

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

MAY 2022



**California Public
Utilities Commission**

Contents

TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)	3
Processing Carrier Applications.....	3
Compliance with Ordering Paragraphs.....	7
Docket Activity.....	8
Joint Agency Collaboration/Outreach/Training	10
TRANSPORTATION ENFORCEMENT BRANCH	11
Transportation Safety Management System	11
Table 2. TEB Enforcement Activities.....	13
Figure 6. TEB Fines Assessed and Amounts Collected from Investigations.....	14
June 2021 – May 2022	14
Table 3. Consumer Intake Unit (CIU) Statistics	15
Table 4. Citation Appeal Proceedings	15
Table 5. TEB Field Operations – Probable Violations and Observation Summary.....	16
Table 6. Joint Operations with Law Enforcement Agencies.....	17
UTILITIES ENFORCEMENT BRANCH (UEB).....	18
Monthly Highlights	18
Key Activities.....	19
Citations/Fines/Reparation	20
Compliance with Ordering Paragraphs.....	22
UEB-Related Proceedings	23
Outreach/Training/Other Activities.....	24

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 5,400 carriers throughout California. Items processed in May 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.

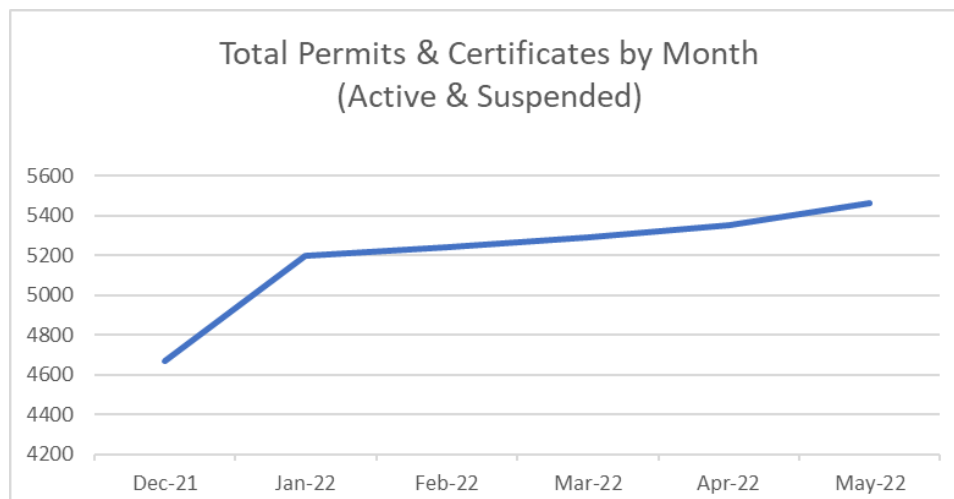


Table 1. Permits and Certificates by Category

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	5303
Passenger Stage Corporation	121
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.

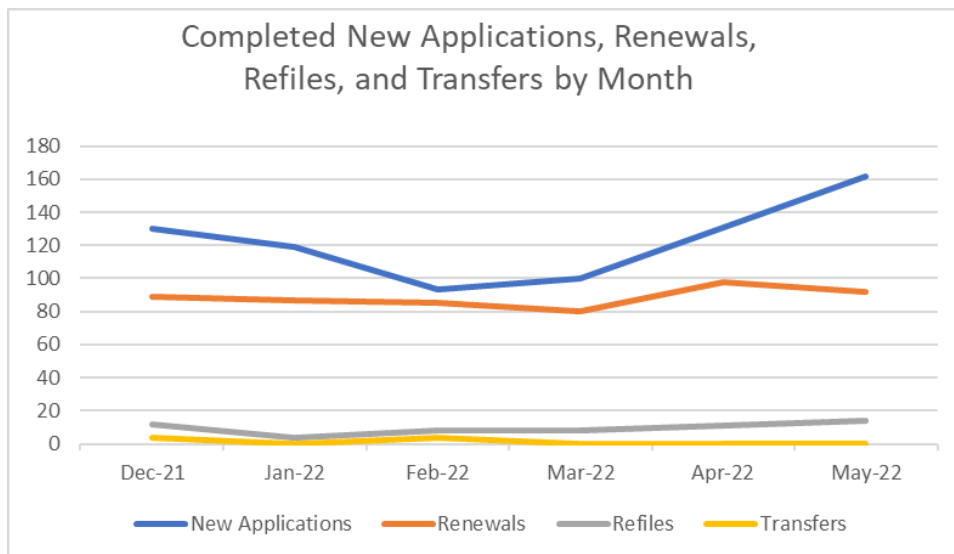


Figure 3. Suspensions and Revocations by Month

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.

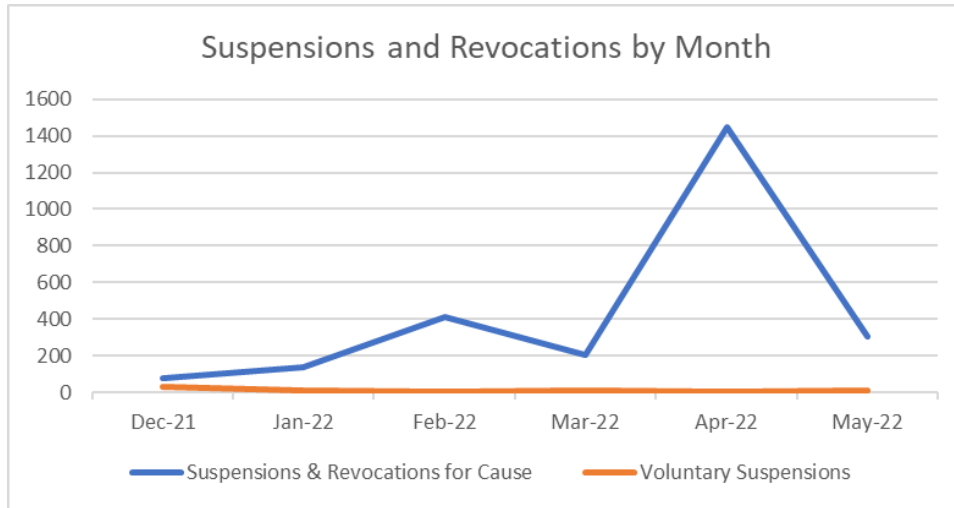


Figure 4. Average Processing Times

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.

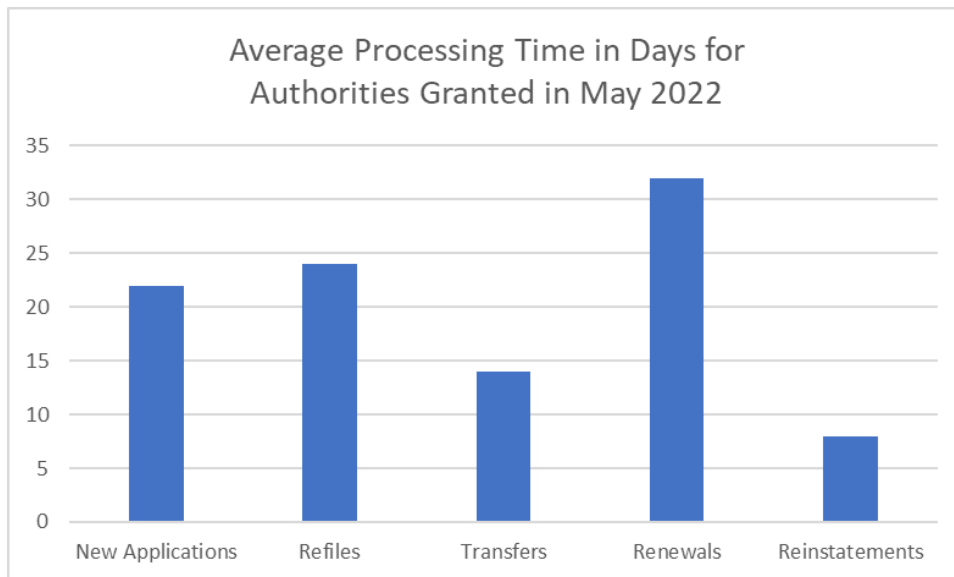
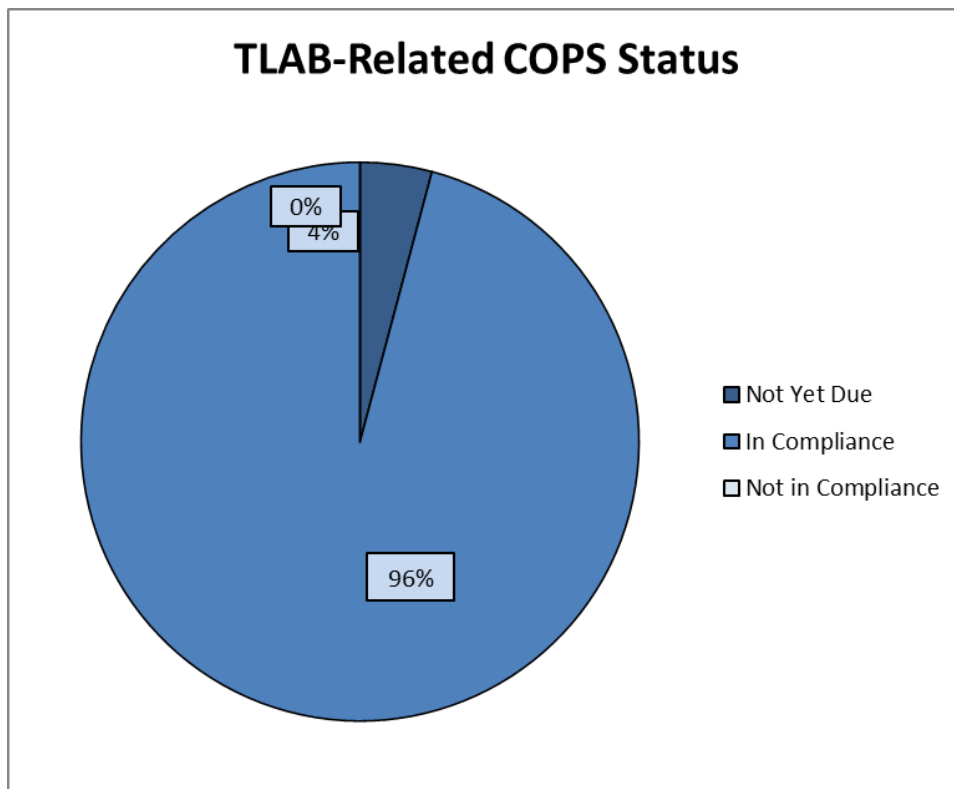


Figure 5. Compliance with Ordering Paragraphs

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. May 5, 2022: D.22-05-003 Denying Appeal of Lyft Re Ruling Denying, in Part, Motions by Uber and Lyft for Confidential Treatment of Certain Information in 2020 Annual Reports
2. May 6, 2022: Lyft files Application for Rehearing and Emergency Motion for Stay on D.22-05-003
3. May 17, 2022: ALJ Ruling extending deadline for comments on Sexual Assault/Harassment Taxonomy PD (to June 13, 2022)
4. May 23, 2022: Joint Response of San Francisco (SF) agencies on Lyft's Application for Rehearing and Emergency Motion for Stay

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

1. May 4, 2022: Replies filed by SF agencies on Track 5A Ruling and TNC data submittals
2. May 5, 2022: Decision granting intervenor compensation to Disability Rights CA.
3. May 9, 2022: Replies filed by Nomad, HopSkipDrive, and Uber on Track 5A ruling
4. May 10, 2022: Replies filed by Lyft on Track 5A Ruling
5. May 16, 2022: Opening Comments on Track 5B Ruling and Workshop filed by Lyft, SF agencies, Uber, Disability Advocates
6. May 17, 2022: ALJ Ruling on additional Track 5A proposals and AL amendments
7. May 27, 2022: Reply comments on Track 5B proposals filed by Disability Advocates, SF agencies, Uber, Lyft

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

1. May 19, 2022: Motion for Party Status filed by LADOT (granted May 24)
2. May 23, 2022: Comments on CMS Workshop Ruling and Additional Questions filed by Protect App-based Drivers, Lyft, Uber, Waymo, Cruise, SFTWA
3. May 24, 2022: Comments on CMS Workshop Ruling and Additional Questions filed by SEIU Local 1021

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.21-06-006** / Application of Ventura Transit System, Inc. (PSC23334) to expand its passenger stage authority under to establish a scheduled route to serve three hotels in the immediate vicinity of the present service, under the existing Zone-of-Rate-Freedom (ZORF) granted in decision D.12- 01-023 / **05/23/2022 Scoping Ruling adopted.**
- **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 / **05/23/2022 Application reassigned to ALJ Glegola.**
- **A.22-01-009** / Application of MAWS Transportation, LLC (PSC28383) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone-of Rate Freedom (ZORF) fares and to expand Its Service Area to Include the Eastern Sierra Regional Airport / **01/19/2022 Formal application filed**
- **A.22-01-017** / Application of Uber Technologies, Inc. (TCP38150) to Provide High-Capacity Vehicle Service / **05/04/2022 Uber responded to ALJ’s additional inquiry.**
- **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 / **05/19/2022 Formal application filed.**

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

- May 4, 2022: Joint TLAB-TEB Monthly Meeting w/ San Francisco International Airport
- May 9, 2022: Joint CPED/RSD meeting with DMV regarding pending autonomous vehicle applications
- May 12, 2022: Regular TLAB/CARB Staff meeting regarding Clean Miles Standard implementation
- May 13, 2022: TLAB/Legal meeting with SFMTA regarding Uber/taxi partnership
- May 17, 2022: TLAB meeting with CARB regarding TNC data and EMFAC model
- May 18, 2022: TLAB/Legal meeting with SFMTA regarding Autonomous Vehicle programs
- May 19, 2022: Regular TLAB/CARB Staff meeting regarding Clean Miles Standard implementation
- May 23, 2022: TLAB meeting with DMV regarding Autonomous Vehicle programs
- May 26, 2022: TLAB meeting with Caltrans' Cal-ITP Program
- May 31, 2022: TLAB kickoff meeting with CARB, UC Davis on TNC Driver study
- May 31, 2022: TLAB meeting with LADOT regarding Uber/taxi partnership

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 \(ca.gov\)](#)), 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 May 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.
 - **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. On March 23, 2022, Assigned Commissioner, Genevieve Shiroma, issued a scoping memo and ruling that sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure. No update for May 2022.

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

² [CPUC Adopts Enforcement Policy to Promote Maximum Compliance, Transparency, and Public Safety](#)
CPED Monthly Activity Report / May 2022

2. **Transportation Risk Management** – Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.
 - Review of individual reports based on evaluation of quantitative data compared to qualitative information collected in 2021.

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.
 - On May 23, 2022, and May 24, 2022, TEB met with Greater California Livery Association (GCLA) in San Diego and San Jose, respectively.

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Total
Open Investigations	67	67	71	64	74	62	60	46	42	48	66	82	N/A
New Investigations	18	8	5	15	26	18	6	22	21	33	8	7	187
Investigations Completed	18	4	12	5	38	20	20	26	15	15	14	3	190
Investigations Open Longer than 6 Months	3	3	5	7	6	4	9	19	19	23	25	24	N/A
% of investigations Open Longer than 6 Months	4%	4%	7%	11%	8%	6%	15%	41%	45%	48%	38%	29%	N/A
Cease and Desist Notices	9	9	2	8	10	14	4	12	9	16	14	10	117
Warning Letters	1	0	1	6	3	7	4	2	2	5	6	2	39
Telephone Disconnects	0	0	1	0	0	1	0	0	0	0	0	0	2
Citations	6	2	4	6	3	4	3	8	3	1	4	1	45
Civil Compromise Actions	1	2	0	2	2	0	0	2	9	5	7	3	33
Vehicle Impounds	2	2	0	4	0	0	1	6	3	11	6	9	44

Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
June 2021 – May 2022

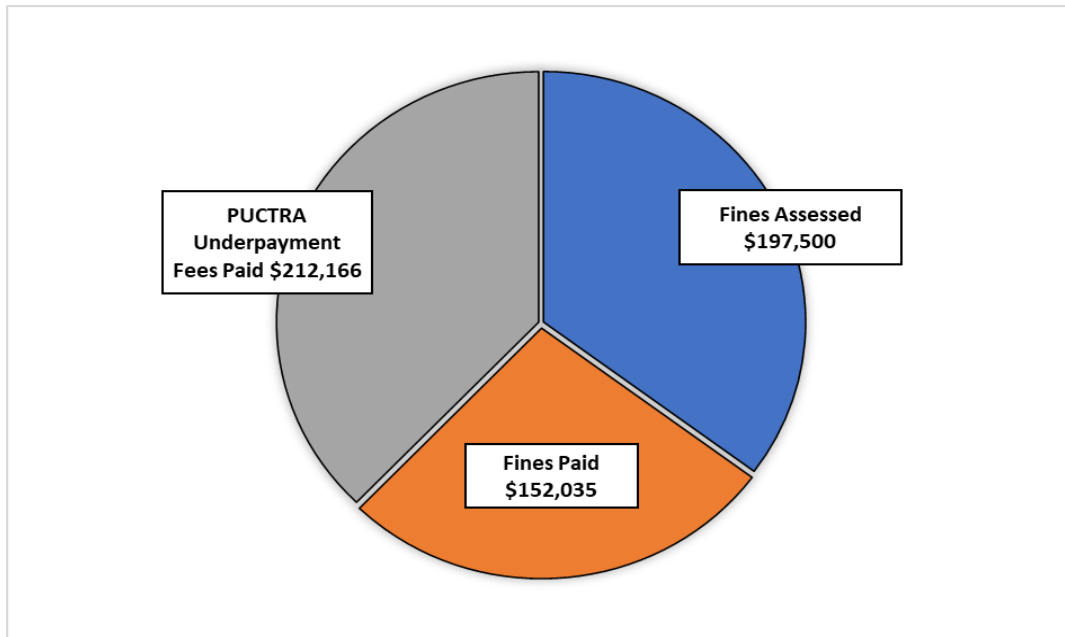


Table 3. Consumer Intake Unit (CIU) Statistics

CIU Statistics	
Open complaints as of May 1, 2022	0
New complaints received during month	7
Subtotal	7
Less: Complaints closed by CIU directly	0
Complaints Referred to Enforcement during month	7
Open CIU complaints as of May 31, 2022	0

Table 4. Citation Appeal Proceedings

Docket No.	Entity	Status
K.19-09-015	Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z)	No update for May 2022.
K.20-06-003	David Gorgoyan dba Celebrity Rides (TCP 35518)	No update for May 2022.
K.21-01-019	About Time Limousines LLC (TCP 21892)	Pre-hearing conference scheduled for 04/02/2021.
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 May 2022.
K-22-01-005	Pro Limo Service, Tarzana, (TCP 35882)	Settlement reached on 03/24/2022. Awaiting judge to prepare documentation.
K.22-02-004	Earl McLeod, Hayward, unlicensed	An expedited appeal hearing is scheduled for May 5, 2022.
K.21-10-007	PLS Transportation Group	Carrier agreed to settlement. Settlement being reviewed by Legal Division.

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
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
July 2021	213	2	781	85	1	0
June 2021	229	8	707	147	1	0

Table 6. Joint Operations with Law Enforcement Agencies

Agency	Operation
California Highway Patrol	TNC/TCP Passenger carrier operation at Red Hawk Casino in Placerville, CA
Napa County District Attorney and St. Helena Police Department	TCP Passenger carrier operation
San Francisco International Airport (SFO) Ground Transportation Unit (GTU)	TNC/TCP Passenger carrier inspection
San Diego Police Department (SDPD)	TNC/TCP Passenger carrier inspection

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.

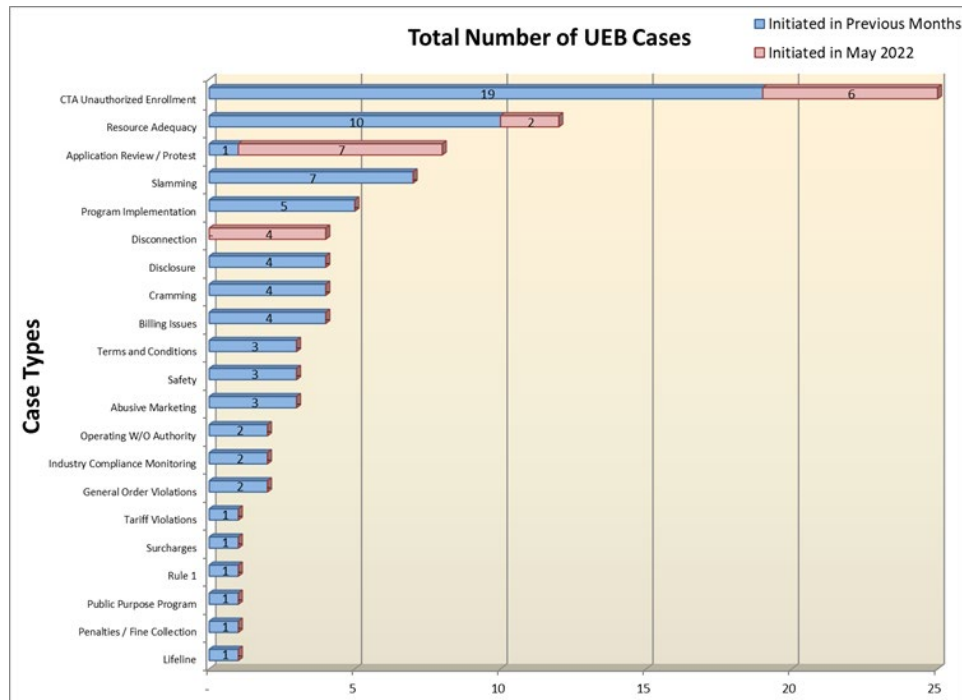
Monthly Highlights

- **Commercial Energy RA Citation Appeal (K.21-08-001):** On May 13, 2022, CPED filed reply briefs, arguing that the five-factor penalty analysis should not apply in this citation appeal.
- **Western Community Energy (WCE) RA Citation Appeal (K.21-03-006):** On May 16, 2022, WCE filed a status report on its bankruptcy proceeding and requested an extension of stay of this proceeding until July 31, 2022. On May 17, 2022, ALJ Wercinski issued an email ruling staying this proceeding until July 21, 2022, ordering parties to meet and confer by July 18, 2022, and for WCE to submit a status report by July 25, 2022.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-05-017):** On May 20, 2022, OCPA filed a Notice of Appeal of Citation E-4195-0116 issued by CPED on April 20, 2022. OCPA argues that it was impossible for the company to meet its RA obligations.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On May 23, 2022, SDCP filed reply testimony arguing it was not possible for them to participate in the 2019 utility solicitations because they were not in operation at the time.

Key Activities

UEB is working on a total of 94 cases. Investigations center primarily on CTA Unauthorized Enrollment, Resource Adequacy and Application Reviews. 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 May 31, 2022



Citations/Fines/Reparation

UEB issued one RA citation in the month of May 2022 in the amount of \$2,500.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2022	\$7,901,563
May 2022	\$2,500

- **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. In May, UEB issued one citation totaling \$2,500, received payment for two citations totaling \$1,355,340.00 and one appeal. Details for citations issued are shown below.

Table 8. UEB Resource Adequacy Citations

RESOURCE ADEQUACY CITATIONS MAY 2022					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
E-4195-0115	4/8/2022	San Diego Community Power	\$62,979.20	5/9/2022	Payment received 5/12/2022
E-4195-0116	4/20/2022	Orange County Power Authority	\$1,962,845.20	5/20/2022	Appeal received 5/20/2022
E-4195-0117	4/12/2022	CleanPowerSF	\$1,292,360.80	5/12/2022	Payment received 5/17/2022
E-4195-0118	5/17/2022	CleanPowerSF	\$2,500.00	6/16/2022	Payment/appeal pending

- 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 May, UEB reviewed 51 CTA-related complaints received by the Consumer Affairs Branch (CAB) in April 2022 and identified 17 needing investigation for potential unauthorized enrollment. Staff identified 7 duplicate cases. On May 4, 2022, staff issued 6 data requests for proof of enrollment authorization for 12 customers. Three cases did not have enough information to data request the CTAs. Two cases already had TPV and information on CIMS for staff’s review. UEB received TPV recordings for five customers; TPV recordings and signed contracts for three customers; signed contract and electronics TPV for one customer; and three customers did not have service accounts with the subject CTAs. The April CTA investigation is ongoing. Staff is waiting for the remaining portion of one data request response.

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				
April	51	17	6	12	0	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of May. UEB was responsible for 41 separate Ordering Paragraphs. As of May 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 10. 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.		

Outreach/Training/Other Activities

State National Action Plan (SNAP): On May 19, 2022 the FCC presented information on its Auction 904 Rural Digital Opportunity Fund (RDOF) and the FCC's Emergency Connectivity Fund. The RDOF provides money for carriers to install broadband services in unserved and underserved parts of the country.