25, 2022 and directing MetroPCS and CPED to file prehearing conference statements by July 21, 2022. On July 21, 2022, CPED filed prehearing conference statements addressing the questions in the July 23, 2022 ruling. On July 25, 2022, CPED participated in the PHC and responded to questions from ALJ Mason and Commissioner Houck.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-05-017):** On July 18, 2022, ALJ Petersen filed a notice of ex parte communication about receiving and reading mail correspondence related to OCPA on or about June 30, 2022. On July 20, 2022, ALJ Petersen issue a ruling granting CPED's motion to file confidential compliance filing under seal.
- **Ambit CTA Citation (Resolution UEB-003-0061 to 0180):** On July 21, 2022, Ambit paid the \$120,000 CTA citation issued by CPED on June 24, 2022. CPED alleged that Ambit failed to comply with Third-Party Verification rules.
- **SoCalTel (Resolution UEB-010):** CPED drafted Resolution UEB-010 requesting that the Commission approve a settlement agreement between CPED and SoCalTel. CPED alleged that SoCalTel failed to remit public program surcharges. SoCalTel agrees to pay \$457,363 to the Commission to resolve all issues. Resolution UEB-010 was served to parties for comments on July 22, 2022. On July 28, as per the agreement, SoCalTel made an initial payment of \$150,000 to the Commission.

- **SoCal Edison (Resolution UEB-011):** CPED drafted Resolution UEB-011 requesting that the Commission approve an Administrative Consent Order (ACO) between CPED and SCE to resolve issues relating to noncompliance with California Alternate Rates for Energy (CARE) and Level Payment Plan (LLP) communications requirements. SCE agrees to pay \$2.5 million to the Energy Assistance Fund (EAF) and \$0.5 million to the State General Fund. In addition, SCE agrees to provide documentation of CARE and LPP communication compliance on a quarterly basis to UEB for a term of two years. Resolution UEB-011 was served to parties for comments on July 22, 2022.
- **Western Community Energy (WCE) RA Citation Appeal (K.21-03-006):** On July 25, 2022, WCE filed a status report on its bankruptcy proceeding and requested a further stay of the proceeding until September 16, 2022 to determine if it will withdraw its citation appeal. On July 28, 2022, ALJ Wercinski issued an email ruling granting WCE's request for an extension of the stay of the proceeding and ordered WCE to file and serve a report stating whether or not it will withdraw its citation appeal by September 16, 2022.

Key Activities

UEB is working on a total of 80 cases. Investigations center primarily on CTA Unauthorized Enrollment, Resource Adequacy and Disconnection. 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 July 30, 2022



Citations/Fines/Reparation

UEB did not issue any fines, penalties, or citations during the month of July 2022. Cumulative 2022 fines, reparations, and penalties imposed are shown below.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2022	\$8,034,563
July 2022	\$0

- **Resource Adequacy (RA) Citation Program:** UEB issues citations and levies fines to enforce Load Serving Entities' (LSE) compliance with system, local, and flexible resource adequacy requirements pursuant to Resolution E-4195, as modified by Decisions 10-06-036, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, and 20-06-031. No citations were issued in July.
- **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.

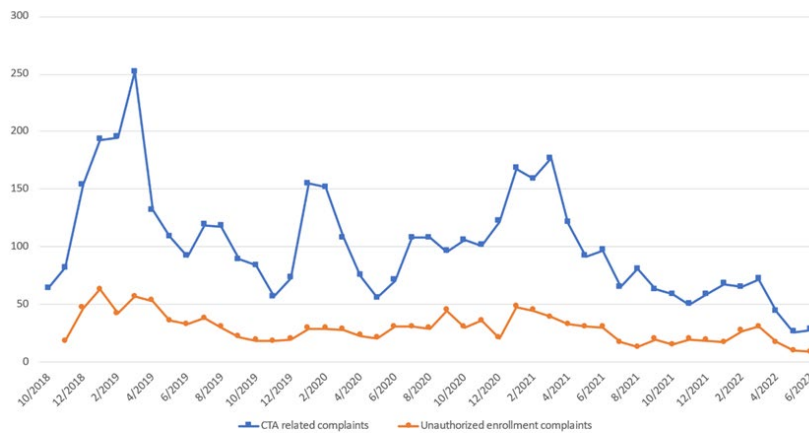
In July, UEB reviewed 28 CTA-related complaints received by the Consumer Affairs Branch (CAB) in June 2022 and identified 9 needing investigation for potential unauthorized enrollment. Staff issued seven data requests for proof of enrollment authorization for eight customers as there was not enough information in the CIMS database to identify one customer. UEB received proof of enrollment authorization for the eight customers. The June CTA investigation is closed as no violations were found.

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				
July	28	9	7	8	0	0

Figure 9 shows the monthly CTA-related and unauthorized enrollment complaints since November 2018. Most of the CTA-related complaints involve false advertisement, abusive marketing and unauthorized enrollment. UEB believes its enforcement actions, citations, and monthly review contributed to the reduction in the overall complaint level.

Figure 9. CTA Related Complaints and Unauthorized Enrollment Complaints 2018 – Present



Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB's COPS tracker for the month of July. UEB was responsible for 41 separate Ordering Paragraphs. As of July 2022, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

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

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

Table 9. UEB-Related Proceedings

Docket No.	Title	ALJ	Commissioner
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.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.21-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Golberg	N/A
K.21-03-006	Appeal of Western Community Energy to citation E-4195-99 issued on February 9, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
K.21-08-001	Appeal of Commercial Energy to citation E-4195-100 issued on July 1, 2021 by Consumer Protection & Enforcement Division.	Chiv	N/A
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.	Wercinski	
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.		
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

Resolution UEB-010	Approving a Settlement Agreement Between CPED and SoCalTel in Resolution of a Surcharge Payment Investigation	N/A	N/A
Resolution UEB-011	Approving ACO and Settlement Agreement of UEB and SCE Regarding CARE and LLP Communication Requirements Pursuant to Resolution M-4846	N/A	N/A

Outreach/Training/Other Activities

State National Action Plan (SNAP): No meeting due to illness.