

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

January 2023



**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 Transportation Licensing Section is processing and managing applications for over 6,300 carriers throughout California. Items processed in January 2023 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.

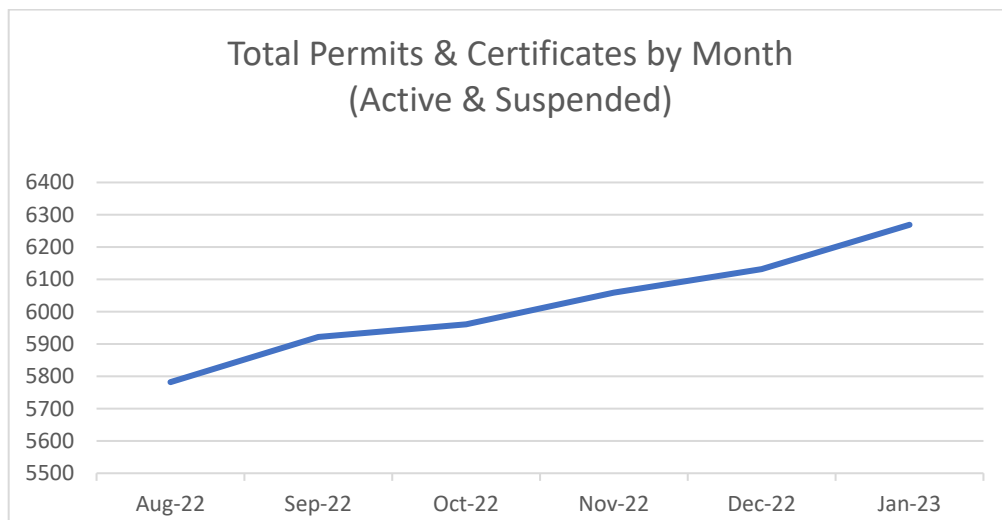


Table 1. Permits and Certificates by Category

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	6119
Passenger Stage Corporation	108
Vessel Common Carrier	17
Transportation Network Company	18
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.

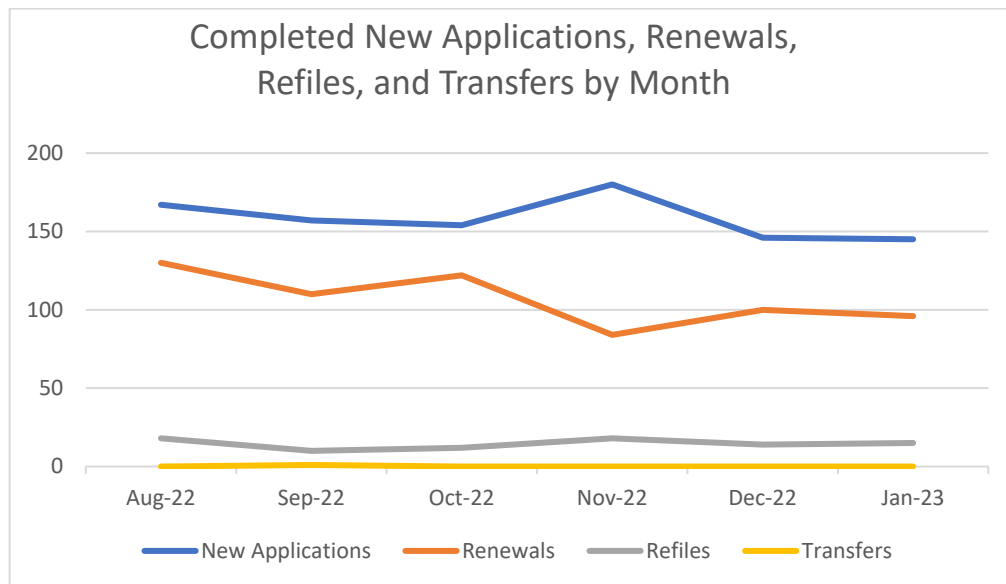


Figure 3. Suspensions and Revocations by Month

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.

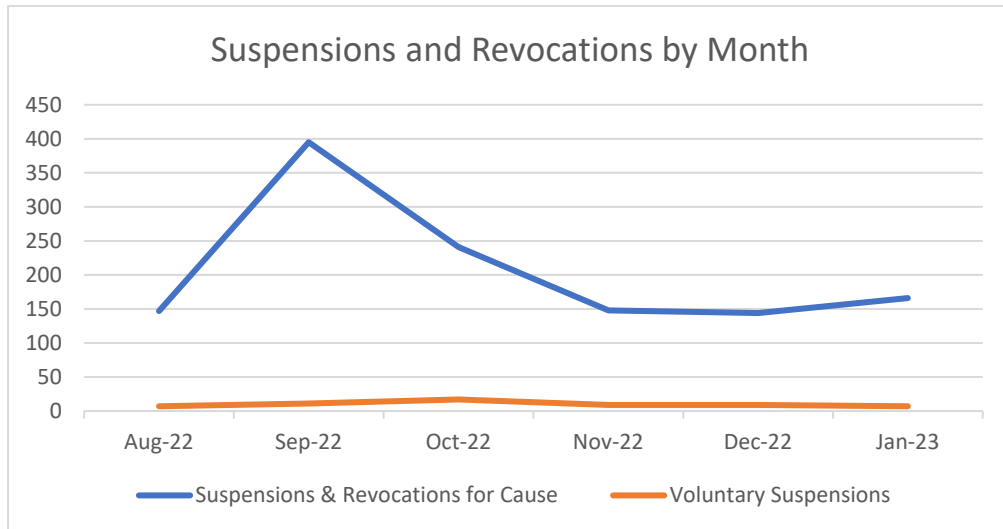


Figure 4. Average Processing Times

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.

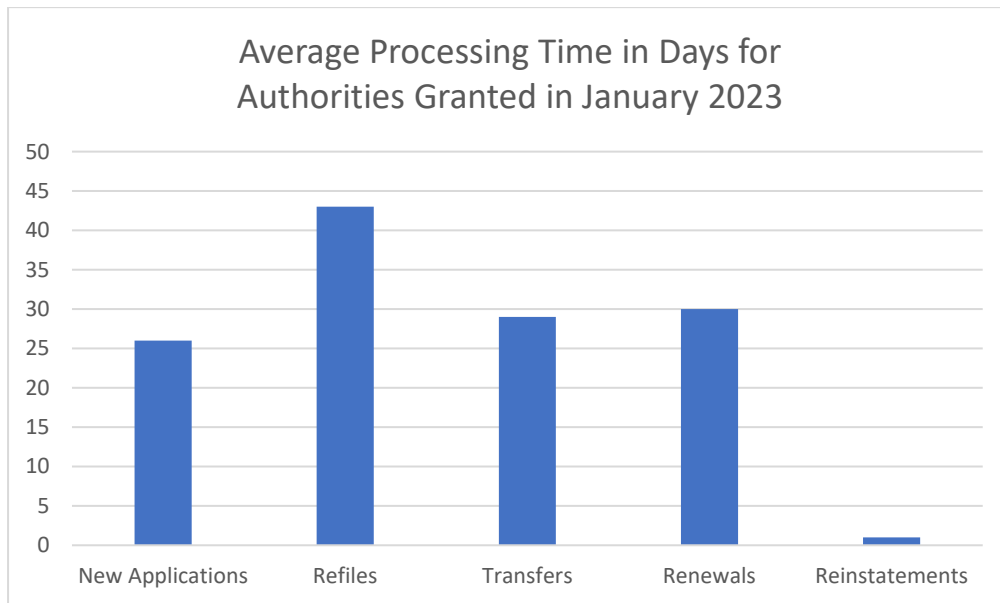
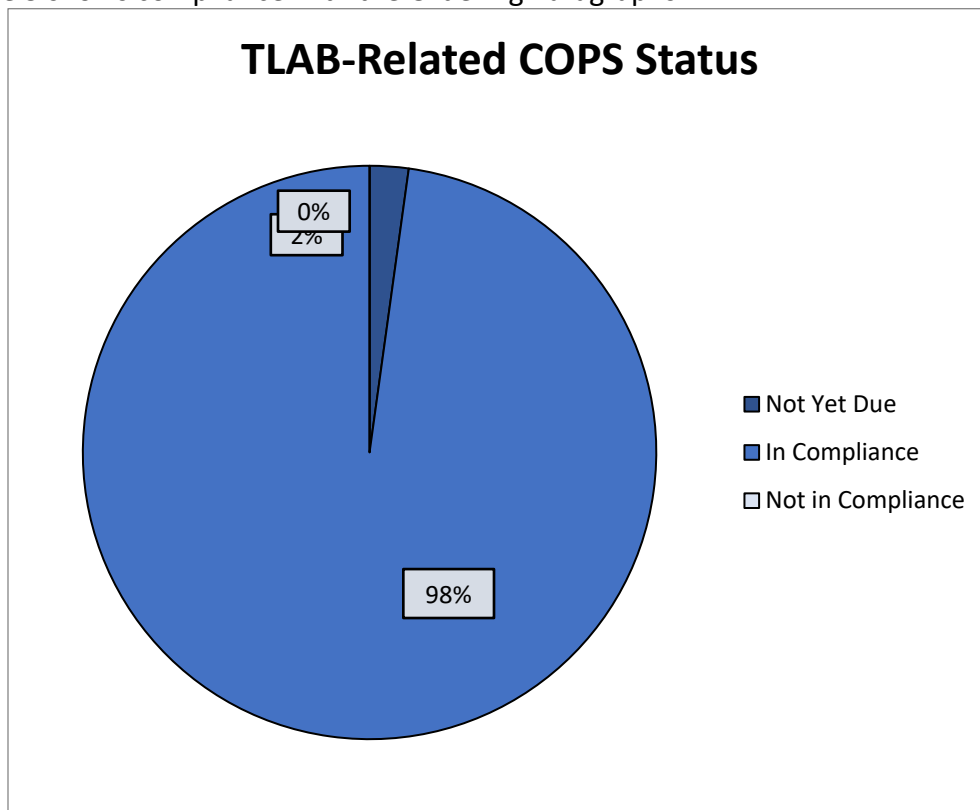


Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for **690** 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. No docket activity in January 2022.

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

1. Proposed Decision on Track 5 Issues – issued on January 20.

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

1. Opening comments on Staff Proposal submitted on January 30.

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.22-08-014** / In the matter of the Application of Central Coast Shuttle Services, Inc. (PSC13086) for authority to Increase rates between points in Santa Maria, Buellton, Santa Barbara, Ventura, and the Los Angeles International Airport (LAX); and To establish a Zone of Rate of Freedom / **01/05/2023 Application granted by Decision 23-01-001.**
- **A.22-10-006** / In the matter of the Application of GT MONTEREY, LLC, DBA MONTEREY AIRBUS (PSC-38556) to establish new base Tariff Rates and to establish a Zone of Rate Freedom ("ZORF") of Plus 15% or minus 15%, to that newly established tariff, pursuant

to the provisions of Pub. Util. Code Section 454.2. / **01/25/2023 Application granted by Decision 23-01-024.**

- **A.22-10-013** / In the Matter of the Application of PACIFIC MARITIME GROUP, Inc., a California corporation, doing business as PACIFIC TUGBOATS (VCC-88), For Authorization To Increase Rates on its Vessel Common Carrier Service Operated Out of Los Angeles, Long Beach and Redondo Beach Harbors and Connecting to Avalon, Two Harbors and the Isthmus on Santa Catalina Island and all the Camps and Beaches That Surround Santa Catalina Island. / **01/19/2023 Prehearing Conference set for 02/09/2023**
- **A.22-10-016** / In the Matter of the Application of Blue & Gold Fleet, L.P. (VCC-77) For Authorization to Increase Passenger Fares on Its Vessel Common Carrier Service On San Francisco Bay Between Sausalito and San Francisco and for Authority to Adjust Fares Within a Zone of Rate Freedom. / **01/26/2023 Applicant filed Prehearing Conference Statement.**
- **A.23-01-018** / Application of Island Boat Service (VCC-80) For Authorization to Increase Passenger Fares on Its Vessel Common Carrier Service Between Vessels and ShorePoints and Between all Points and Places On or Within Three Miles of Santa Catalina Island and For Zone of Rate Freedom/ **01/05/2023 New application filed.**
- **A.23-01-019** / Application of Bill's Bus Inc. (PSC18345) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone of Rate (ZORF) fares for its existing route./ **01/31/2023 New application filed.**

Joint Agency Collaboration/Outreach/Training

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

- Bi-monthly TLAB Staff and CARB Staff coordination meeting on the Clean Miles Standard
- Monthly TLAB and Department of Motor Vehicles Autonomous Vehicles meeting
- Meeting w/ CHP re: Coachella, Stagecoach Festivals

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.

- TLAB management attended and presented information about CPUC transportation activities at the National Academies of Science's Transportation Research Board 102nd Annual Meeting in Washington, DC.
- TLAB staff and management met with the United Kingdom Government Department for Transport's Chief Scientific Advisor to exchange information on Autonomous Vehicle regulation.

Training. TLAB managers and staff regularly attend all trainings required by the Commission, as well as trainings for developing work skills and industry-specific trainings. For example:

- Hot Weather Heat training
- New Employee Training
- Covid-19 Prevention Program Training
- TCT Phase 1-training
- Ethics 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 January 2023, 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](#)
CPED Monthly Activity Report / January 2023

➤ **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.
 - ADR was terminated after CPED rejected a counteroffer.
 - The schedule for this proceeding was stayed as of September 1, 2022, by ALJ Brian Stevens. A status conference was held September 29, 2022. The OII has been extended till September 30, 2023. No updates for January 2023.

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

- Risk mitigation actions implemented during and after final risk assessment report.
- Compiled and reviewed electronic data collected in the field.

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.

- Training and Safety Inspection conducted at San Jose Airport.

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Total
Open Investigations	42	48	66	82	98	90	72	64	80	77	74	76	N/A
New Investigations	21	33	8	7	24	7	3	11	27	8	7	13	169
Investigations Completed	15	15	14	3	7	10	16	24	9	11	12	9	145
Investigations Open Longer than 6 Months	19	23	25	24	27	35	23	32	21	25	25	23	N/A
% Of investigations Open Longer than 6 Months	45%	48%	38%	29%	28%	39%	32%	50%	26%	32%	32%	30%	N/A
Cease and Desist Notices	9	16	14	10	17	12	16	12	20	13	2	4	145
Warning Letters	2	5	6	2	3	4	1	2	2	0	0	1	28
Telephone Disconnects	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	3	1	6	1	5	2	1	0	4	7	1	2	33
Civil Compromise Actions	9	5	7	3	5	12	10	22	13	5	0	1	92
Vehicle Impounds	3	11	6	9	7	9	14	19	13	9	1	0	101

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
February 2022 – January 2023**

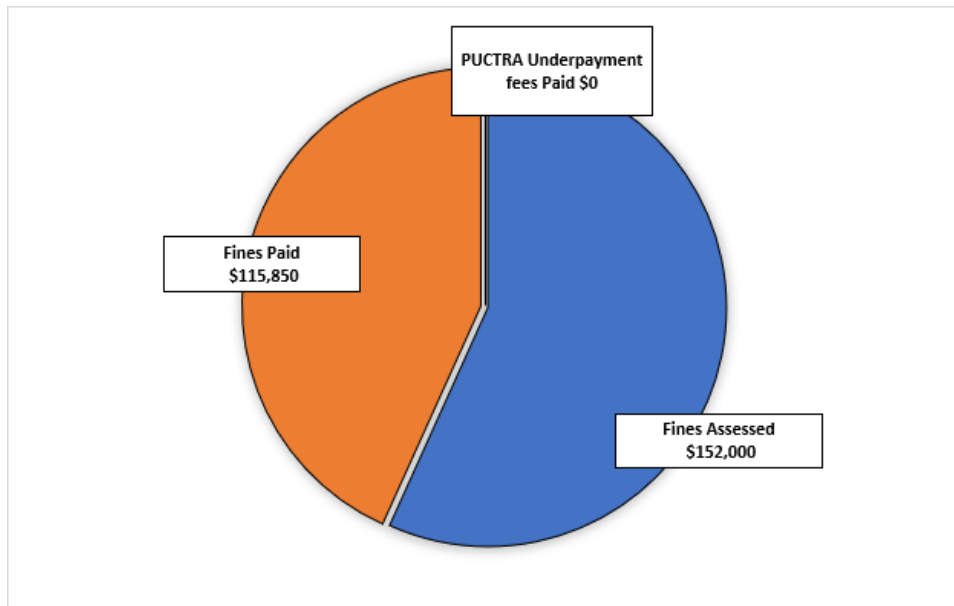


Table 3. Consumer Intake Unit (CIU) Statistics

CIU Statistics	
Open complaints as of January 1, 2023	2
New complaints received during month	14
Subtotal	16
Less: Complaints closed by CIU directly	2
Complaints Referred to Enforcement during month	13
Open CIU complaints as of January 31, 2023	1

Table 4. Citation Appeal Proceedings

Docket No.	Entity	Status
K.22-06-007	Amore' Limousine Service, Inc (TCP 25876	On September 29, 2022, hearing held. On 1/12/23, the Resolution was closed and filed on 1/19/23 (\$4,000 fine due within 30 days).
K.22-11-012	Edwin Torres, North Hollywood, unlicensed	On November 10, 2022, appeal was filed. Case assigned to ALJ Robert W. Haga. On December 20, 2022, the case was reassigned to ALJ Jacob Rambo for ADR.

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
Jan 2023	144	32	110	85	0	0
Dec 2022	72	14	37	20	0	0
Nov 2022	144	28	46	16	0	0
Oct 2022	78	18	321	49	3	0
Sept 2022	79	17	280	31	11	13
Aug 2022	470	23	562	109	0	0
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

Table 6. Joint Operations with Law Enforcement Agencies

Agency	Operation
Saint Helena Police Department	TCP/PSC Passenger carrier inspection near wineries located along a stretch of Highway 29 from Calistoga to Yountville.
California Highway Patrol	TCP/PSC Passenger carrier inspection at Cache Creek Casino in Brook.
Los Angeles International Airport (LAX)	TCP/TNC/PSC Passenger carrier inspection at LAX Airport.

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

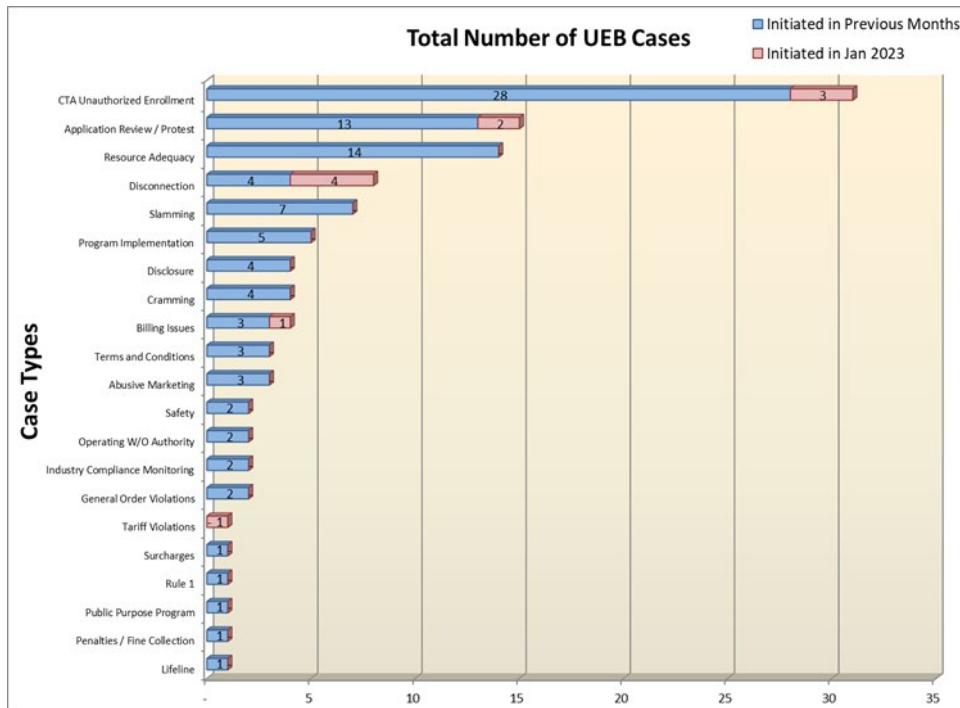
- **MetroPCS OII (I.22-04-005):** On January 13, 2023, the Assigned Commissioner issued a ruling scheduling oral arguments on Track 1 issues on January 27, 2023. On January 21, 2023, ALJ Mason provided Oral Argument instructions. On January 27, 2023, CPED and MetroPCS participated in oral arguments.
- **Constellation New Energy (CNE) RA Citation Appeal (K.22-11-007):** On January 17, 2023, CNE filed a motion to withdraw its appeal of citation E-4195-0130 with prejudice and requested suspension of the procedural schedule. CNE also agreed to pay the citation in full within 15 days of approval of the motion. On the same day, ALJ Zhang issued an email ruling staying the procedural schedule pending the resolution of CNE's motion to withdraw.
- **Central Valley Community Energy (3CE) RA Citation Appeal (K.22-10-009):** On January 17, 2023, the Commission received payment of \$25,000 from 3CE for citation E-4195-0126. On January 19, 2023, the Commission issued resolution ALJ-430 dismissing the appeal of 3CE from citation E-4195-0126 with prejudice.
- **Digital Future (A.22-10-005):** On January 20, 2023, ALJ Kieuchinh Tran scheduled a prehearing conference (PHC) for February 3, 2023, to determine the parties, positions of the parties, issues, and other procedural matters. On the same day, Digital Future sent an email regarding the correction to the entity name. On January 31, 2023, ALJ Tran issued a ruling suspending the February 3, 2023, PHC until Digital Future files a Motion to Amend the Original Application in accordance with Rule 1.12 in the Rules of Practice and Procedures. CPED protested the application of Digital Future alleging that the applicant violated Rule 1.1 for its failure to disclose a bankruptcy filing.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On January 30, 2023, ALJ Chiv issued draft resolution ALJ-432, denying the appeal of citation E-

4195-0107 by SDCP because SDCP has not met its burden of rebutting CPED’s demonstration that the violation occurred and failed to meet its burden of persuasion that the citation should be reduced or excused. ALJ-432 found that SDCP failed to meet its burden to prove an impossibility defense. Specifically, SDCP opted not to participate in all investor-owned utilities’ (IOU) solicitations and submitted bids that were far below what it knew, or should have known, was necessary to procure resources, which resulted in rejected offers.

Key Activities

UEB is working on a total of 112 cases. Investigations center primarily on CTA Unauthorized Enrollment, Application Review/Protest and Resource Adequacy. UEB’s cases come from a variety of sources, with Inter-Division referrals and UEB’s own scanning activities playing key roles.

Figure 7. UEB Total Number of Cases by Type as of January 31, 2023



Citations/Fines/Reparation

In January 2023, UEB issued one CTA citation in the amount of \$1,000.

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

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2023	\$1,000
January 2023	\$1,000

- **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 RA citations were issued in January 2023.
- **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 January, UEB reviewed 69 CTA-related complaints received by the Consumer Affairs Branch (CAB) in December 2022 and identified 12 needing investigation for potential unauthorized enrollment. Staff issued three data requests for proof of enrollment authorization. UEB received proof of enrollment authorization for seven customers. At this time, UEB has not received proof of enrollment authorization for all requested customers, as extensions were granted due to a TPV company having issues providing files to a CTA company. As such, staff's investigation for December is ongoing. The CTA investigations from July, August, September, October, and November also remain ongoing.

On November 23, 2022, UEB issued Spark Energy Gas, LLC (Spark) Citation No. UEB-003-0182. On December 27, 2022, Spark requested and was approved for an extension to respond by January 5, 2023. Payment for Citation No. UEB-003-0182 was received on January 23, 2023. On January 26, 2023,

UEB issued Spark another citation (No. UEB-003-0183). UEB is awaiting payment. Detail of the citation can be found in Table 9 below.

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				
December	69	12	3	7	pending	0

Table 9. UEB CTA Citations

CTA CITATIONS					
Citation #	Date Issued	Company	Citation Amount	Date Due	Status
UEB-003-0183	1/26/2023	Spark Energy Gas, LLC	\$1,000	2/26/2023	Awaiting payment
		TOTAL	\$1,000		

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 2023, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

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

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

UEB-Related Proceedings

Table 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.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.21-11-018	Appeal of Shell Energy North America to citation E-4195-113 issued on October 21, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
K.22-05-017	Appeal of Orange County Power Authority to citation E-4195-116 issued on April 20, 2022 by Consumer Protection & Enforcement Division.	Petersen	N/A
K.22-10-009	Appeal of Central Coast Community Energy to citation E-4195-126 issued on September 16, 2022 by Consumer Protection & Enforcement Division.	Chiv	N/A
I.22-04-005	Order Instituting Investigation on the Commission's Own Motion into MetroPCS California LLC Failure to Remit Prepaid Mobile Telephony Service Surcharges and User Fees	Mason	Houck
I.22-10-007	Order Instituting Investigation into the Operations and Practices of TC Telephone and Order to Show Cause to Determine Whether Respondents Violated the Laws, Rules, and Regulations Governing the California Universal LifeLine Program	Mason	Shiroma

K.22-10-024	Appeal of Orange County Power Authority to citation E-4195-125 issued on September 16, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
K.22-11-007	Appeal of Central Coast Community Energy to citation E-4195-130 issued on October 7, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
A.22-02-020	Application of Dagobah Systems, Inc., dba Dagobah Communications Systems, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Melvin	Reynolds
A.22-10-005	Application of Digital Future UUC LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.	Tran	Shiroma
A.22-11-011	Application of Kloud Communications, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	N/A	N/A

Outreach/Training/Other Activities

State National Action Plan (SNAP): On January 19, 2023, the FCC issued a Notice of Proposed Rulemaking addressing digital discrimination. The FCC’s Aurelie Mathieu summarized the NPRM’s main points as: 1) Definition of digital discrimination, 2) Revisions to the FCC’s consumer complaint process, 3) Policy and best practices for state and localities to stop digital discrimination and 4) Rules the FCC should adopt promoting and facilitating equal access.