

Safety and Enforcement Division



Monthly Performance Report,

March 2016

Safety Action Plan Deliverable #1

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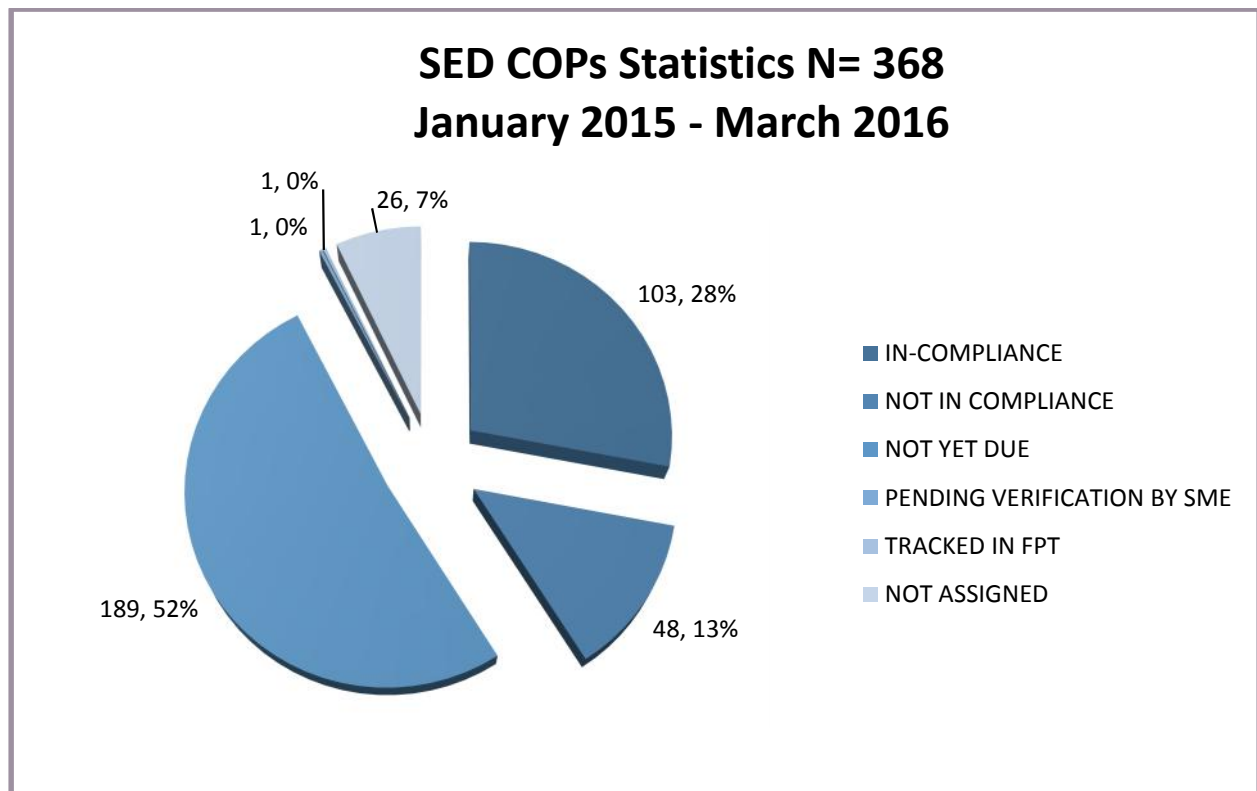
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This Report has not been approved or disapproved by the CPUC.

COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

With the launch of the Commission’s Compliance with Ordering Paragraphs (COPs) effort, SED is including our program-to-date summary statistics. Through March 31, 2016, SED has 368 entries in the COPS system; slightly more than half are not yet due for compliance. During March 2016, there were 38 new entries, which are reflected in the totals below. These statistics cover all major program areas (Utility Safety and Enforcement, Rail, and Transportation) currently in SED. Note, the category of “tracked in financial payment tracker” (FPT) has been verified and has been deemed “in compliance” but is listed separately in the COPS tracker.



NATURAL GAS SAFETY PROGRAM

STAFF CITATION PROGRAM

As authorized by ALJ Resolution-274, SED Staff has citation authority for the enforcement of safety regulations for violations by Gas Corporations of General Order 112 and Title 49, Parts 191, 192, 193 and 199 of the Code of Federal Regulations.¹ SED has issued one citation in 2016 in the amount of \$200,000 to Pacific Gas & Electric, the citation was not challenged and is now closed.

INSPECTIONS

- **2016 Inspections:** We have conducted 12 scheduled inspections in Q1, and have completed the final inspection report for 0 of these 12 inspections during 2016.
- **Pre-2015 inspection backlog remaining:**
 - 3 open inspections from 2013
 - 3 open inspections from 2014

INCIDENT INVESTIGATIONS

As of March 31, 2016, GSRB Staff received 41 incidents year to date. All pre-2015 incident investigations have been completed.

Metrics on 2015 Incident Investigations:

TOTAL reported in 2015	191	Percent
Open	54	28 %
Closed	137	72 %

The CY 2015 incidents² are categorized as follows:

- 45 - Level 1 incidents
- 6 - Level 2 Incidents
- 4 – Level 3 Incidents
- 2 – Level 4 Incidents

¹ General Order 112-F was adopted by the Commission on June 25, 2015, via D.15-06-044.

² Level 1: The incident did not result in injury, fatality, fire or explosion. Level 2: The incident did not result in injury, fatality, fire or explosion. The incident may have been reported due to Operator judgment. Level 3: The incident resulted in a release of gas but the incident did not result in injury, fatality, fire or explosion. Level 4: The incident resulted in injury, fatality, fire or explosion caused by release of natural gas from the Operator's facilities.

UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS

At the end of each year, the SIV process owner will conduct an annual review, which includes a trend analysis of systemic issues, determination of investigation effectiveness, and possible revision of investigation criteria. There were no new self-violations reported in March 2016.

NATURAL GAS RELATED PROCEEDINGS

- **Distribution Record Keeping (I.14-11-008) (Commissioner Peterman / ALJ Bushey) (Advocacy):** Hearings were conducted on January 19-21, 2016. Briefs were due on February 26, 2016, with Reply Briefs due on March 31, 2016.
- **Gas Safety OIR (R.11-02-019) (Commissioner Florio / ALJ Bushey) (Advisory):** Decision 15-06-044 Adopting Revised General Order (GO) 112-F signed by the Commission at its June 25, 2015, Commission Meeting. GO 112-F in Attachment A of D.15-06-044 is effective June 25, 2015; except that as to Sections 105, 122, 123, 125, 142, 143, 144, 145, and 162, the gas operators shall comply with these sections as soon as feasible but no later than January 1, 2017, unless compliance is extended for a particular provision pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure or its successor. R.11-02-019 was closed in June, however, it was re-opened in July on an application for rehearing of the June 2015 decision.
- **Citation Program OIR (R.14-05-013) (President Picker / ALJ Burcham) (Advisory):** On October 1, 2015, the Commission issued the scoping memo for Phase II for parties to respond to before November 2, 2015. GSRB, in an advisory role, worked with the Electric Safety and Reliability Branch (ESRB) to provide a report of recommendations. GSRB will continue advising the commission and preparing for workshops and/or evidentiary hearings, as necessary.
- **Sempre Pipeline Safety Enhancement Program (A.14-12-016) (Commissioner Peterman/ALJs Long and Mason) (Advisory):** This proceeding deals with disposition of expenses in the balancing account for pipeline safety work. No significant updates for March.
- **Mobile Home Parks Pilot Program (Implementing D.14-03-021):** This decision established a three-year pilot program authorizing each California investor-owned utility to convert 10% of master-metered gas and/or electric Mobile Home Park spaces within its operating territory to direct utility service. The Pilot Program began on January 1, 2015, and will continue through 2017. No significant updates for March.

ELECTRIC SAFETY AND RELIABILITY PROGRAMS

ELECTRIC AND COMMUNICATION FACILITY PROGRAM: AUDITS AND INCIDENT INVESTIGATIONS

In March 2016, Electric and Communication Facility Safety Section Staff:

- Received 6 electric incidents and closed 11 previously reported electric incidents;
- Investigated 15 customer safety complaints;
- Performed three electric distribution audits.
- Performed one electric transmission audit.
- Performed one Communication Infrastructure Provider (CIP) audit.
- Mailed one Notice of Violation (NOV) letter.

Metrics for Facility Incident Investigations as of March 31, 2016

Electric and Communication Facilities	Level 1	Level 2	Level 3	Level 4	Total ³
Total open incidents	2	14	16	26	58
Total incidents reported in 2016	4	8	5	8	25
Total incidents closed in 2016	7	3	8	10	28
Total open 2016 incidents	0	8	5	8	21
Incidents reported in March 2016	2	2	2	2	6
Incidents closed in March 2016	6	1	3	1	11
Average closure time of incidents in 2016	83 days	239 days	175 days	275 days	218 days

ELECTRIC AND COMMUNICATION FACILITY SAFETY: PROCEEDINGS

- **Investigation into Incident (I.15-11-006) (Commissioner Randolph/ALJ Kimberly) (Advocacy):** A subcontractor was fatally injured in a Southern California Edison Company underground vault in Huntington Beach. ESRB currently is undertaking discovery in this proceeding.

³ Level 1: A safety incident that doesn't meet Level 2, 3, or 4 criteria. Level 2: Incident involved a power interruption not due solely to outside forces. Level 3: Incident involved damage estimated to exceed \$50,000 and caused, at least in part, by the utility or its facilities. Level 4: Incident resulted in a fatality or injury requiring hospitalization and that was caused, at least in part, by the utility or its facilities.

- **Fire Safety Rulemaking (R.15-05-006) (Commissioner Florio/ALJ Kenney) (Advocacy):** The Fire Threat Mapping Independent Expert Team (IET) and parties have achieved a consensus Fire Map 1 proposal. Currently, parties are waiting to file a Tier 1 Advice letter adopting Fire Map 1.
- **Applicability of Right-of-Way Rules to CMRS Carriers (R.14-05-001) (Commissioner Randolph/ALJ Kenney) (Advocacy):** D.16-01-046 adopted GO 95 amendments to provide Commercial Mobile Radio Service (CMRS) carriers with nondiscriminatory access to public utility infrastructure, including poles. The decision closed the proceeding. ESRB has updated GO 95 to incorporate the adopted changes and will undertake other follow-up work directed by the decision.
- **Citation Rulemaking (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** ESRB has summarized opening and reply comments in Phase II of this proceeding, and continues to provide advisory support regarding Phase II issues.
- **Physical Security of the Electric System (R.15-06-009) (President Picker/ALJ Kelly) (Advocacy):** Phase I will address physical security for electric supply systems, and additional phases will address disaster and emergency preparedness plans for electrical corporations and regulated water companies. ESRB is waiting for a scoping memo or further guidance in the proceeding.
- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ DeAngelis) (Advisory):** A workshop will be held in April 2016, and the three major IOUs will provide an overview of their perspective 2016 Energy Storage Plans. ESRB continues to provide advisory support to help determine best practices related to energy storage, and the proper way to inspect such facilities.
- **Distributed Energy Resources (R.14-08-013) (President Picker/ALJ Mason) (Advisory):** ESRB continues to review the issues and provide advisory support.
- **Distribution Level Interconnection (R.11-09-011) (President Picker/ALJ Bushey) (Advisory):** The proceeding addresses improvements to distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources. On February 16, 2016, the Assigned ALJ filed a proposed decision (PD). The PD would grant motions improving Electric Tariff Rule 21 to: (1) provide earlier and more reliable interconnection cost information to electric generation developers and (2) set forth the process for analyzing requests for interconnection of electricity storage devices. The PD also would grant, in part, a Fixed Price Option for interconnection cost. This proceeding is on the April 7, 2016, Commission Business Meeting Agenda. ESRB will continue to review documents and attend scheduled workshops to evaluate any potential safety issues.
- **SB 1028 (Hill) “Electrical corporations: wildfire mitigation plans”:** On February 12, 2016, Senator Hill introduced SB 2018. Which would require each electrical corporation and each publicly owned electrical utility or electrical cooperative to annually prepare a wildfire mitigation plan. Additionally, this bill would require the Commission (for electrical corporations) or the governing board (for publicly owned electrical utilities or electrical cooperatives) to review and to accept, accept provisionally, or reject the

submitted plans. ESRB is currently analyzing the bill and its effect on the Commission safety program.

ELECTRIC AND COMMUNICATION FACILITY SAFETY: REPORTS AND OTHER ACTIVITIES

- **Caltrain Modernization Project:** ESRB, Rail Safety, Energy Division, and staff from Legal continue to meet with Caltrain and review documents related to the design and construction of Caltrain's proposed 25 kV electrification project between San Jose and San Francisco. ESRB is reviewing Caltrain's proposed electrification operating procedures and proposed rules, with the next meeting planned for April.
- **Long Beach Outages Investigation:** On July 15 and July 30, 2015, fires and explosions in underground electric vaults caused power outages that affected thousands of Long Beach customers for several days. On August 15, 2015, another fire occurred in an underground vault with additional outages. ESRB is conducting a full investigation of the outages and is drafting an investigation report.
- **General Order 174 Substation Program:** D.12-10-029, which adopted substation inspection programs, requires the electric utilities to hold annual best practice workshops in 2014, 2015 and 2016, and for ESRB staff to attend the workshops and to report on them in 2016. ESRB attended the final meeting on January 29, 2016, and is currently drafting a report, as required by D.12-10-029.
- **Transmission Maintenance Coordination Committee (TMCC):** TMCC is an advisory committee to help the CAISO develop, review and revise Transmission Maintenance Standards. ESRB is a member and attends quarterly meetings, most recently on January 21, 2016.
- **Smart Inverter Working Group (SIWG):** ESRB continues to attend the weekly meetings of the SIWG when available.
- **Utility Diagnostic Testing:** ESRB surveyed the three largest investor owned utilities regarding the types of diagnostic testing and inspections they perform on distribution system switches, transformers and capacitors. ESRB's report will compare the utilities' practices to national best practices and industry standards. The draft report is in internal review.
- **Database Update Project:** ESRB is working with a consultant to update the Facilities Section database. The database was migrated in January, with faster and more efficient access. ESRB is currently working with the consultant to add more features and analysis tools in the next phase in 2016.

ELECTRIC GENERATION SAFETY AND RELIABILITY: INVESTIGATIONS, INSPECTIONS, AND AUDITS

The Electric Generation Safety and Reliability Section staff has performed the following in March 2016:

- Investigated 19 forced or planned outages at power plants, including 7 site visits and with the rest handled through phone calls and email inquiries. Starting in April, staff is

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limiting outage-related site visits to only outages of a unique nature or special circumstance, such as a forced outage with long duration and significant power impact.

- Continued to monitor and track corrective actions of four plants (Gateway, Redondo Beach, Los Esteros, and Inland Empire) for compliance with GO 167 requirements. Staff completed comprehensive audits of the four plants in 2015.
- Received no safety incidents. Please see the 2016 year-to-date incident statistics in the table below.

Metrics for Generation Incident Investigations as of March 31, 2016

Electric Generation Incidents	Level 1	Level 2	Level 3	Level 4	Total ⁴
Total open 2015 incident	0	0	0	1	1
Total incidents reported in 2016	1	0	0	0	1
Total incidents closed in 2016	1	0	0	1	2
Total open 2016 incidents	0	0	0	0	0
Incidents reported in March 2016	0	0	0	0	0
Incidents closed in March 2016	0	0	0	0	0
Average closure time of incidents in 2016	1 day	-	-	99 days	50 days

UTILITY RISK ASSESSMENT AND MANAGEMENT

REVIEWING SAFETY & RISK IN GENERAL RATE CASES

In the current Pacific Gas & Electric GRC (A.15-09-001) ALJ Steve Roscow on March 7, 2016, issued SED's evaluation report on PG&E's risk assessment approach, which analyzed how the utility's risk model is being used to determine priorities and spending for risk mitigation programs and projects. The report has been circulated to Parties in the proceeding for comments and/or response in their forthcoming GRC testimony.

⁴ Level 1: A safety incident that doesn't meet Level 2, 3, or 4 criteria. Level 2: Incident that occurred during an electric Alert, Warning or Emergency (AWE). Level 3: Incident resulted in a significant outage that was due, at least in part, to plant equipment and/or operations. Level 4: Incident resulted in a fatality or injury requiring hospitalization and was caused, at least in part, by plant equipment and/or operations.

In summary:

“SED Staff has analyzed and evaluated the risk assessment framework and integrated planning processes used by PG&E to identify major risks, and determine potential mitigation plans and programs, and concluded that these methods and processes have, in fact, been effectively used to inform the 2017 GRC budget request.

“PG&E, by virtue of having somewhat longer experience in applying sophisticated and complex Enterprise Risk Management practices to its utility operations, is clearly a utility industry leader. However, its processes are still evolving and will further evolve as a result of parallel CPUC proceedings to advance the risk-informed decision-making and risk assessment programs for use in rate cases.

“At this time, it would be premature to accept PG&E’s Risk-Informed Budget Allocation process as the sole basis for determining reasonableness of safety-related program requests. The current GRC, although partly subject to the new risk-informed decision-making approach, is essentially a transitional case. The traditional tools of intervenor testimony, evidentiary hearings and cross-examination of witnesses must still provide the Commission with a complete record for its decisions.”

In the report, Staff also provided details of some of PG&E’s top identified risks (wildfire caused by utility assets, natural gas/sewer line cross bore incidents) to illustrate how the company’s risk model carried through from risk assessment to budget allocations. A copy of the full report can be found in the Recent Documents section of the CPUC’s Risk Assessment website at <http://www.cpuc.ca.gov/riskassessment/>

To review the SED report, and to allow PG&E an opportunity to further explain its Risk Informed Budget Allocation (RIBA) process, SED held a workshop in the CPUC Auditorium on March 25, 2016. The workshop was attended by ALJ Roscow and featured a great deal of interaction among SED Staff, intervenors and PG&E. Representatives of two new “safety advocacy” oriented intervenors participated, the Office of Ratepayer Advocates’ Safety section, and Collaborative Approaches to Utility Safety Enforcement (CAUSE).

PROCEEDING UPDATES

WORK PRODUCT IN SUPPORT OF PROCEEDINGS DURING MARCH

Staff Reports – 3

- Risk and Safety Aspects of PG&E General Rate Case (A.15-09-001) – March 7
- SED Evaluation of Utility Safety Risk Models in S-MAP (A. 15-05-002, et al) – March 22
- Joint SED/CARB Report and Recommendations on Methane Leak Best Practices (R.15-01-008) – March 24

Staff Comments Summaries (for internal/ALJ use) – 3

- Gas Leak Reporting Templates – March 18
- S-MAP ALARP and Utility Conformity – March 17
- S-MAP Intervenors Whitepaper – March 17

Workshops and Workshop Reports – 2

- Public Records Act Matrix Workshop Follow-up Report – March 9
- PG&E GRC Risk Assessment Report Workshop – March 25

Commissioner Briefings – 2

- S-MAP Briefing for President Picker’s Advisor – March 14
- Commissioner Sandoval on Aliso Canyon and Sempra GRC Testimony Briefing – March 17

Division Legislative Analysis – 1

SB 1441 – Natural Gas Fugitive Emissions -- March 22, amended April 4

PROCEEDINGS

- **Safety Model Assessment Proceeding (A.15-05-002, et al) (President Picker/ALJ Kersten) (Advisory):** On March 22, 2016, ALJ Kersten issued a ruling accepting into the record of the proceeding SED Risk Staff’s analysis of the four major utilities’ risk models, as presented in their May 2015 applications and refined via a series of workshops and working groups. The report described commonalities and distinctions among the utility models, and recommended some changes to the existing models to move toward a more quantitative approach to risk scoring. The report also proposed guidance for filings in future GRCs, as well as raised issues that the Commission might address in future S-MAP proceedings. The SED report is subject to comments/replies from the Parties during April.
- **Gas Leak Abatement OIR (R.15-01-008) (President Picker/ALJ Kersten) (Advisory):** SED Staff, working collaboratively with the California Air Resources Board recently completed a series of reports and documents to advance this rulemaking. These include:

- The Joint CARB/CPUC Staff Report analyzing results from the initial annual surveys of gas leaks provided by companies in May 2015 (issued February 22 with Comments solicited from parties on March 18);
- A spreadsheet detailing over 100 “Best Practices” for detection, quantification and mitigation of leaks on various components of the natural gas system, along with a Staff Report on recommendations for mandatory and voluntary actions by the gas operators to reduce methane emissions (March 24, with comments due April 22);
- Revised reporting templates and definitions for the 2016 Annual leak reports.

On April 12, CARB will host a joint agency workshop in Sacramento on the issues of targets, compliance and enforcement.

- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ DeAngelis) (Advisory):** In compliance with D. 16-01-032 (Track 1 decision in this rulemaking), Staff has convened a technical group to consider appropriate Safety-related issues for facility inspections of grid-connected storage operated by utilities. Utilities and industry representatives have proposed elements of such inspection protocols, which are being reviewed by the Risk Assessment and Electric Generation sections for further action.
- **Storage Procurement Solicitations 2016 (PG&E A.16-03-001; SCE A.16-03-002; SDG&E A.16-03-003) (Commissioner Peterman/ALJ Cooke) (Advisory):** On March 1, the three electric IOUs filed new applications to establish the 2016 energy storage procurement solicitations, to meet 2020 targets as directed by D.13-10-040. SED Risk staff has issued data requests to the utilities to gather information on how the utilities will include Safety considerations in their applications. Staff continues to work with appropriate decisionmakers to determine how best to proceed to have the IOUs better address safety in their solicitations and contracting process. The utilities scheduled a webinar on April 5 to review their applications for the 2016 solicitation process.
- **Public Records Act Revisions Rulemaking (R. 14-11-001) (President Picker/ALJ Lirag) (Advisory):** Working with the Assigned Commissioner’s Office and Legal Division, SED Staff moderated a workshop on February 2, 2016, to devise a matrix of how to treat various documents subject to Public Records Act requests. Utilities and other parties in early March provided their proposed categories of documents that they believe should be protected from public release, citing statutory authorities or other justifications, as well as identifying types of information or documents that may be made public without protections.
- **Investigation into Safety Culture of Pacific Gas and Electric Company and PG&E Corp. (I.15-08-019) (President Picker/ALJ Bushey) (Advisory):** The Expert Witness contract with NorthStar Consulting has been approved and commenced March 31, 2016. SED Risk section will be the program manager for this contract, which will result in a thorough evaluation of PG&E’s efforts to advance a Safety Culture in its organization and operations. Staff will also support ongoing collection of documents and interviews with PG&E during the first phase of the investigation.
- **SDG&E/SoCal Gas General Rate Case (A.14-11-003/004) (President Picker/ALJs Wong and Lirag) (Advisory):** A proposed decision is pending.

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- **PG&E 2017 General Rate Case (A.15-09-001) (President Picker/ALJ Roscow) (Advisory):** SED staff on March 7 released its report evaluating PG&E’s risk assessment approach and analyzing how the risk model is being used to determine priorities and spending for risk mitigation programs and projects. Staff also hosted a workshop on March 25 to review the report and related matters (see more complete description above).
- **Electric Vehicle Charging Pilots; PG&E (A.15-02-009) (Commissioner Peterman/ALJ Farrar)(Monitoring):** Pacific Gas & Electric and several parties have proposed a settlement agreement in this proceeding, which includes SED’s recommendations for safety requirements in equipment certification, installation, and training of charging station operators. These proposals are similar to those adopted for the other utilities in recent CPUC decisions, bringing consistency to regulation of this new area.
- **Physical Security of the Electric Supply System (R.15-06-009) (President Picker/ALJ Kelly) (Advisory):** Risk Assessment staff has an advisory role for this proceeding, which has been deferred as a result of budget cuts.

MONITORING THE WHISTLEBLOWER WEBSITE

The Risk Section has been overseeing intake for complaints that arrive via a “whistleblower” application on the Commission’s web site.

STATISTICS - 1/01/16 TO 3/31/16

Note: This is for complaints filed using the on-line Whistleblower Application ONLY.

Confirmed or Possible Whistleblower Complaints						
	CAB	Transportation	Electric Safety	Gas Safety	Telco Fraud	Rail
January	0	0	1	0	0	0
February	0	5	1	0	2	0
March	0	0	0	0	0	0
Total 2016	0	5	2	0	2	0

Invalid Whistleblower Complaints Converted to Standard Complaints							
	<u>CAB</u>	<u>Transportation</u>	<u>Electric Safety</u>	<u>Gas Safety</u>	<u>Telco/Utility Fraud</u>	<u>Rail</u>	<u>Consumer Referred to Outside Agency</u>
January	0	0	0	0	0	0	0

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February	0	0	0	0	0	0	1
March	0	0	0	0	0	0	0
YTD	0	0	0	0	0	0	1

Test, Incomplete or Duplicate Whistleblower Complaints	
January	0
February	4
March	0
YTD	4

OFFICE OF RAIL SAFETY

RAILROAD SAFETY - ROSB

In the month of March 2016, SED Staff's Railroad Operations group completed the following:

New Incidents Investigated	9
Informal Complaints Investigated	5
Safety Assessments/Reviews	12
Compliance Actions	445
Major Inspections Completed - Such as Focused Inspections	2
Operation LifeSaver Presentations	3

ROSB INSPECTION, INVESTIGATION & FIELD ACTIVITIES

March 1, 2016: Two ROSB rail safety inspectors attended a State Wide Emergency Planning Committee (SWEPC) meeting held quarterly at the Governor's Office of Emergency Service's (Cal OES) Mather office. The SWEPC is primarily comprised of state agency emergency liaison personnel. Approximately 70 invitees attended. Several topics were covered:

- **California Disaster Recovery Framework.** This program is in its' second year, and draws heavily on "Lessons Learned" in preparing for future events.
- **Cybersecurity.** A growing issue with problems outpacing resources. Among other factors are unemployment and "Hackers for Hire". During last year's fires, one work site was shut down when a worker clicked on a malware link.
- **Catastrophic Response Planning.** A presentation on the two-year process, scheduled to complete in 2017, which is updating evaluations of earthquake risk areas in the State and developing a comprehensive response plan. Snags along the way have been major personnel changes in several areas.
- **Northern California Catastrophic Flood Response Plan.** Consolidated plans from different organizations give a revised risk analysis showing that 1 in 5 Californians live in a 100-Year Flood Zone, that Sutter County would be 99% gone if hit by a 500-Year Flood, and that many government facilities (jails, offices, etc.) would require evacuation with large scale flooding.
- **Access and Functional Needs.** Great presentation on work done and work still needed to provide access to facilities for people with special needs.

March 7, 2016: Two ROSB rail safety inspectors conducted a derailment investigation of an Altamont Corridor Express (ACE) train originating out of San Jose and traveling east towards Stockton, California. The train was traveling near the city of Sunol with 214 passengers on board when it struck a mud slide containing debris and subsequently derailed. Due to the derailment, a cab car ended up on its side in Alameda Creek. The second car derailed and remained upright. The remaining three cars and the locomotive stayed on the rail. There were a total of 14 confirmed injuries, four of which were serious but non-life threatening. ROSB remained on scene throughout the re-railing process. The Union Pacific is having engineering consultants conduct a study of the area in order to identify other mud slide potential in this area and report back to the CPUC.

March 7, 2016: A ROSB rail safety inspector was recently assigned an unsafe railroad condition complaint initiated by one of the labor organizations representing the conductors, brakemen, switchmen and remote control operator (RCO) employees working in and around the Roseville

Service Unit of Union Pacific Railroad (UPRR). The labor organization asked the CPUC to investigate what they perceived as an unsafe issue having to do with the placement of brake sticks. Brake sticks are a special tool designed to enable ground operating practice employees to secure (tighten) or unsecure (loosen) railroad freight car hand brakes as they are safer to use in most cases than securing or un-securing brakes by hand. However, care in placement after their use was creating unsafe conditions. Initially the complaint had to do with the placement of the brake sticks in walkways. The complaint was addressed and corrected and was an example of how the CPUC successfully interceded to help the carrier and employees reach a solution that would reduce risk.

March 8, 2016: ROSB rail safety inspectors attended the Burlington Northern Santa Fe Railway Cajon Pass safety audit in the San Bernardino Mountains. This audit is executed annually to discuss past incidents and derailments, in an effort to prevent future incidents and derailments. BNSF managers converge at this event from various locations around the country to participate. The managers ride freight trains in the Cajon Pass, speaking with train crews in regards to safety sensitive information. This is additionally a time for BNSF management to receive feedback from the train crews in regards to rules that are currently in place, as well as rules that are being implemented. This audit is considered essential, as the Cajon Pass is considered to have the greatest incline in the Continental United States, having a 3.5% trackage grade throughout the pass. Additionally, the Cajon Pass is the primary route for BNSF Railway traffic between the ports of Los Angeles-Long Beach and Chicago, as well as other points east.

March 11, 2016: A ROSB rail safety inspector responded to a locomotive fire which occurred on a commuter train that was operating in passenger service in Pomona, Los Angeles County. Due to concern given the passenger train involvement, safety of passengers on the train, etc., CPUC issued a 'Safety Alert' covering this incident. Reportedly, upon arriving at the passenger station on Santa Fe Street the train engineer detected what he thought was an electrical fire and soon realized that there was a fire inside the engine compartment of the locomotive. The engineer was in the cab of that locomotive operating the train, pulling 5 passenger cars, with 275 passengers on board traveling east to San Bernardino. The Pomona Fire Department responded to the station and extinguished the fire which was concentrated on the left side of

the locomotive. This fire did not have the extensive engine and locomotive damage that the ROSB Inspector has seen on other locomotive fires probably due to the quick response by all involved including the Fire Department, and due to the likelihood that this fire was a diesel fuel fire instead of having been a lube oil fire. The ROSB Inspector also examined periodic inspection dates and records for this locomotive and found them to be in compliance with safety regulations. The locomotive will be taken to the RR maintenance facility for follow-up inspection.

May 16, 2016: Two ROSB rail safety inspectors and a FRA safety inspector were performing a Hazardous materials inspection in Union Pacific Railroad's Newark Yard when a potentially serious track defect was discovered, specifically loose bolts. This condition could have resulted in a derailment, when the rail cars containing hazardous materials in the same yard track as this defect were moved and a misalignment occurred. Union Pacific managers were immediately notified to ensure that no movements of the rail cars in that track were made until after repairs were performed and the track was made safe for movement.

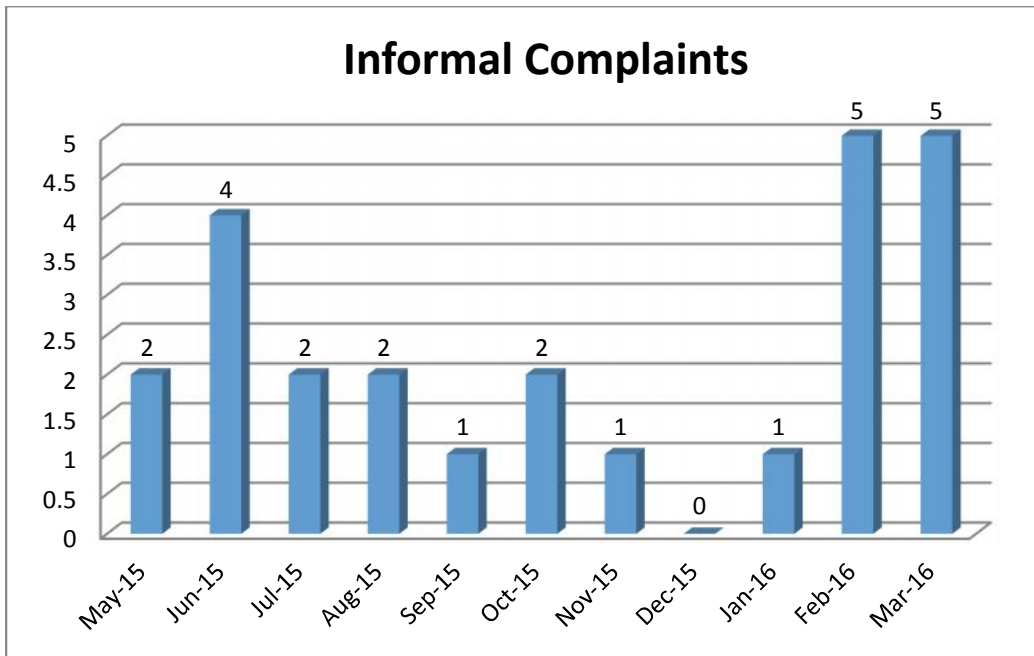
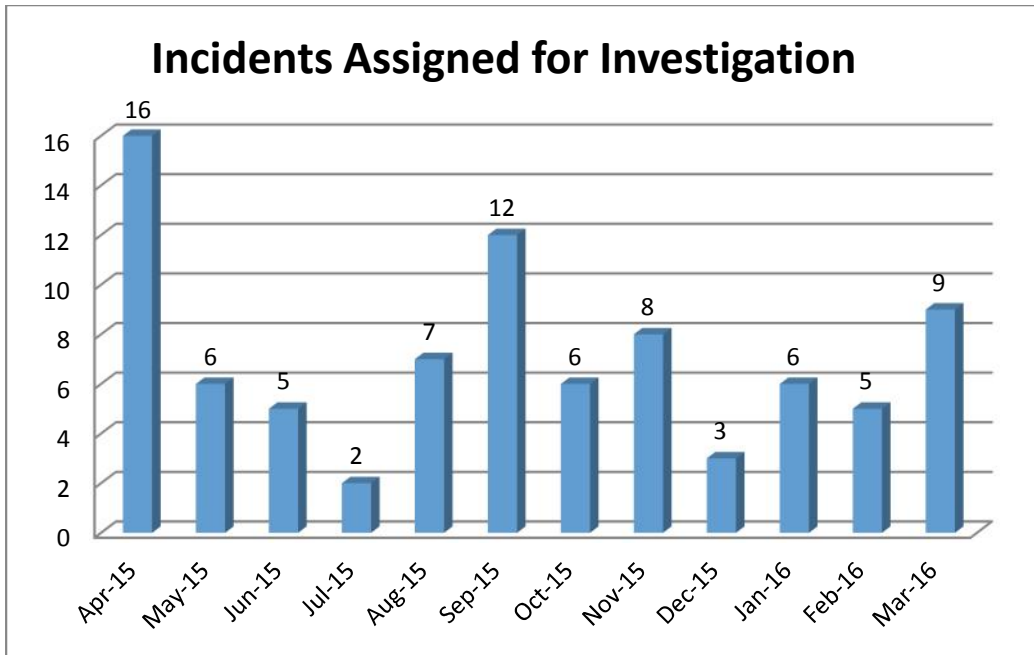
March 23, 2016: Two ROSB safety inspectors met in Pittsburg in order to conduct railroad cross discipline training. By learning the basics from other railroad disciplines the inspectors can be more effective while out in the field conducting inspections. During the inspection the team identified a CPUC General Order walkway tripping hazard. A railroad employee could easily trip over the out of service rail and cause injury. Railroad management was notified of the hazard and remedial action was taken.

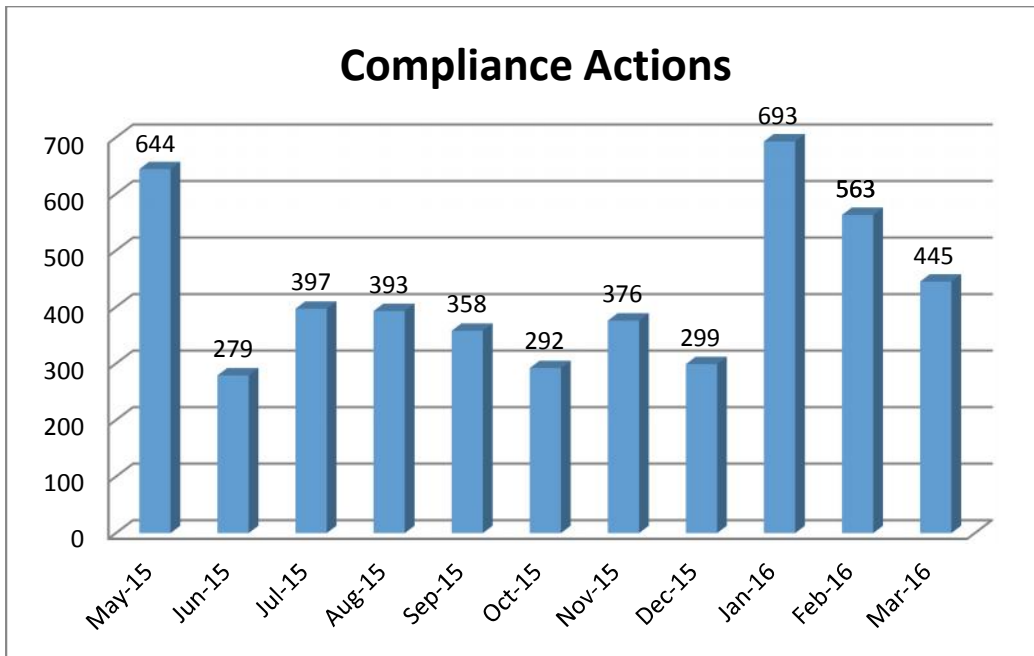
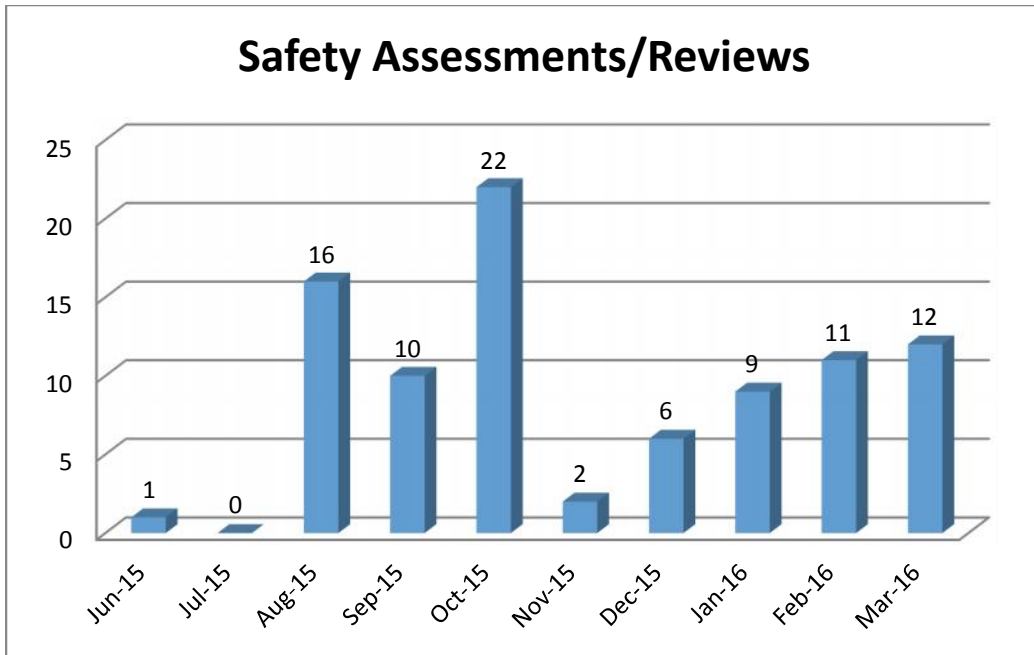
March 23, 2016: An ROSB rail safety inspector was in attendance at the BNSF Railroad's Richmond Site Safety Committee meeting which also included representatives from the Maintenance of Way, Mechanical, Signal, Telecom and Transportation departments. The BNSF's General Manager (California Division) and the Superintendent of Operations (California Division—North) were also in attendance. The Richmond Site Safety Committee encompasses the area from the Richmond Terminal east to the Pittsburg area. Among the many subjects discussed were personal injuries and Risk Identification and Mitigation (RIM). The ROSB rail safety inspector discussed the application of CPUC General Orders. These items directly relate to the committee's discussion related to preventing personal injuries and RIM. Another item

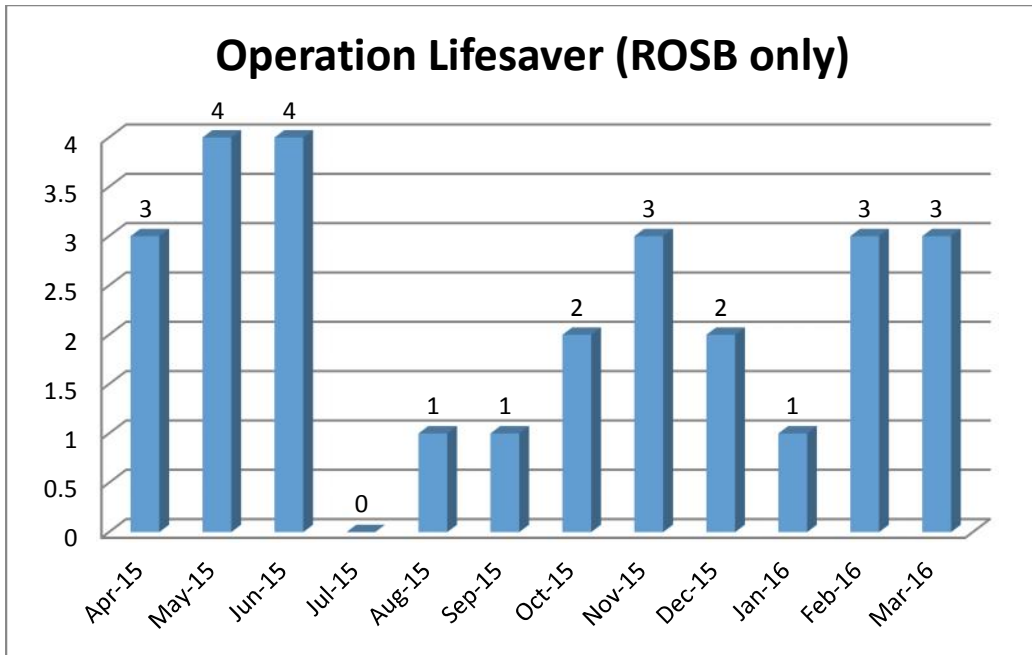
under discussion has been the need for more overhead lighting at locations where trains are picking up and/or setting out with railcars while performing work in route. The General Manager announced that since the cost to place lighting at all locations where it is perceived to be needed would be cost prohibitive; an End of Car Light would be provided for those locations. An End of Car Light, more commonly known as a “Shove Light,” is a rechargeable, lightweight LED light apparatus that can be mounted to a railcar knuckle to provide lighting similar to a headlight while a train is shoving railcars into a track in an unlighted location. This light will assist in mitigating risk for the trainman, while riding the side of a railcar, to see that no foreign objects will interfere with their train movements.

March 23, 2016: A ROSB rail safety inspector while performing a regular inspection of Union Pacific’s Kaiser yard located in Etiwanda, noted a non-complying condition pertaining to inadequate securement of unattended equipment. The equipment was found with no mechanical brakes applied and a reliance of air brakes to hold the equipment. Staff recommended a civil penalty be assessed to the carrier for non compliance with federal regulations and carrier operating rules.

March 24, 2016: Two ROSB rail safety inspectors recently conducted a focused inspection in Plumas County on Union Pacific Railroad (UPRR) and the BNSF. One part of their day included boarding a stopped BNSF train at Keddie Junction (Plumas County), which is the interchange point from the Gateway Subdivision of BNSF to UPRR’s Canyon Subdivision. The train was stopped behind a red signal at the junction. The inspectors boarded the train to assure that the train crew members were in compliance with Federal and State Regulations and railroad operating and safety rules. The inspection process included boarding the train, receiving and delivering safety briefings, investigating the train crew’s certification to operate the locomotives and train, inspecting the lead locomotive, insuring that authority and protection to occupy the main track was in place. Inspectors also reviewed paperwork on board such as the complete train list for contents of the train including hazardous materials and their safe placement in the train for transport to determine their compliance with safety regulations.







RAIL CROSSINGS - RCEB

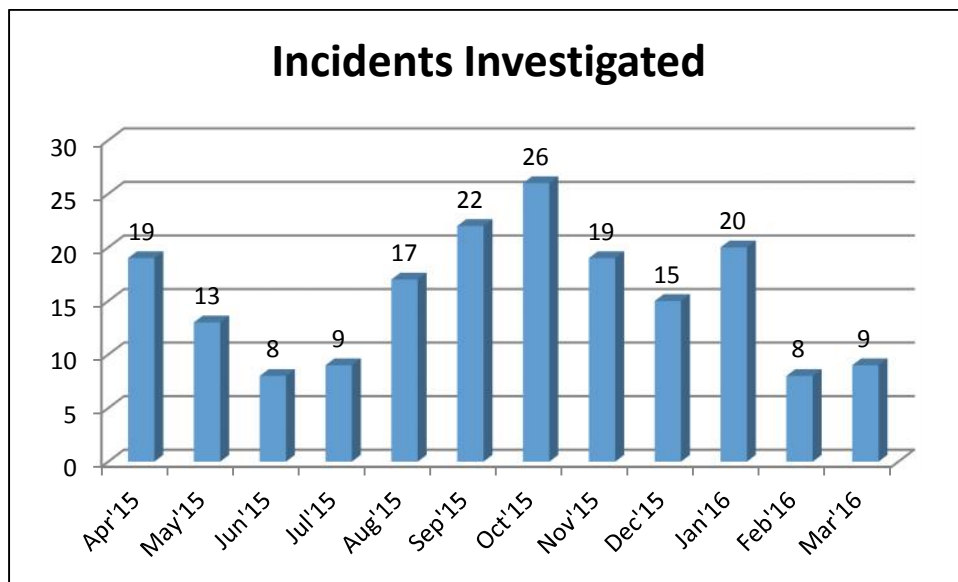
In the month of March 2016, the Rail Crossings and Engineering Group completed the following:

	Open at Period Start	New During Period*	Closed During Period	Open at End of Period
2015 Crossing Incident Investigations	46	7	7	46
2016 Crossing Incident Investigations	21	19	2	38
Informal Complaints Investigations	26	0	1	25
Safety Assessments/Reviews	0	43	43	0
Environmental Reviews	0	121	121	0
Proceedings, Resolutions and G.O. 88-B Reviews	34	15	17	32
Operation LifeSaver Presentations	0	3	3	0
Staff Training	0	2	2	0
*As RCEB checks Federal Railroad Administration data with CPUC data, RCEB adjusts the number of incidents for 2015 and 2016.				

RAIL CROSSING INCIDENT INVESTIGATIONS

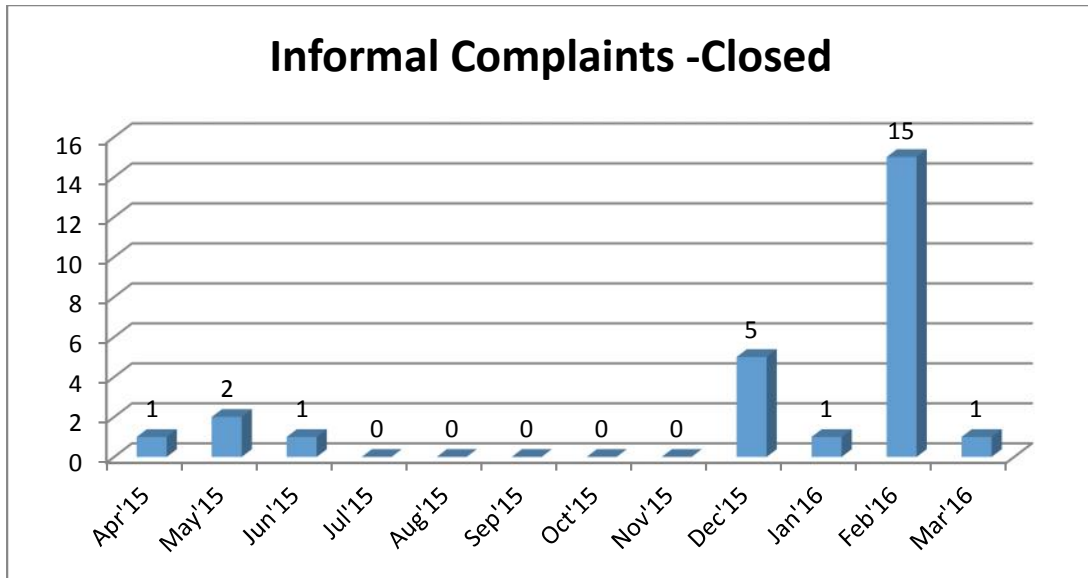
- In March 2016, the Rail Crossings and Safety Branch engineers received two new crossing incidents in relation to 2015 and 19 new crossing incidents in relation to 2016. Staff also completed nine highway-rail crossing investigations.

Year	No of Crossing Incidents	Fatalities	Injuries	Open – start March 2016	New March 2016	Closed March 2016	Open at End of Period
2015	154	56	57	46	7	7	46
2016	46	19	11	21	19	2	38



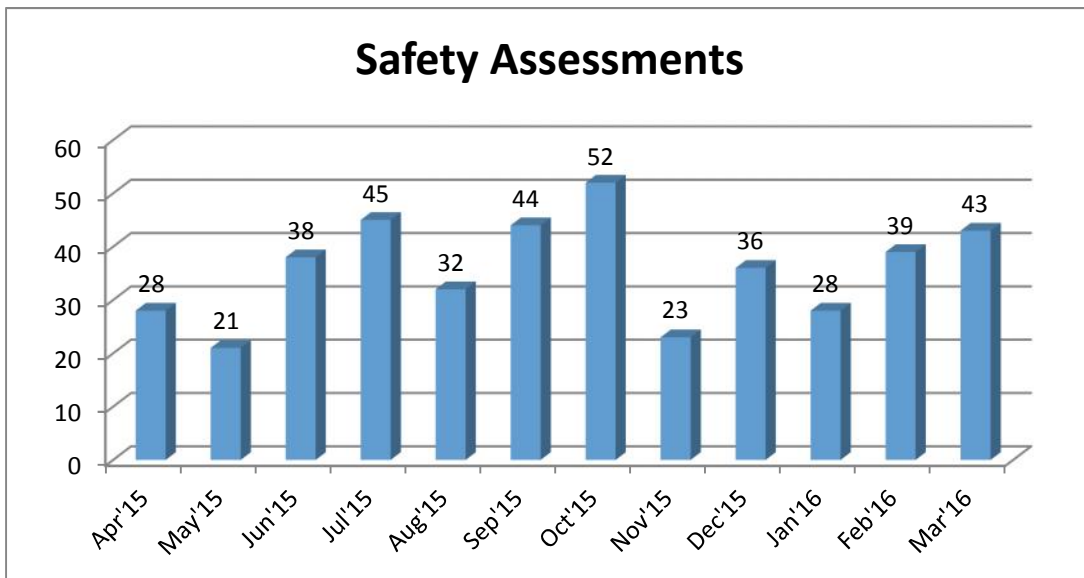
INFORMAL COMPLAINTS

- In March 2016, engineering staff did not receive any new complaints and closed one complaint involving existing highway-rail crossings.



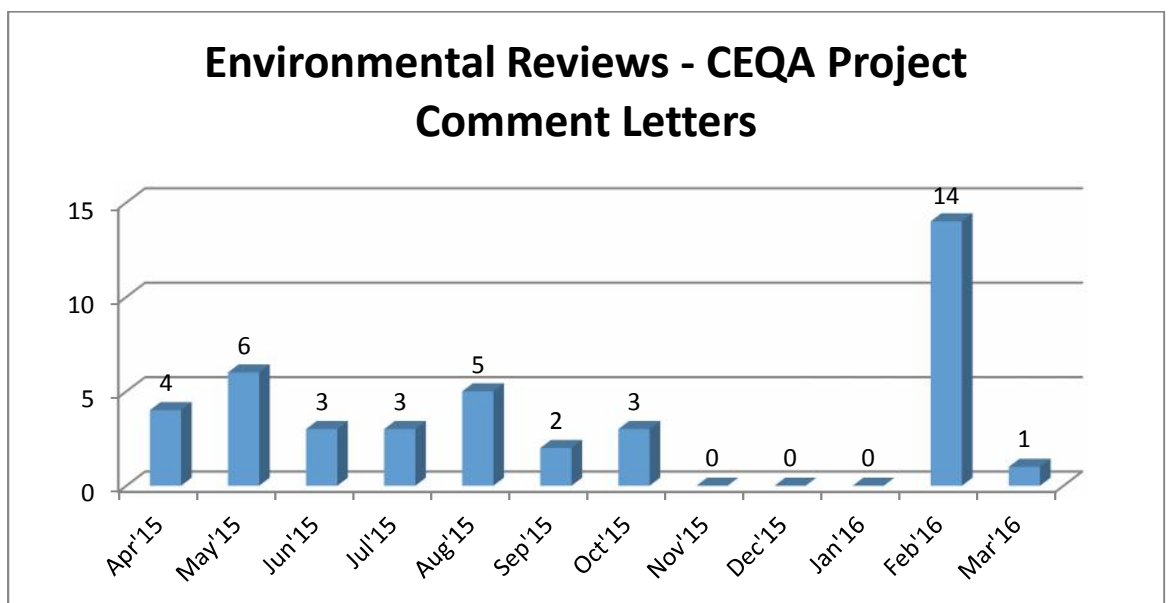
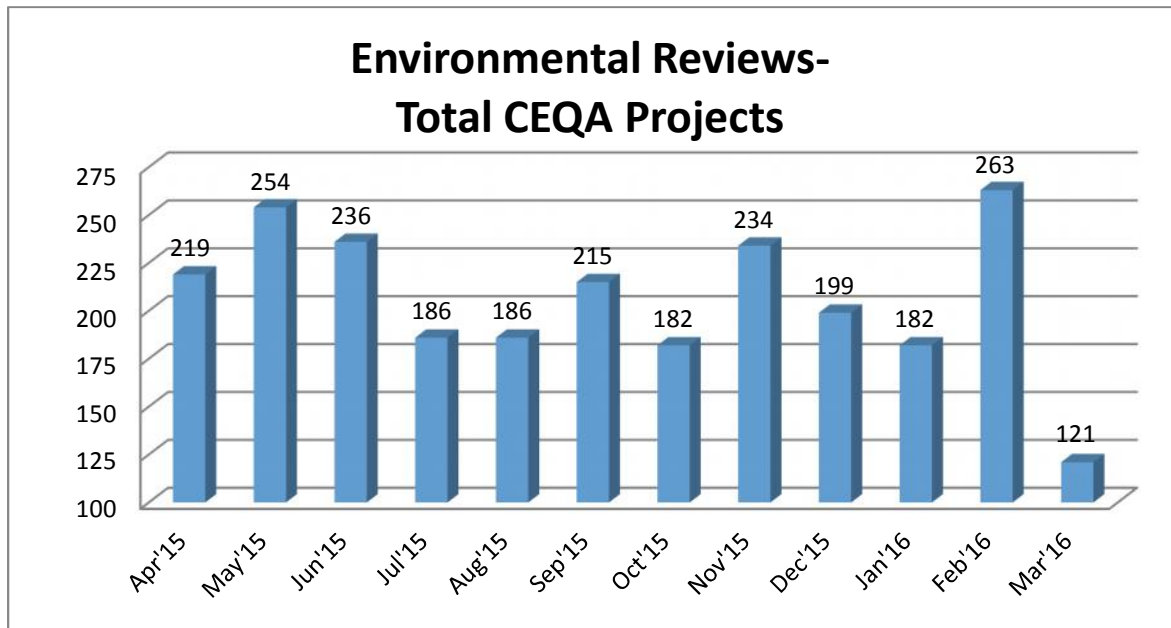
SAFETY ASSESSMENTS AND REVIEWS

- In March 2016, staff completed 43 safety assessments involving communications, field inspections, and diagnostic reviews with railroads and local agencies.



ENVIRONMENTAL REVIEWS

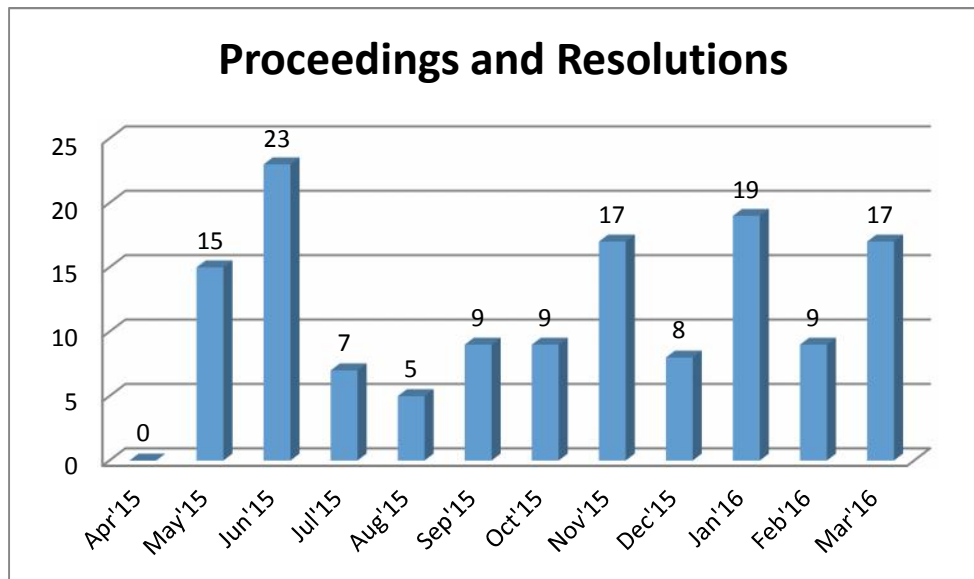
- In March 2016, staff reviewed 121 CEQA reports and issued one comment letter. When railroads and local agencies plan new projects or developments, staff reviews the documents submitted by the agencies for safety impacts to crossings. The review addresses safety issues in highway-rail crossing design and nearby intersections during the design phase of the projects.



- **ENVR2016030001** - The County of Sacramento requested the review of the Notice of Preparation for the Hazel Avenue/U.S. 50 Interchange Project. The plans proposed to replace an existing at grade crossing with a grade separated structure. Staff provided comments for the County in support of the grade separation. Staff also opposed the creation of a new at-grade west of the existing crossing location. Staff recommended that the County examine the roadway alignment alternative that allows Folsom Boulevard to intersect Hazel Avenue above the tracks. RCEB closed its review on March 2, 2016.

PROCEEDINGS, RESOLUTIONS AND G.O. 88B REVIEWS

- In March 2016, engineering staff received 15 General Order 88-B applications. RCEB closed one formal proceeding and 17 General Order 88-B applications.



- **A1507016 – SON-1127, SON 1128, and SON 1129** – The United States Fish and Wildlife Service requested authority to construct a new public at-grade crossing over the Sonoma Marin Area Transit District tracks in unincorporated Sonoma County. The CPUC decision, D.15-12-014, granted the authority on December 3, 2015. The decision also authorized the removal of two private crossings. Decision D.16-03-002, dated March 1, 2016, corrected the adoption date of D.15-12-014 to indicate December 3, 2015, instead of December 7, 2015.

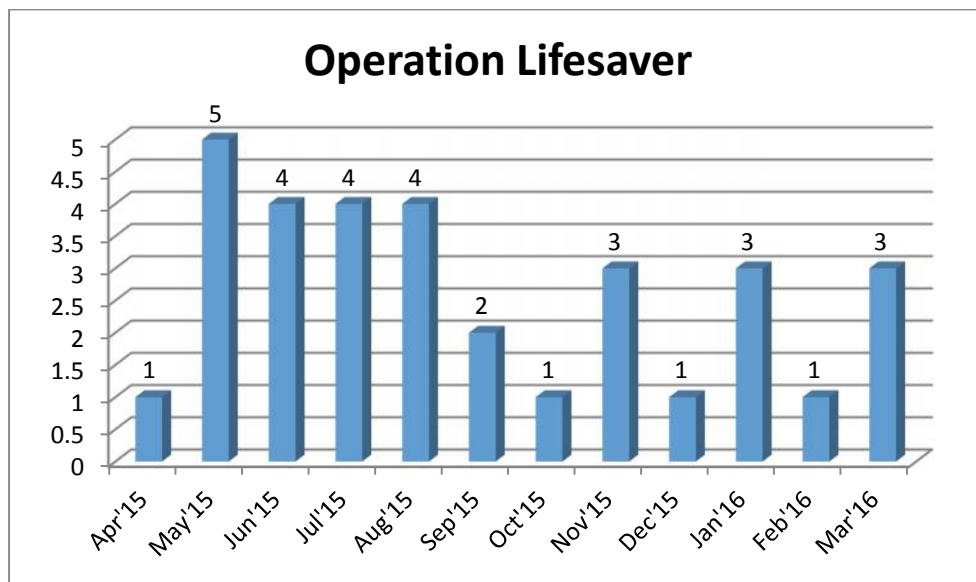
- **G.O.88B – LA-3588** – The Port of Long Beach requested to add a fifth track within the existing rail bridge structure over Pier S Avenue in the City of Long Beach, Los Angeles County. All horizontal clearances comply with GO-26D. RCEB granted the authorization on March 7, 2016, and expires on March 7, 2019.
- **G.O. 88B –LA-2243** – The City of Los Angeles plans to rehabilitate the underground sewer main along Slauson Avenue. The construction will involve lane closures, and left turn phase deactivation. The BNSF track locates 25 feet north of the intersection. The rail corridor is active, but without any rail traffic in the last nine years. The City has an interconnection circuit to provide simultaneous preemption at the nearby intersection. The City of Los Angeles will restore the roadway to the original condition upon completion of the sewer rehabilitation. RCEB granted the authorization on March 7, 2016, which expires on March 7, 2019.
- **G.O. 88B – SJ-1358** – Union Pacific Railroad requested authority to alter the Industrial Avenue at-grade crossing in the City of Stockton, San Joaquin County. The project includes modification to the nearby intersection with McKinley Avenue and installation of advanced preemption. RCEB granted the authorization for the modifications, which will expire on March 28, 2019.
- **G.O. 88B – MRN-1017** – The City of San Rafael requested authority to alter the 4th Street at grade crossing in the City of San Rafael, County of Marin. The project includes installation of a queue cutter signal, advance preemption and ADA compliant curb ramps for all four quadrants of the crossing. RCEB granted the authorization to construct the improvements for the crossing and it expires on March 29, 2019.
- **G.O. 88B –LA-3043, LA2942, LA-2924, LA-2943, LA2925** – The Los Angeles County Metropolitan Transportation Authority requested authority to modify five at grade crossings including 119th Street, 124th Street, El Segundo Boulevard, 130th Street and Stockwell Street. The project includes pedestrian safety improvements including concrete crossing panels, channelization, and pedestrian warning devices. RCEB granted the authorization for the modifications and it expires on March 7, 2019.

- **G.O. 88B – SBD-1065 and SBD-1463** – The City of Montclair requested authority to combine the two Monte Vista Avenue at grade crossings in the City of Montclair in San Bernardino County. Union Pacific Railroad, Amtrak, and Metrolink use the crossings. The project involves the construction of a roadway overhead structure over the three sets of tracks. RCEB granted the authorization and it expires on March 2, 2019.
- **G.O. 88B – RIV-1128** – The City of Riverside requested authorization to modify the Buchanan Street at-grade crossing in the City and County of Riverside. The project includes the interconnections of the crossing circuit with nearby intersection at Magnolia Avenue and removal of the existing queue cutter signal. RCEB granted the authorization to modify the crossing and it expires on March 3, 2019.
- **G.O. 88B – RIV-1125** – The City of Riverside requested authorization to modify the Tyler Street at-grade crossing in the City and County of Riverside. The project includes the interconnections of the crossing circuit with nearby intersection at Indiana Avenue, installation of advance preemption, and removal of the existing queue cutter signal. RCEB granted the authorization to modify the crossing, and it expires on March 3, 2019.
- **G.O. 88B – RIV-1099** – The City of Riverside requested authorization to modify the Mary Street at-grade crossing in the City and County of Riverside. The project includes the interconnections of the crossing circuit with nearby intersection at Indiana Avenue, installation of advance preemption, and removal of the existing queue cutter signal. RCEB granted the authorization to modify the crossing, and it expires on March 3, 2019.
- **G.O. 88B – RIV-1060** – The City of Riverside requested authorization to modify the Iowa Avenue at-grade crossing in the City and County of Riverside. The project includes the removal of the existing medians; installation of a new 100 foot long raised median; concrete panels at the tracks; and pedestrian warning improvements. RCEB granted the authorization to modify the crossing, and it expires on March 28, 2019.
- **G.O. 88B – RIV-1194** – The City of Riverside requested authorization to modify the Central Avenue at-grade crossing in the City and County of Riverside. The project includes the installation of concrete panels for the single tracks and pedestrian warning improvements. RCEB granted the authorization to modify the crossing, and it expires on March 28, 2019.

- **G.O. 88B – RIV-1318** – The City of Riverside requested authorization to modify the La Sierra Metrolink Station Emergency at-grade pedestrian pathway crossing in the City and County of Riverside. The project includes the removal of existing Standard 8 warning devices and installation of Standard 9 warning devices with gate arm; installation of fencing, and restricting access to only authorized personnel. RCEB granted the authorization to modify the crossing, and it expires on March 28, 2019.

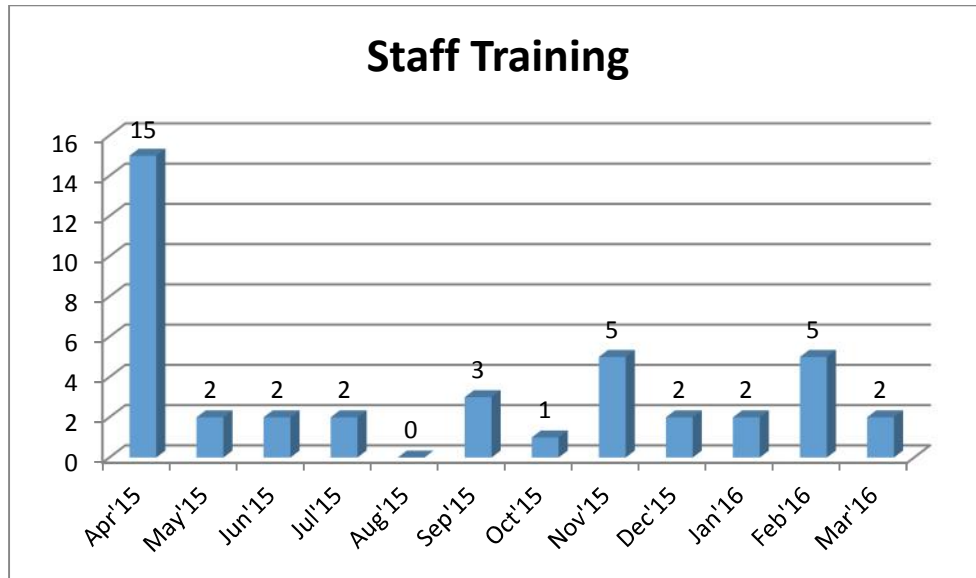
OPERATION LIFESAVER INC.

- In March 2016, staff completed three Operation LifeSaver Inc. events. Two RCEB staff members presented the OLI, “See Tracks Think Train” safety message at two Agriculture Safety conferences in Lodi and Turlock, CA. The audience consisted of general adults and professional truck drivers. At the Lodi and Turlock events, 250 people (130 and 120 respectively) received the rail safety message.



RCEB STAFF TRAINING

- In March 2016, two staff members completed training assignments including the FRA Overview of Positive Train Control and Project Costs Management.



STATISTICS SUMMARY

Incidents 2016					
Month	January	February	March	April	Total
Incidents	13	16	19		47
Fatalities	5	8	5		18
Injuries	6	5	6		17

- In March 2016, RCEB received 15 incidents related to highway-rail crossings, 4 incidents requests for assistance from RTSB, and no right-of-way incidents that were near crossings. The total number of incidents under investigation this period is 19. The incidents resulted in five fatalities and six injuries. Not noted in the table are seven more 2015 incidents that staff added from the Federal Railroad Administration data. This brings 26 new incidents for this period.

RAIL TRANSIT - RTSB

In March 2016, the Rail Transit Safety Branch (RTSB) completed the following:

RAIL TRANSIT INSPECTIONS

- RTSB inspectors performed 13 inspections.

CORRECTIVE ACTIONS PLANS

- RTSB opened 41 new Corrective Action Plans due to incidents, internal safety audits, and inspections.
- 8 Corrective Action Plans were closed.

INCIDENT INVESTIGATIONS

- In March 2016, 30 incidents were reported by Rail Transit Agencies (RTAs).⁵ In February 2016, 39 incident investigations were closed by RTSB.

PROCEEDINGS / RESOLUTIONS

- **Resolution ST-168** – This resolution, issued March 1, 2016, approves the California Public Utilities Commission Safety and Enforcement Division’s final report titled, "2014 Triennial On-Site Security Review of Sacramento Regional Transit District," dated August 31, 2015. The report compiles the results of Commission Staff’s review of Sacramento Regional Transit District’s security program.
- **Resolution ST-172** –This resolution, issued March 1, 2016, approves the California Public Utilities Commission Safety and Enforcement Division’s final report titled, "2014 Triennial On-Site Security Review of Santa Clara Valley Transportation Authority," dated November 24, 2015. The report compiles the results of Commission Staff review of the Santa Clara Valley Transportation Authority security program.
- **Resolution ALJ-322** – Resolution adopted by the Commission on December 3, 2015, which affirmed Citation # 1503001, issued to Sacramento Regional Transit District (SRTD) pursuant to Resolution ST-163, authorizing a rail transit safety citation program. RTSB Staff had issued

⁵ Per General Order 164-D, the Commission must be notified within 2 hours by rail transit agencies of incidents if they include one of the following: a fatality at the scene, or where an individual is confirmed dead within 30 calendar days of a rail transit-related incident; an injury to two or more individuals requiring immediate medical attention away from the scene; property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities, and non-transit property that equals or exceeds \$25,000; a collision at an at-grade crossing; a mainline derailment; a collision with an individual on a rail right-of-way; a collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle; an evacuation due to life safety reasons.

a citation for violations of 2 safety regulations in General Order 143-B, resulting in a \$10,000 fine to SRTD. The citation was issued in response to a February 17, 2015, incident, where a light rail vehicle traveled out of a maintenance shop without any personnel aboard and onto SRTD's mainline tracks. The vehicle came to a stop after traveling 1.5 miles, with minor property damage but no injuries resulting from this uncontrolled movement. SRTD filed an appeal of the citation and an evidentiary hearing was held. ALJ-322 denied the appeal and affirmed the citation, closing the proceeding. SRTD paid the \$10,000 citation on November 24, 2015.

On February 27, 2016, SRTD Submitted its revised System Safety Program Plan (SSPP) in accordance with ALJ-322, addressing the compliance items in the Resolution's Ordering paragraph. The revised SSPP is currently under staff review.

- **R.09-01-020 Order Instituting Rulemaking (OIR) – To Consider Roadway Worker Protections by Rail Transit Agencies in California (Commissioner Peterman/ALJ Kim):**

On October 31, 2013, the Commission issued an Interim Decision (D.13-10-073) adopting GO 175 for Roadway Worker Protections on California's Rail Transit Systems. On April 7, 2015, ALJ Kim issued a ruling seeking comments from parties on the Commission's staff report determining the need for General Order (GO) revisions. Revised rule, GO 175-A was approved by the Commission on March 17, 2016, by Decision D.16-03-006.
- **I.13-09-012 (OII) – CPUC Staff v. San Francisco Municipal Transportation Agency (SFMTA) (President Picker/ALJ Mason) (Advocacy):** This investigation involves SFMTA's failure to properly produce un-redacted documents in response to a subpoena, stemming from an accident which occurred on December 1, 2012, resulting in a fatality. On February 13, 2015, the ALJ issued his Presiding Officer's Decision (POD), imposing fines on SFMTA of \$210,500 for Violating Rule 1.1 and \$1,000 for contempt.

On March 16, 2015, SFMTA filed an appeal to this Decision. On August 27, 2015, the Commission adopted D.15-08-032, Modified Presiding Officer's Decision, denying the Appeal and upholding the previously imposed fines of \$210,500 and \$1000, as well as closing the proceeding.

California Public Utilities Commission | Safety and Enforcement Division

On September 25, 2015, SFMTA submitted a filing that includes 1) an application for rehearing of the decision, 2) an application for oral argument, and 3) a request for suspension of the order to pay fines. Although it had filed for a rehearing, SFMTA paid the \$210,500 and \$1000 fines on October 10, 2015.

On October 12, 2015, SED filed a reply to SFMTA's application for a rehearing. SED re-stating its prior arguments and supported the Modified Presiding Officer's Decision that the \$210,500 fine for Rule violations and \$1,000 fine should be enforced. The rehearing request has not yet been ruled on.

On March 17, 2016, the Commission issued an order once again denying SFMTA's application for a Rehearing of the Decision, and closing I.13-09-012.

STATISTICS SUMMARY

Investigations	
Incidents Reported	30
Incident Investigations Closed	41
Complaints Investigated	0
Rail Transit Inspections	13
Triennial Audits	0

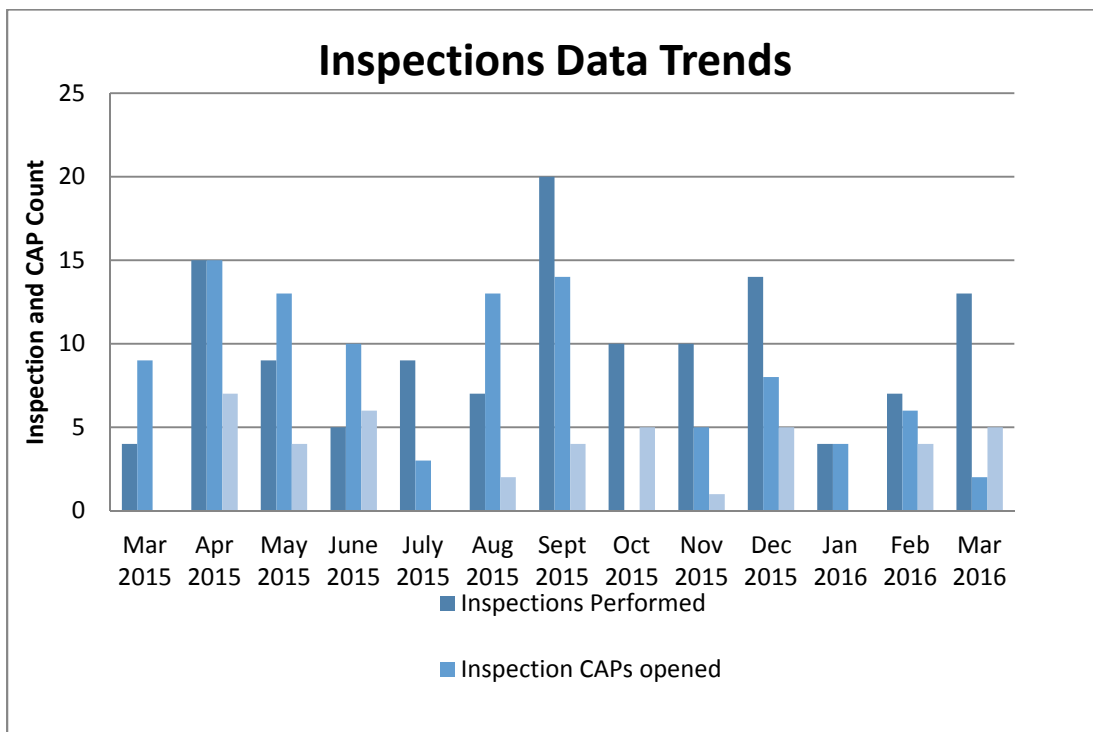
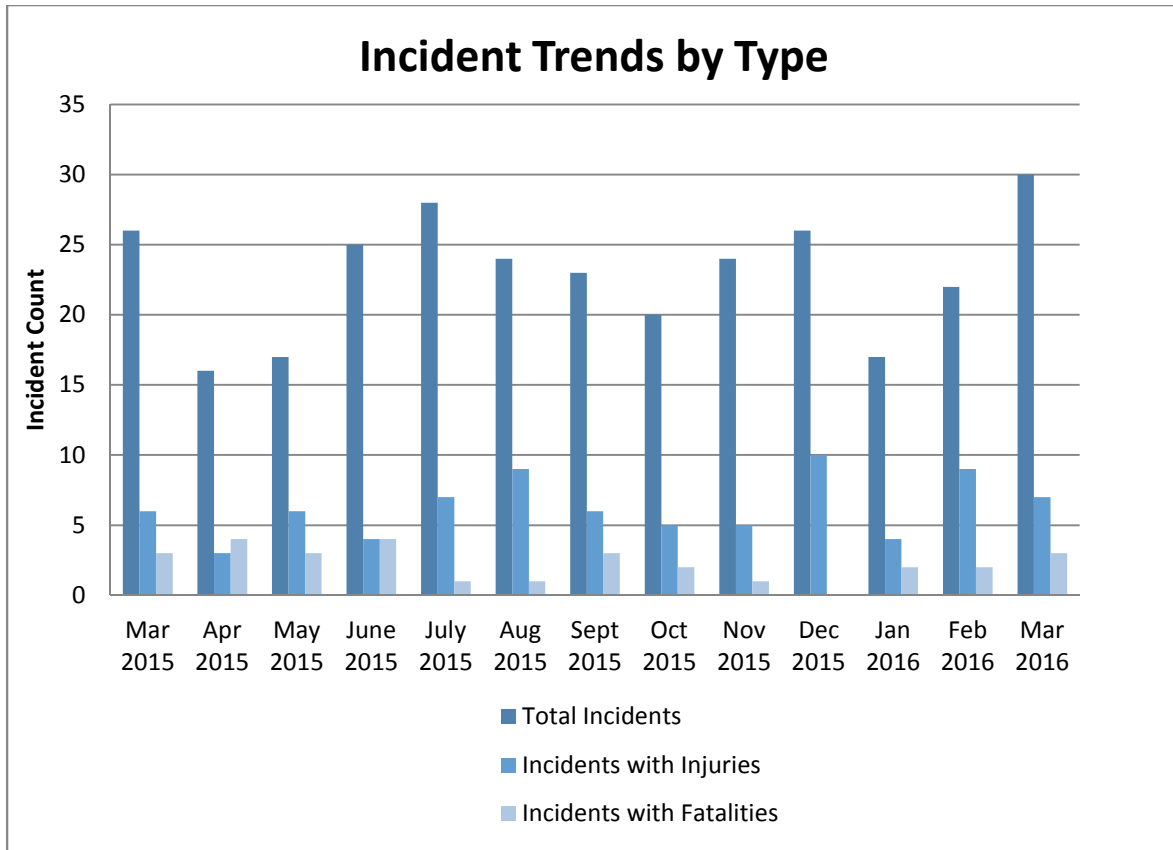
Corrective Action Plans	
New Corrective Action Plans	41
From Triennial Audits	39
From Incidents	0
From Internal Safety/Security Audits	0
From Rail Transit Inspections	2

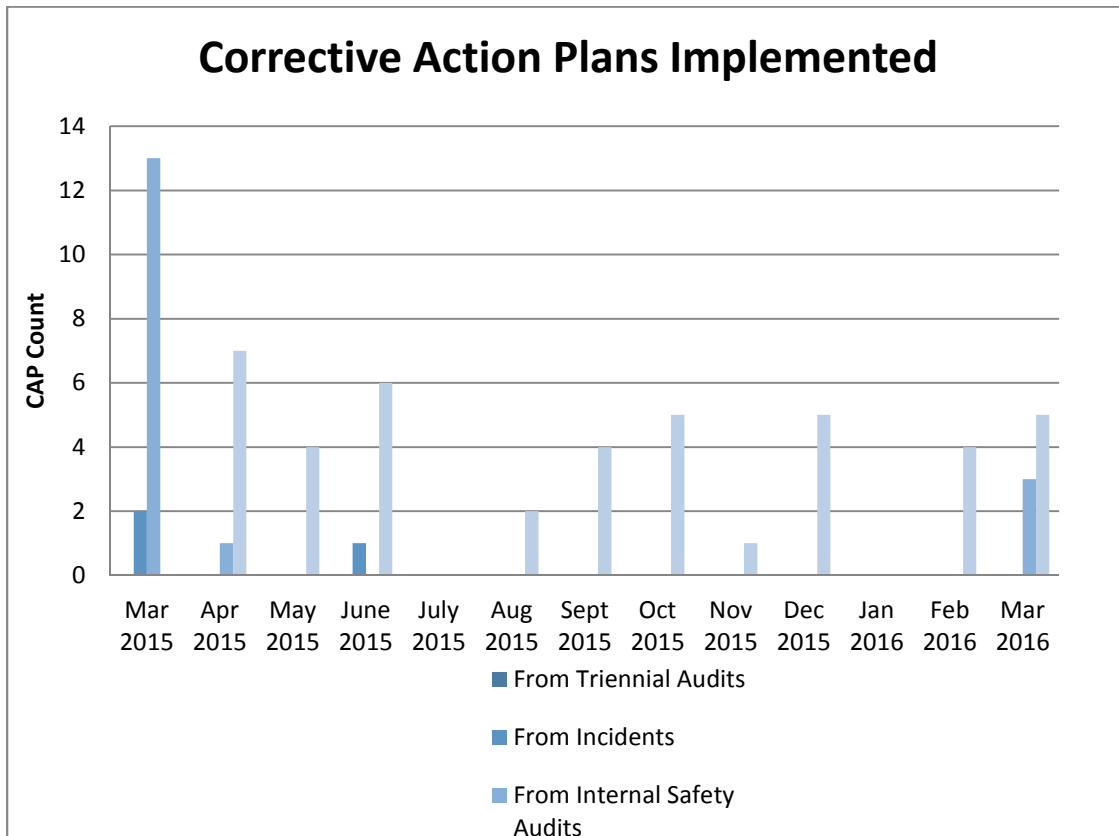
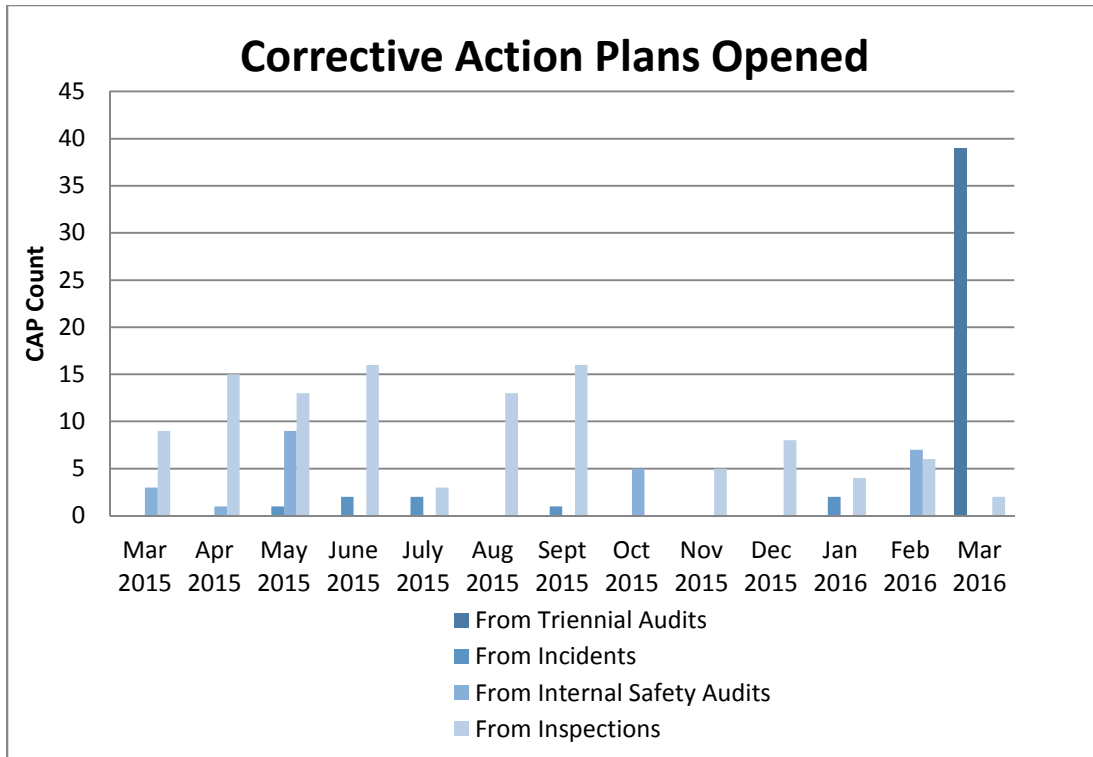
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Closed Corrective Action Plans	8
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	3
From Rail Transit Inspections	5

ONGOING DATA / TRENDS

Corrective Action Plans – Days to Complete				
CAP ID #	Relevant Code	CAP Classification	Subject	Days to Complete
ME030816	GO 164-D	Inspection	Coupler defect	120
ME030316	49 CFR 214.523	Inspection	Hi-Rail Fastener	15





UTILITY ENFORCEMENT BRANCH

(CONSUMER PROTECTION AND FRAUD INVESTIGATIONS)

KEY ENFORCEMENT ACTIVITIES

- **OSP Communications LLC (I.11-05-028) (Commissioner Sandoval/ALJ Bemederfer) (Advocacy):** In Decision 16-03-012, the Commission granted the Joint Motion of The Billing Resource LLC (TBR) and SED for approval of a settlement to resolve all disputes and issues arising from this investigation that relate only to TBR. California will receive one-third of the approximately \$1.1 million in customer payments for OSP charges that TBR withheld from OSP because the charges were likely fraudulent. The Decision denied SED's motion requesting an Order to Show Cause as to why billing telephone corporations AT&T and Verizon should not be held responsible for the remaining balance of unauthorized charges.
- **M5 Networks, LLC (A.16-02-012) (Commissioner and ALJ not yet assigned) (Advocacy):** Staff protested the application of M5 Networks, LLC, who is seeking authority to operate as a switchless reseller that will provide statewide voice and data telecommunications service in the State of California. Staff protested in order to contest the accuracy of statements in the application and the extent to which M5 Networks may have violated Rule 1.1.
- **Mesa Crest (I.15-06-018) (Commissioner Sandoval/ALJ Wilson) (Advocacy):** SED and Mesa-Crest may have reached an impasse in settlement negotiations. A status call with the ALJ is scheduled for April 6, 2016, and SED will recommend moving forward with hearings.
- **NobelTel (A.13-01-014)(Commissioner Sandoval/ALJ Lirag) (Advocacy):** Subsequent to opening and reply comments filed by NobelTel and SED, respectively, an ALJ proposed decision is scheduled to be voted on the April 21, 2016, Commission meeting. The decision denies NobelTel's application for a certificate of public convenience and necessity and assesses a fine of \$146,500 for operating without a license.
- **T C Telephone (I.16-01-012) (Commissioner Randolph/ALJ Wilgrube) (Advocacy):** T C Telephone filed a response to the Order Instituting Investigation (OII) challenging SED's allegations of slamming violations against the company. Staff issued a data request to T C Telephone requiring that the company provide documented evidence for the assertions in its response. A Prehearing Conference has been scheduled for April 13, 2016.
- **VOIP Provider Cramming Investigation:** Staff initiated an investigation into the operations of a VOIP provider for alleged cramming violations. Under PU Code 710(d), the Commission has jurisdiction over VOIP providers with matters relating to consumer protection. Staff is currently reviewing CAB complaints to gauge the level of cramming violations against the provider and based on the findings will consult with legal on what actions to take.

- **Issuance of a Cease and Desist Against a Telephone Corporation:** Staff initiated an investigation into the operations of a telephone corporation for alleged slamming violations. In the course of this investigation, SED issued a Cease and Desist directing the telephone corporation to cease misrepresenting itself as another phone provider and switching customers' service provider without authorization.
- **Resource Adequacy (RA) Citations:** Staff issued Citation E-4195-31 for \$3,000 to Tiger Natural Energy for failure to file a Month-Ahead System Resource Adequacy Compliance Filing at the time and manner required. Staff also issued Citation E-4195-32 for \$5,000 to Glacial Energy of California for a MW deficiency in their month-ahead RA compliance filing that they cured within five business days from the date of notification by Energy Division.
- **Bill Analysis for SB 1055:** Staff provided a detailed analysis that resulted in a recommendation of approval of this bill, which seeks to eliminate PU Code sections that are no longer in use. In particular, PU Code 270(a)(5) and 279 established the Payphone Service Providers (PSP) Committee Fund and the PSP Committee, respectively. The PSP Committee and the associated fund are no longer active.

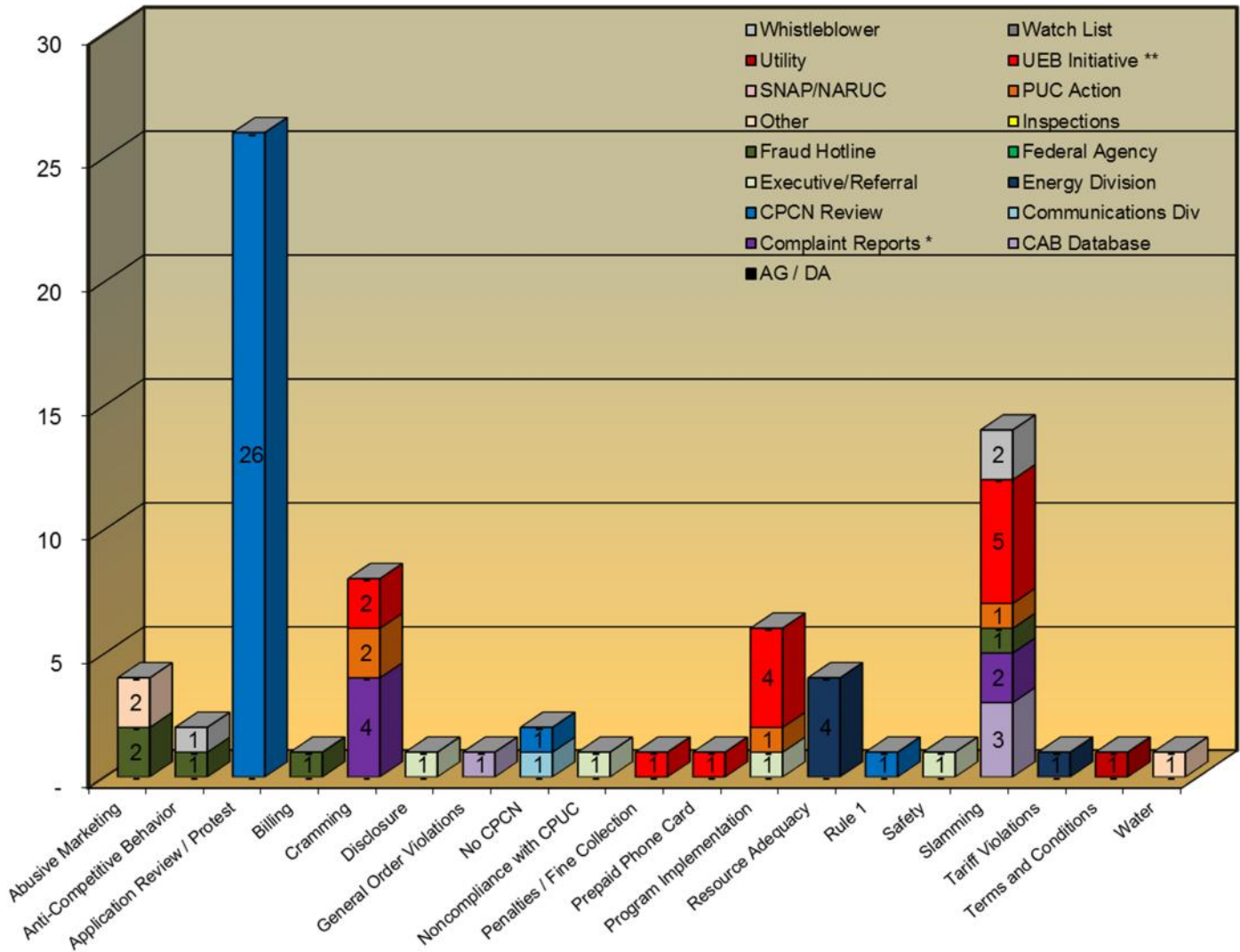
OUTREACH, TRAINING AND OTHER ACTIVITIES

- Staff attended the March SNAP (State National Action Plan) conference call, where primary topics were proposed changes to Lifeline rules (Lifeline carriers must retain eligibility documents and file timely reimbursements, and non-ETC designated resellers are barred from filing Lifeline claims), and upcoming changes to the FCC's pole attachment rules.

ONGOING ENFORCEMENT ACTIVITIES

UEB is currently working on a total of 77 cases. Investigations center primarily on Application Protests, Cramming, and Slamming. UEB's cases come from a variety of sources, with Application Reviews, Consumer Complaints, and UEB's own initiation playing key roles.

Cases by Types and Sources as of March 31, 2016



* Complaint Reports consist of aggregated data from the CIMS database, Billing Aggregator Reports, and Billing Telephone Companies.

** Actions taken on Utility Enforcement Branch's own initiative to meet Branch/Division goals and/or improve internal processes.

TRANSPORTATION ENFORCEMENT BRANCH

POLICY PROCEEDINGS

- **TNC Rulemaking (R.12-12-011) (ALJ Mason/Commissioner Randolph) (Advocacy):** Proposed decision (on Phase II issues) held during March 17 Commission meeting, now scheduled for April 21.
- **Passenger Stage Corporation Certificate Rulemaking (R.09-12-001) (ALJ Colbert/Commissioner Florio) (Advisory):** On March 4, 2016 – Proposed decision denying Petition for Modification issued. Comments were due March 24, none received.

ENFORCEMENT PROCEEDINGS

- **TNC Rulemaking (R.12-12-011) (ALJ Mason/Commissioner Randolph) (Advocacy):** Order to Show Cause regarding Rasier's and Lyft's failure to submit data as required by the Commission. No activity since SED's February 29, 2016 response to Rasier Application for Rehearing.

CITATION APPEAL PROCEEDINGS

- **FC-682 (Long): Joe Santalla dba Shuttle It (TCP 28677):** Imposes a \$1,000 fine for failure to provide documents. Copy of Santalla's Request for Revocation form submitted to ALJ Smith.
- **LAX-978 (Darling): Foothill Executive Limousine Inc. (TCP 16410 & PSG 22114):** Imposes a \$500 fine for Public Utilities Code and General Order 157-D violations. Respondent is located in La Crescenta. On February 25, 2016 – ALJ 326 Citation was affirmed.
- **FC-718 (Mason): Joseph Elias dba Showtime Transportation (TCP 29245):** Imposes a \$4,000 fine for operating while suspended, insurance violations, and General Order violations. Respondent is located in Stockton. March 2016 – SED filed a statement and Elias did not provide a response to ALJ. Awaiting ALJ's Ruling.
- **FC-772 (MacDonald): Yabsra Transportation LLC (TCP 31748):** Imposes a \$3,000 fine for Public Utilities Code and General Order 157-D violations. Respondent is located in San Diego. Scheduled for hearing on April 12, 2016 in San Diego.

CARRIER APPLICATION PROCEEDINGS

- **Shahnavaz Ezzati, dba Lucky Shuttle / A.13-10-016 / Examiner Malashenko (Advisory):** Decision 16-03-020 grants application, closes proceeding.
- **Silverado Stages, Inc./A.13-10-023/Examiner Malashenko (Advisory):** March 2016 – Silverado Stages requested to withdraw expansion application.

- **RidePal Inc./A.13-12-014 (Commissioner Randolph/ALJ Mason) (Advocacy):** Received notification on October 22, 2015 that company is liquidating its assets. On December 4, 2015 -- applicant's counsel moved to withdraw representation.
- **Adriana O'Farrell, dba Metro Express of California/A.14-03-005/Examiner Malashenko (Advisory):** Staff is drafting proposed denial of application for failure to provide required documents.
- **Kong Da Express/A.14-10-016/Examiner Malashenko (Advisory):** Applicant did not respond to SED data request. Likely operational. Referred for enforcement. Staff is revising proposed decision per ALJ's request.
- **Double K Express/A.14-10-017/Examiner Malashenko (Advisory):** Decision 16-03-018 grants application, closes proceeding.
- **Curtin Maritime/A.15-01-005 and Avalon Freight Services/A.14-10-015 (Commissioner Randolph/ALJ Farrar) (Advisory):** Seeks CPCN to operate as a vessel transport of freight between Port of Long Beach and all points on Santa Catalina Island, and between any points on Santa Catalina Island. April 6, 2016 – Curtin Maritime filed application for rehearing of D.16-02-024.
- **Kiddy Cab Shuttle, Inc./A.15-01-012/Examiner Malashenko (Advisory):** March 2016 – Applicant responded to amendment request; must register with Trustline.
- **MR Shuttle LLC /A.15-04-024/Examiner Malashenko (Advisory):** Decision 16-03-017 grants application, closes proceeding.
- **Blue & Gold Fleet, L.P. (A.15-08-009) (ALJ Ayode/Commissioner Randolph) (Advocacy):** Application for Authority to adjust fares on Its Vessel Common Carrier service on San Francisco Bay between Tiburon and authorized points in San Francisco. Prehearing conference rescheduled for July 26, 2016.
- **PropSF, LLC (A.15-08-014) (ALJ Yacknin/Commissioner Randolph) (Advocacy)** Application for authority to operate as a scheduled vessel common carrier between points in Redwood City, Alameda, San Rafael, Emeryville, Oakland, San Leandro, and San Francisco and to establish a ZORF. On February 18, 2016 – SF Bay Area Water Emergency Transportation Authority filed response to amended application. Next step – ALJ proposed decision.
- **Let's Go Now! LLC/A.15-08-020/Examiner Malashenko (Advisory)** Application for authority to provide service between Modesto, Stockton and Tracy, on the one hand, and San Francisco International Airport, on the other hand; and to establish a Zone of Rate Freedom. Next step – SED proposed decision.
- **Swoop Shuttle Service LLC, doing business as Swoop/A.15-11-004/Examiner Malashenko (Advisory):** Application for authority to provide service on/within California Polytechnic University in San Luis Obispo. Next step – SED proposed decision.
- **Tideline Marine Group, Inc. doing business as Tideline Water Taxi/A.15-12-021/Examiner Malashenko (Advisory):** Application for authority to provide unscheduled, on-call water taxi

service and scheduled service between points in the San Francisco Bay. Due to party protests, the case will be reassigned to an ALJ.

- **Temecula Air Shuttle LLC / A.16-02-010 / Examiner Malashenko (Advisory):** Application for authority to operate as a passenger stage corporation between points in the Counties of Riverside, San Diego, and the San Diego International Airport and grant a ZORF (zone of rate freedom) applicable to the fares authorized. Protest period ended March 15, 2016. Staff reviewing application.

ENFORCEMENT ACTIVITY

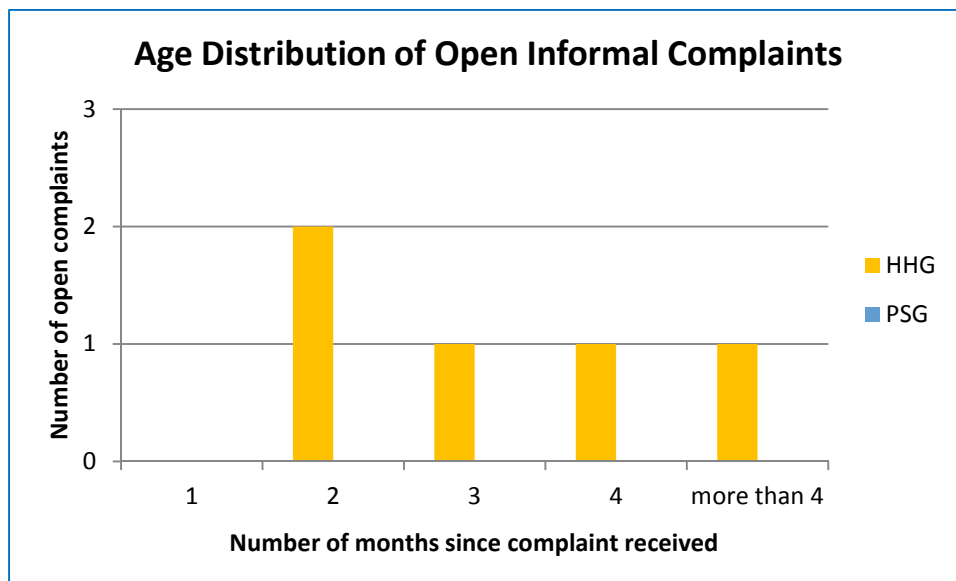
TEB is working on a total of 165 cases. Investigations center on illegal carriers and violations of the Public Utilities Code, General Orders and/or Commission decisions. TEB's cases come from a variety of sources, such as complaints from carriers or consumers, and those opened on TEB's own initiative.

In March 2016, TEB closed 39 cases, initiated 24 cases and issued fines totaling \$26,500.

Enforcement Section	Passenger Carriers	Household Hoods
Investigations Initiated	15	9
Investigations Completed	20	19
Open Investigations as of 3/31/16	102	63
Cease and Desist Orders	8	15
Administrative Citations	8	2
Fines Assessed	\$20,000	\$6,500

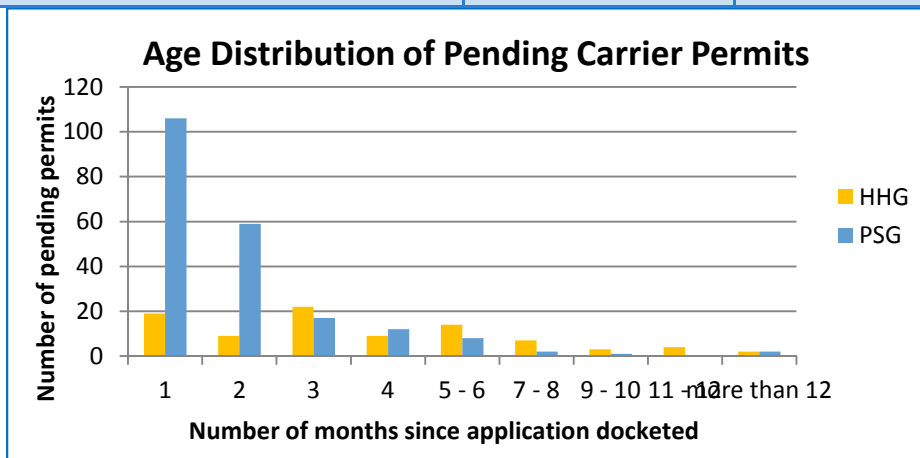
CONSUMER INTAKE COMPLAINT SETTLEMENTS

- **CIU 20150080 - Sunrise Cleaning Service, dba Move In Move Out, Long Beach (Unlicensed).** Carrier to refund \$900 for overcharges.
- **CIU 20150276 - White Gold Moving and Storage Inc., Los Angeles (MTR 191159).** Carrier to refund \$272.50 for overcharges.
- **CIU 20160052 - Usama Al Bostani dba Airport Express Shuttle, Redondo Beach (TCP 6595).** Carrier refunded \$90.00 for failure to provide contracted service.
- **CIU 20160118 - Terry Moving and Storage Inc. dba Terry Moving, Lake Forest (MTR 189603).** Mover refunded \$565.75 to shipper for overcharges.
- **CIU 20160125 - Robert Joseph St. Pierre dba Robert and Sons Moving, Soquel (MTR 178211).** Mover paid shipper a \$2,605.00 judgment.
- **CIU 20160132 - Bekins A 1 Movers Inc. dba Legacy Worldwide Moving and Storage, Livermore (MTR 198497).** Mover paid shipper \$1,125 for loss and damage.



APPLICATION AND PERMIT ACTIVITY

Type of Activity	Passenger Carrier	Household Goods
New Applications Received	107	15
Renewal Applications Received	170	0
Refile Applications Received	16	3
Transfer Applications Received	11	1
Total Applications Received	304	-
Permits Issued	307	5
Permits Suspended	452	33
Permits Revoked	79	7
Permits Reinstated (from suspension/revocation)	317	34
Applicants awaiting terminal inspection by CHP	448	89
Carrier-initiated suspensions	39	-
Carrier-initiated revocations	17	-
Vehicles Added/Deleted	787	-
Address and Business Name Changes	150	-
Terminal Inspection Notices Sent to CHP	172	-
Total Active/Suspended Authorities as of 3/31/16	8885	1045



TRANSPORTATION NETWORK COMPANY APPLICATIONS

Date received	DBA	Carrier#	Application Status
3/9/2015	Zira Int. Inc.	PSG0035377	On March 3, 2016 – Application denied.
10/30/2015	Vidality Rides, LLC	PSG0035953	On April 7, 2016 – Preparing outcome document.
3/8/2016	Tagsi Inc.	PSG0036284	On March 10, 2016 – Applicant demonstrated app.
3/10/2016	Supershuttle Los Angeles Inc.	PSG0036288	On March 10, 2016 – first deficiency letter sent.
3/10/2016	Supershuttle San Francisco, Inc.	PSG0036289	On March 10, 2016 – first deficiency letter sent.
3/10/2016	Cloud 9 Shuttle Inc.	PSG0036290	On March 10, 2016 – first deficiency letter sent.
3/10/2016	Sacramento Trans Systems Inc.	PSG0036291	On March 10, 2016 – first deficiency letter sent.
3/10/2016	Mini Bus Systems Inc.	PSG0036292	On March 10, 2016 – first deficiency letter sent.
3/16/2016	Quickie Technologies, Inc.	PSG0036308	On March 16, 2016 – first deficiency letter sent.
3/16/2016	Wuums, Incorporated	PSG0036309	On March 16, 2016 – first deficiency letter sent.
3/16/2016	Etacar Inc.	PSG0036310	On March 16, 2016 – first deficiency letter sent.
3/16/2016	Ride Plus, LLC	PSG0036311	On March 16, 2016 – first deficiency letter sent.
3/16/2016	LLW Express Couriers, LLC	PSG0036312	On March 16, 2016 – first deficiency letter sent.
3/16/2016	City Ride Inc.	PSG0036313	On March 16, 2016 – first deficiency letter sent.

OUTREACH, TRAINING AND OTHER ACTIVITIES

- 03/11/2016 San Jose Airport (SJC).** San Francisco Enforcement staff along with the San Jose Ground Transportation Unit, San Jose Police, California Highway Patrol (CHP) Motor Carrier unit, and Santa Clara County Weights and Measures conducted a surprise inspection of passenger transportation companies. The CPUC inspection 90 vehicles. Three misdemeanor warning violations were issued for two suspended and one expired authority. Other violations included operating without workers’ compensation insurance, failure to produce waybills, and vehicles not on the equipment list. SJC inspected 111 TNC drivers and issued 105 administrative citations. Weights and Measures inspected 76 taxis and 13 failed, and CHP inspected 5 buses resulting in 4 citations, 2 warnings, and 1 bus and 2 drivers placed out of service.
- 03/25/2016 John Wayne Airport (SNA).** TEB investigators participated in an airport safety inspection at John Wayne Airport in Costa Mesa on March 25, 2016. Beginning at 6:00 A.M., the inspection was intended to check vehicles for CPUC compliance as well as have the California Highway Patrol inspect for mechanical safety issues. The inspection went smoothly, 39 vehicles were inspected by CPUC investigators. Of the 39 inspections the investigators found no violations resulting in observation or misdemeanor reports. Along with CPUC investigators, in attendance was a CHP Sergeant with four CHP commercial officers and two CHP vehicle inspectors.

- **Senior and Veteran Fraud Prevention Fair, Redding** - TEB staff and the Public Advisor's Office participated in a fraud prevention fair hosted by the Shasta County District Attorney's Office. Thirty-nine Federal, state and local agencies, as well as private organizations, were represented. Over 200 members of the community attended the fair; they were provided with valuable tools and information about fraud prevention. Visitors to the CPUC table were engaged in discussions of CPUC consumer protection efforts and were given various handouts, including consumer advisories and tips on hiring moving or transportation companies.

OTHER WORK ITEMS

- TEB completed a two-month beta test on the planned scanning solution for the Transportation Management Information System (TMIS) on March 16, 2016. Licensing staff can finally store and manage applicants' and carriers' files electronically, which enables Enforcement staff in all locations to pull up carrier records. Until now, Licensing staff would manually retrieve carrier records and forward to the requesting investigator, at the expense of timely processing carriers' applications and investigating carriers.
 - TEB stores investigative information in the Transportation Enforcement Case Tracker. The system was created by non-IT staff roughly 20 years ago, and has become outdated and unreliable. IT agreed to move Case Tracker system to Oracle, which will allow stability and possibly limited upgrades. IT estimates completion by July 31, 2016.
 - TNC insurance study with Dept. of Insurance: Dept. of Insurance is working on a data request to submit to TNCs, potentially by the end of April 2016.
 - A Transportation Analyst accepted TEB's employment offer, and is expected to begin in mid-April 2016. Additional hiring is in the works.
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