

CALIFORNIA PUBLIC UTILITIES COMMISSION

Utility Enforcement Branch

Enforcement Actions, 2004 through 2015

Decision/ Case Number	Utility	Fines Payable to the State	Restitution for Consumers	Total Fines and Restitutions	Description
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Total Fines and Restitutions from 2004 through 2015				\$ 414,495,136	
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2015					
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15-12-031	TracFone Wireless, Inc.	\$ 10,000,000	\$ -	\$ 10,000,000	This decision approves the settlement agreement between the California Public Utilities Commission Safety and Enforcement Division and TracFone Wireless, Inc. The settlement agreement resolves all outstanding issues in this Investigation and related court action concerning TracFone's collection of public purpose program surcharges and user fees on intrastate revenue since 2000 and provides that TracFone shall pay a \$10 million penalty.
15-09-009	Comcast	\$ 12,500,000	\$ 7,909,400	\$ 32,909,400	This decision approves a Settlement Agreement between Comcast Phone of California, LLC (U-5698-C) (Comcast Phone) and the Safety and Enforcement Division. This proceeding was instituted to investigate issues relating to the unauthorized disclosure and publication of directory listing information (i.e., name, telephone number, and address) by Comcast Phone and its related entities. Approximately 75,000 Comcast customers in California had a non-published or non-listed feature on their XFINITY V service. As a result of Comcast's unauthorized disclosure and publication, the names, telephone numbers, and addresses of these customers became available on Comcast's online directory, in a rural telephone company's phone books, and via directory assistance. Thus Comcast was required (a) to pay a \$25 million penalty (half to the State of California General Fund, and half to the California Attorney General), (b) to provide further restitution to affected customers, as set forth in the Settlement, and (c) to undertake specified operational reforms to enhance the security of Comcast customers' directory listing information (and the privacy of those customers seeking non-published status).
15-04-010	Five9, Inc	\$ 172,021	\$ -	\$ 172,021	This decision adopts the proposed Settlement Agreement between the Safety and Enforcement Division and Five9, Inc. to provide limited facilities-based and resold interexchange service within California. Among other things the Settlement Agreement requires Five9 to pay a penalty of \$10,000 to the General Fund, to pay retroactive surcharges and fees plus interest and comply fully with all applicable regulatory and legal requirements. Pursuant to Public Utilities Code Section 1001, we grant Five9, a Certificate of Public Convenience and Necessity to provide resold interexchange service in California subject to the terms and conditions set forth in the Ordering Paragraph.
15-01-032	Logical Telecom	\$ 120,000	\$ -	\$ 120,000	Logical acknowledged that it allowed its prepaid phone cards to be sold in California without having authority to do so under Section 885. Logical also acknowledged that some of its prepaid phone cards and advertising materials did not meet the requirements of California's Business and Professional Code Section 17538.9. Logical and SED have agreed on a settlement in which Logical will pay \$120,000 to the State of California General Fund. The Settlement Agreement was subsequently approved by the Commission in D.15-01-032.
15-06-003	Dial World Communications	\$ 65,000	\$ -	\$ 65,000	Pursuant to Pub. Util. Code § 1001, we grant the application of Dial World Communications, LLC (Dial World) a certificate of public convenience and necessity (CPCN) for authority to provide resold interexchange service in California subject to the terms and conditions set forth in this order. As a basis for granting the CPCN, and we are requiring Dial World to pay retroactive surcharges and fees totaling \$65,000.
15-12-009	Dynalink Communications, Inc	\$ 12,652	\$ -	\$ 12,652	This decision approved and adopted the December 3, 2014 settlement agreement between Dynalink Communications Inc. and the Safety and Enforcement Division. The settlement resolved the issues raised in the April 18, 2014 protest filed by SED concerning Dynalink's: 1) operation in California after November 2009 when Dynalink's certification to provide telecommunication services was revoked pursuant to Resolution T-17228 for failure to comply with the Commission's reimbursement account fee filing and reporting requirements; 2) failure to disclose prior adverse regulatory actions in other jurisdictions, and 3) erroneous statements of fact in its Application, in violation of Rule 1.1.
15-12-026	New Day Broadband	\$ 10,000	\$ -	\$ 10,000	This decision regarding the Investigation into the actions of New Day Broadband One, LLC, finds that New Day violated the rules and regulations of this state by operating without the required state franchise from the California Public Utilities Commission from 2008 through 2014 in violation of Public Utilities Code § 5840, failing to collect and remit franchise fees in violation of Public Utilities Code § 5860, and failing to notify the Federal Communications Commission of its acquisition of video franchises in violation of 47 CFR 76.1610. This Decision imposes a penalty of \$10,000 against New Day pursuant to Pub. Util. Code §§ 2108 and 2109 for these violations.

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15-12-007	Toly Digital	\$ 6,000	\$ -	\$ 6,000	Pursuant to Pub. Util. Code § 1001, we grant the application of Toly Digital Networks, Inc. (Toly) a certificate of public convenience and necessity (CPCN) to provide resold interexchange service in California subject to the terms and conditions set forth in this order. We also adopt and approve the Settlement Agreement as set forth in Attachment D, as discussed below. Toly seeks authority from the Commission to operate as a switchless reseller statewide in California. Toly's principal place of business is 1005 West Indiantown Road, Ste. 201, Jupiter, Florida 3345
E-4195-23	Commerce Energy	\$ 5,000	\$ -	\$ 5,000	On January 23, 2015, Energy Division emailed Commerce a correction notice. Commerce is deficient with their March 2015 month-ahead RA obligation. Commerce has a system RA requirement of 47.00 MW. California Independent System Operator (CAISO)'s T-45 supply plans has confirmed Commerce for 45.35 MW of system RA. This is 1.65 MW (47.00 minus 45.35) short of their RA obligation. The correction notice is to procure the 1.65 MW of system capacity and file with the CPUC by January 30, 2015. The RA Citation Program creates a specified violation for a deficiency cured within five business days from the date of notification by Energy Division with a prescribed penalty of \$5,000 per incident if the deficiency is 10 Megawatts (10 MW) or smaller, or \$10,000 for a deficiency larger than 10 MW. Commerce's revised filing on January 30, 2015 cured a deficiency of 1.65 MW within five business days from the date of notification by Energy Division. The fine for this violation is \$5,000.
E-4195-24	EDF Industrial Power Services	\$ 1,000	\$ -	\$ 1,000	On March 18, 2015, EDF filed its May 2015 month-ahead RA compliance. The 2015 RA guide issued on September 9, 2014 shows a filing due date of March 17, 2015 for the May month-ahead 2015 RA. The RA Citation Program creates a specified violation for a failure to file a Month-Ahead System Resource Adequacy Compliance Filing at the time and manner required. EDF's filing on March 18, 2015 was one day late. The fine for this violation is \$1,000.
E-4195-25	Glacial Energy of California	\$ 5,000	\$ -	\$ 5,000	On April 6, 2015, Energy Division emailed Glacial a deficiency notice. Glacial is deficient with their May 2015 month-ahead RA obligation. Glacial has a system RA requirement of 5.00 MW. California Independent System Operator (CAISO)'s T-45 supply plans have confirmed Commerce for 4.00 MW of system RA. Glacial has a 0.34 MW Demand Response (DR) allocation. This is 0.66 MW (5.00 minus 4.00 minus 0.34) short of their RA obligation. The deficiency notice is to procure the 0.66 MW of system capacity and file with the CPUC by April 13, 2015.
E-4195-26	3 Phases Renewables	\$ 10,000	\$ -	\$ 10,000	On May 5, 2015, Energy Division emailed 3 Phases a correction notice. 3 Phases was deficient with their June 2015 month-ahead RA obligation. 3 Phases had a system RA requirement of 53.00 MW. California Independent System Operator's T-45 supply plans confirmed 3 Phases for 36.95 MW of system RA. 3 Phases had a 1.44 MW DR allocation, 14.61 MW (53.00 minus 36.95 minus 1.44) short of their RA obligation. The correction notice is to procure 14.61 MW of system capacity of which at least 12.81 MW must be procured from north resources and file with CPUC by May 12, 2015.
E-4195-0027	3 Phases Renewables	\$ 5,000	\$ -	\$ 5,000	3 Phases Renewables, LLC has failed to meet its Resource Adequacy obligation for November 2015. On September 11, 2015, 3 Phases Renewables, LLC. (3 Phases) filed its November 2015 month-ahead RA compliance. After receiving a deficiency notice from Energy Division, 3 Phases cured its deficiency and resubmitted its November 2015 filing to ED within five business days. This violation is for a deficiency cured within five business days and for the second deficiency in this calendar year, the scheduled penalties prescribe a \$10,000 penalty for a deficiency 10 Megawatts or smaller. Accordingly, 3 Phases is being cited \$10,000 for its MW deficiency.
E-4195-0030	Commerce Energy	\$ 10,000	\$ -	\$ 10,000	Commerce Energy, Inc. has failed to meet its Resource Adequacy obligation for June 2015. Commerce submitted its June 2015 Month Ahead RA Filing with a 1.00 MW deficiency in Flexible RA. After receiving a deficiency notice from Energy Division, Commerce cured its deficiency and resubmitted its June 2015 filing to ED within five business days. This violation constitutes Commerce's second violation within a calendar year. For the second and subsequent calendar year deficiencies cured within five business days, the scheduled penalties prescribe a \$10,000 penalty per incident if the deficiency is 10.00 MW or smaller. Accordingly, Commerce is being cited \$10,000 for its 1.00 MW deficiency.
2015	Slamming Citations	\$ 2,000	\$ -	\$ 2,000	Pursuant to Commission Resolution, CPSD staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
			2015 Total:	\$ 43,333,073	
2014					
	Global Telco Group Inc.	\$ 12,500	\$ -	\$ 12,500	This decision adopts a settlement between SED and Global Telco Group and requires Global Telco Group to pay a \$12,500 penalty to the General Fund for selling prepaid phone cards in California without Commission authority.

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14-08-033	Telseven, LLC, Calling 10 LLC dba California Calling 10 and Patrick Hines	\$ 19,760,000	\$ 21,000,000	\$ 40,760,000	The Commission found all charges placed on California subscribers' telephone bills by Telseven LLC, and Calling 10 LLC dba California Calling 10, and Mr. Patrick Hines acting through them, were unauthorized, and ordered Telseven, LLC, and Calling 10 LLC dba California Calling 10, and Mr. Patrick Hines to pay reparations to each subscriber so billed in the total amount collected from that subscriber and to pay a fine of \$19,760,000.
2014	Slamming Citations	\$ 14,000	\$ -	\$ 14,000	Pursuant to Commission Resolution, CPSP staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
14-01-037	TracFone Wireless, Inc.	\$ -	\$ 24,397,441	\$ 24,397,441	This decision finds that TracFone must pay \$24,397,441 which equals the full amount of user fees and public purpose program surcharges, including interest, accrued prior to February 24, 2012.
			2014 Total:	\$ 65,183,941	
2013					
13-04-012	Pacific Gas & Electric Co. (PG&E)	\$ 390,000	\$ -	\$ 390,000	This decision approves a settlement between SED, PG&E and The Utility Reform Network concerning alleged improper activities on the part of PG&E employees regarding anti-smart meter groups. The settlement requires PG&E to pay \$390,000 to the general fund of the State of California; carry through with improvements to the social media components of its employee policies; and with education about those policies; sponsor three regulatory industry trainings, which a third-party will teach; and verify the completion of these things to SED by 2015.
13-07-029	West Corporation and Intrado Communications, Inc.	\$ 5,000	\$ -	\$ 5,000	This decision approves a Settlement Agreement entered into between SED, West and Intrado resolving all issues in this application regarding West's violation of Public Utilities Code Section 854 in failing to obtain Commission authorization prior to the transfer of indirect control of Intrado to West and imposes a \$5,000 penalty payable to the General Fund.
13-09-001	OSP Communications LLC and John Vogel	\$ 2,885,400	\$ 5,700,000	\$ 8,585,400	This decision adopts a settlement between SED and OSP Communications and John Vogel, an individual, regarding alleged cramming violations.
13-09-026	NextG Networks of California, Inc. (NextG)	\$ 8,500,000	\$ 6,000,000	\$ 14,500,000	This decision conditionally approves a settlement agreement between SED and NextG. The settlement resolves all issues in this proceeding regarding NextG's involvement with the Malibu Canyon Fire in October of 2007. The Malibu Canyon Fire occurred when three utility poles broke and fell to ground. In the settlement agreement, NextG admits that one of these poles was overloaded in violation of General Order (GO) 95. NextG agrees to pay \$14.5 million, of which \$8.5 million will be a fine to the State of California General Fund. The remaining \$6.0 million will be used to conduct a safety audit of all of NextG's poles and pole attachments in California.
13-09-028	Southern California Edison Co. (SCE)	\$ 20,000,000	\$ 17,000,000	\$ 37,000,000	This decision conditionally approves a Settlement Agreement (SA) between SED and SCE. The SA resolves all issues in this proceeding regarding SCE's involvement with the Malibu Canyon Fire in October of 2007 which occurred when three utility poles fell to the ground during a Santa Ana windstorm. In the SA, SCE admits that one of these poles was overloaded in violation of General Order (GO) 95 due to the facilities that were attached to the pole by another utility and that it violated Public Utilities Code Section 451 when it failed to take prompt action to prevent the pole overloading. SCE further admits that it violated Rule 1.1 of the Commission's Rules of Practice and Procedure when SCE withheld pertinent information from SED and the Commission. SCE agrees to pay a fine of \$20 million to the State of California General Fund. SCE also agrees to provide \$7 million to assess utility poles in the Malibu area for compliance with GO 95 safety factors and SCE's internal standards. The combined settlement payments of \$37 million will be borne by SCE's shareholders.
	Slamming Citations	\$ 1,000	\$ -	\$ 1,000	Pursuant to Commission Resolution, SED staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
	Resource Adequacy Citations	\$ 19,000	\$ -	\$ 19,000	Pursuant to Commission Resolution, SED staff issue citations to Load Serving Entities who fail to comply with specific requirements of the Commission's Resource Adequacy Requirements.
			2013 Total:	\$ 60,500,400	

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2012					
12-01-009	Pacific Gas & Electric Co. (PG&E)	\$ 100,000	\$ 50,000	\$ 150,000	Decision approved settlement between CPSD and PG&E regarding alleged violations of mitigation measures set forth in Mitigation Monitoring Plan adopted in D.09-10-049 and required PG&E to make settlement payment of \$100,000 to General Fund and a \$50,000 donation to the Endangered Species Recovery Program at Stanislaus State Univ.
12-02-030	Pacific Gas & Electric Co. (PG&E)	\$ 215,000	\$ -	\$ 215,000	Decision approved settlement between CPSD and PG&E regarding alleged violations of system resource adequacy requirements for Mar, Apr and July 2010 and required PG&E to make a \$215,000 payment to the General Fund.
12-08-002	Kingstone Telecommunications, Inc.	\$ 6,500	\$ -	\$ 6,500	Decision approved settlement between CPSD and Kingstone regarding alleged Rule 1.1 violations in Kingstone's application (A.11-09-003) and required Kingstone to make a \$6,500 penalty payment to the General Fund.
12-09-019	AT&T Mobility, Sprint PCS and Verizon Wireless	\$ 6,900,000	\$5,100,000	\$ 12,000,000	This decision approves settlement agreement between CPSD AT&T Mobility LLC, Sprint Telephony PCS, L.P., and Cell Partnership LLP, d/b/a Verizon Wireless. Settlement resolves all issues in this proceeding regarding the Settling Respondents' involvement with the Malibu Canyon Fire in October of 2007. The settlement agreement requires Settling Respondents to pay \$12 million, with the amount divided equally among them in 1/3 shares. Of this amount, \$6.9 million will be paid to the State of California General Fund and \$5.1 million to the Enhanced Infrastructure and Inspection Fund (EIIF) that will be established pursuant to the settlement agreement. The money paid to the EIIF will be used to strengthen utility poles in Malibu Canyon and to conduct a statistically valid survey of joint-use poles in Southern California Edison Company's (SCE) service territory for compliance with General Order 95 safety factor requirements. Any money remaining in the EIIF will escheat to State of California General Fund.
12-11-043	Tele Circuit Network Corporation	\$ 32,500	\$ -	\$ 32,500	This decision adopts a settlement between CPSD and Tele Circuit and requires Tele Circuit to pay a \$32,500 penalty to the General Fund for operating in California without Commission authority.
2012	Resource Adequacy Citations	\$ 6,660	\$ -	\$ 6,660	Pursuant to Commission Resolution, CPSD staff issue citations to Load Serving Entities who fail to comply with specific requirements of the Commission's Resource Adequacy Requirements.
			2012 Total:	\$ 12,410,660	
2011					
11-01-017	Contractor Strategies Group, Inc. (CSGI)	\$ 66,511	\$ 51,597	\$ 118,108	This decision approves settlements between CPSD and CSGI and its associates regarding alleged violations related to the connection of automatic dialing-announcing devices to customer-owned pay telephones. The settlements provided for fines totaling \$66,511 payable to the General Fund and reparations of \$51,597 to the Telecommunications Consumer Education Fund.
11-03-006	Constellation NewEnergy, Inc. (CNE)	\$ 300,000	\$ -	\$ 300,000	This decision approves a settlement between CPSD and CNE regarding alleged violations of system resource adequacy requirements for Jan 09 and requires CNE to make a \$300,000 settlement payment to the General Fund.
11-04-009	NobelBiz VoIP Services, Inc. (NobelBiz)	\$ 12,000	\$ -	\$ 12,000	This decision approves a settlement between CPSD and NobelBiz regarding alleged Rule 1.1 violations in NobelBiz's application (A.10-04-003) and requires NobelBiz to make a \$12,000 penalty payment to the General Fund.
11-05-008	Americatel Corporation (Americatel)	\$ 503,000	\$ 47,000	\$ 550,000	This decision approves a settlement between CPSD and Americatel and provides for Americatel to assure appropriate credits have been issued and to make a \$503,000 settlement payment to the General Fund.
11-07-021	Metropolitan Telecommunications of California Inc. dba MetTel	\$ 8,000	\$ -	\$ 8,000	This decision approves a settlement between CPSD and MetTel regarding alleged Rule 1.1 violations and requiring MetTel to pay an \$8,000 penalty to the General Fund.
11-10-017	Legacy Long Distance International, Inc.	\$ 215,000	\$ 20,491	\$ 235,491	This decision approves a settlement between CPSD and Legacy regarding alleged unauthorized billings. Legacy is ordered to pay a \$215,000 penalty to the General Fund and to issue refunds/credits to California consumers who complained about Legacy's billing or were double-billed between 2005 and 2008.
2011	Slamming Citations	\$ 2,000	\$ -	\$ 2,000	Pursuant to Commission Resolution, CPSD staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
2011	Resource Adequacy Citations	\$ 7,000	\$ -	\$ 7,000	Pursuant to Commission Resolution, CPSD staff issue citations to Load Serving Entities who fail to comply with specific requirements of the Commission's Resource Adequacy Requirements.
2011	Renewable Portfolio Standard Citations	\$ 4,000	\$ -	\$ 4,000	Pursuant to Commission Resolution, CPSD staff issue citations to Load Serving Entities for non-compliance with mandatory deadlines and reporting requirements of the Renewable Portfolio Standard.

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			2011 Total:	\$ 1,236,599	
2010					
10-04-033	Calpine PowerAmerica	\$ 225,000	\$ -	\$ 225,000	The Commission approved the settlement between Calpine and CPSD regarding alleged violations of system and local resource adequacy requirements in its 2007 year-ahead compliance filings. By the terms of the settlement, Calpine agreed to pay a fine of \$225,000.
10-04-047	Cox Communications	\$ 2,000,000	\$ -	\$ 2,000,000	CPSD and SDG&E and CPSD and Cox jointly moved for the approval and adoption of their respective Settlement Agreements, which resolve the Commission's Orders Instituting Investigations 08-11-006 and 08-11-007 regarding the Witch, Rice and Guajito fires. In accordance with the terms of the CPSD and Cox Agreement, Cox will pay \$2,000,000 to the General Fund of the State of California.
10-05-028	Speedypin Prepaid	\$ 13,000	\$ -	\$ 13,000	This decision adopts a settlement between CPSD and Speedypin Prepaid and grants a registration CPCN to Speedypin Prepaid to provide services in California. Among other things, the Settlement Agreement requires Applicant to pay a penalty of \$13,000 to the General Fund.
10-06-033	Talton Communications	\$ 11,000	\$ -	\$ 11,000	This decision adopts the Settlement between CPSD and Talton and requires Talton to pay a penalty of \$11,000 for operating in California without Commission authority.
10-07-023	Broadvox-CLEC, LLC (Broadvox)	\$ 5,000	\$ -	\$ 5,000	This decision adopts a settlement agreement between CPSD and Broadvox regarding alleged Rule 1.1 violations in Broadvox's application (A.09-06-004) which includes, as part of the settlement agreement, that Broadvox pay a \$5,000 fine to the General Fund.
10-09-036	Krush Communications LLC (Krush)	\$ 7,500	\$ -	\$ 7,500	This decision adopts a settlement between CPSD and Krush and requires Krush to pay a \$7,500 penalty to the General Fund for operating in California without Commission authority.
2010	Slamming Citations	\$ 1,000	\$ -	\$ 1,000	Pursuant to Commission Resolution, CPSD staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
2010	Resource Adequacy Citations	\$ 48,500	\$ -	\$ 48,500	Pursuant to Commission Resolution, CPSD staff issue citations to Load Serving Entities who fail to comply with specific requirements of the Commission's Resource Adequacy Requirements.
2010	Renewable Portfolio Standard Citations	\$ 7,000	\$ -	\$ 7,000	Pursuant to Commission Resolution, CPSD staff issue citations to Load Serving Entities for non-compliance with mandatory deadlines and reporting requirements of the Renewable Portfolio Standard.
			2010 Total:	\$ 2,318,000	
2009					
09-02-015	NextG Networks of California, Inc. (NextG)	\$ 200,000	\$ -	\$ 200,000	In this decision, the Commission adopted a settlement agreement between NextG and CPSD to resolve issues relating to the allegation that NextG violated the terms of its limited facilities-based Certificate of Public Convenience and Necessity (CPCN) by engaging in ground-disturbing activities related to construction and Rule 1.1 of the Commission's Rules of Practice and Procedure. NextG agreed to pay the state General Fund \$200,000.
09-04-009	Bigredwire	\$ 20,000	\$ 41,265	\$ 61,265	In this decision, the Commission adopted the settlement agreement between Bigredwire.com, Inc. (BRW) and CPSD, wherein BRW agreed to pay a fine of \$20,000 to the state General Fund, for operating in this state without a Certificate of Public Convenience and Necessity (CPCN) and for its failure to pay required fees and surcharges and to file required reports with the Commission. BRW also agreed to pay all fees and surcharges owed to this Commission, plus simple interest at the rate of 10% per year, which amounts to \$41,264.80, in installment payment.
09-05-032	88 Telecom	\$ 8,000	\$ -	\$ 8,000	In this decision, the Commission adopted the settlement agreement between 88 Telecom Corporation and CPSD that resolved issues brought up in CPSD's protest regarding 88 Telecom selling prepaid phone cards in California without authority. 88 Telecom Corporation agreed to pay a fine of \$8,000 to the state General Fund.

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09-05-027	Southern California Edison Co. (SCE)	\$ -	\$ 6,000,000	\$ 6,000,000	In this decision, the Commission adopted the settlement agreement between Southern California Edison Company (SCE) and CPSD, which resolved all outstanding issues in Phase 2 of the Performance-Based Ratemaking (PBR) case. SCE agreed to Credit \$4.0 million to the distribution subaccount of SCE's existing Base Revenue Requirement Balancing Account (BRRBA). Ratepayers will receive the credit as a reduction to SCE's distribution rates when the BRRBA is amortized in rates; 2) forgo its claim for a net system reliability reward of \$2 million, which is comprised of a reward of \$5 million for frequency in 2001 and a penalty of \$3 million for average customer minutes of interruption in 2003; and, 3) not propose any PBR customer satisfaction or employee safety shareholder incentive mechanism before the completion of its 2015 General Rate Case cycle.
09-05-032	88 Telecom	\$ 8,000	\$ -	\$ 8,000	In this decision, the Commission adopted the settlement agreement between 88 Telecom Corporation and CPSD that resolves issues brought up in CPSD's protest regarding 88 Telecom selling prepaid phone cards in California without authority. 88 Telecom Corporation agreed to pay a fine of \$8,000 to the state General Fund.
09-06-013	Birch Communications	\$ 10,000	\$ -	\$ 10,000	The Commission approved a settlement between CPSD and Birch that provides for its operating authority to be granted, but Birch admits that its initial application violated Rule 1.1 of the Commission's Rules of Practice and Procedure and agreed to pay a fine of \$10,000.
09-07-018	San Diego Gas & Electric (SDG&E)	\$ 500,000	\$ 420,000	\$ 920,000	The Commission adopted the settlement agreement between CPSD and SDG&E which provides that while SDG&E does not admit to any violation of Rule 1.1 of the Commission's Rules of Practice and Procedure, it acknowledges its failure to fully comply with Rule 8.3 and tenders an apology for imprecision in its communications with decision-makers in connection with certain ex parte meetings held during Phase 2. SDG&E commits to pay a total of \$920,000 in shareholder funds in amounts specified for charitable contributions, reimbursement to the Commission for expenses related to this proceeding, and payment to the State's General Fund. Further, SDG&E commits to develop a professional responsibility class and an ex parte best practices manual both in consultation with the Commission.
09-06-013	Birch Communications	\$ 10,000	\$ -	\$ 10,000	The Commission approved a settlement between CPSD and Birch that provides for its operating authority to be granted, but Birch admits that its initial application violated Rule 1.1 of the Commission's Rules of Practice and Procedure and agreed to pay a fine of \$10,000.
09-09-005	Alliance Group Services (AGS)	\$ 2,500	\$ -	\$ 2,500	The Commission found that AGS violated the Settlement Agreement between AGS and CPSD, by failing to file a status report due on September 7, 2007 until after CPSD protested AGS's application for transfer of control and filed a data request asking for a list of AGS's carrier customers. The Settlement Agreement required AGS to file status reports with CPSD every six months.
09-11-010	Cheap2Dial Telephone	\$ 10,000	\$ 3,108	\$ 13,108	The Commission adopted a settlement between CPSD and Cheap2Dial. The settlement requires Cheap2Dial to pay a penalty of \$10,000 to the General Fund and required surcharges, fees, and interest that it owed to the Commission, totaling \$3,108.43.
2009	Slamming Citations	\$ 24,000	\$ -	\$ 24,000	Pursuant to Commission Resolution, CPSD staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
2009	Resource Adequacy Citations	\$ 1,500	\$ -	\$ 1,500	Pursuant to Commission Resolution, CPSD staff issue citations to Load Serving Entities who fail to comply with specific requirements of the Commission's Resource Adequacy Requirements.
			2009 Total:	\$ 7,258,373	

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2006					
08-09-038	Southern California Edison Co. (SCE)	\$ 30,000,000	\$ 115,714,000	\$ 145,714,000	This decision concludes that Southern California Edison Company (SCE) employees and management manipulated and submitted false data in claiming Performance Based Ratemaking (PBR) rewards. SCE is ordered to: 1) Refund to its ratepayers \$28 million in PBR customer satisfaction rewards it has received and forgo an additional \$20 million in rewards that it has requested; 2) Refund to its ratepayers all \$20 million in PBR health and safety rewards it has received and forgo an additional \$15 million in rewards that it has requested; 3) Refund to its ratepayers the portion of its 2003 to 2005 revenue requirement related to the utility's Results Sharing program that was affected by fraudulent data, which the decision finds to be \$32,714,000; and, 4) Pay a fine of \$30 million to the state General Fund for violations of the Public Utilities Code.
2008	Slamming Citations	\$ 20,000	\$ -	\$ 20,000	Pursuant to Commission Resolution, CPSD staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
		2008 Total:		\$ 145,734,000	

2007					
CGC07462325	Devine Communications	\$ 118,000	\$ -	\$ 118,000	As a result of the Commission's work with the California Attorney General, the Superior Court of California issued a judgment requiring California prepaid calling card companies Devine Communications and Megalink Telecom (Devine) to clearly disclose all fees, surcharges, and other costs associated with the use of their prepaid calling cards. The judgment also imposed civil penalties of \$118,000 on Devine and prohibited misleading advertising.
07-09-041	Pacific Gas & Electric Co. (PG&E)	\$ -	\$ 35,000,000	\$ 35,000,000	This decision finds that Pacific Gas and Electric Company (PG&E) systematically violated its tariff Rule 9A by failing to issue bills at regular intervals based on actual metering data. The decision also finds that PG&E violated its tariff Rule 17.1 by issuing backbills related to: 1) periods of no bills ("delayed bills") and 2) periods of estimated bills, where the cause for the estimation was within PG&E's control, beyond the time limits permitted under the tariff. The Commission ordered PG&E to refund, at shareholder expense, approximately \$35 million for these unauthorized charges.
07-05-054	Sebastian Enterprises	\$ 15,000	\$ -	\$ 15,000	In this decision, the Commission approved the settlement agreement between Sebastian Enterprises, Inc. (SEI), its subsidiary Fortel, Inc. (Fortel) or Foresthill Telephone Company (FTC) and CPSD for violations resulting from respondents' obtaining a loan and entering into a merger without the Commission's prior approval. SEI and FTC agreed to pay the state General Fund \$15,000.
2007	Slamming Citations	\$ 18,000	\$ -	\$ 18,000	Pursuant to Commission Resolution, CPSD staff issue citations to telecommunications companies who fail to provide a third party verification recording in compliance with Commission and Federal Communications Commission rules.
		2007 Total:		\$ 35,151,000	

CALIFORNIA PUBLIC UTILITIES COMMISSION

Utility Enforcement Branch

Enforcement Actions, 2004 through 2015

Decision/ Case Number	Utility	Fines Payable to the State	Restitution for Consumers	Total Fines and Restitutions	Description
200€					
06-10-027	Qwest	\$ 150,000	\$ 30,000	\$ 180,000	In this decision, the Commission approved the settlement agreement between Qwest and CPSD concerning compliance with statutes, decisions, and other requirements applicable to the utility's installation of facilities in California for providing telecommunications service. Under the settlement agreement, Qwest agreed to pay \$150,000 to the State's General Fund and to contribute \$30,000 to three groups that promote awareness of Native American sites, archaeology and history within California.
06-04-035	MCI	\$ 1,300,000	\$ 2,000,000	\$ 3,300,000	In this decision, the Commission approved the settlement agreement between MCI, WorldCom, and MCI WorldCom (collectively MCI) and CPSD that resolved the Commission's investigation into MCI's alleged slamming and cramming activities. MCI agreed to pay \$2.3 million, in addition to credits it has already paid to affected customers. (MCI estimates its past credits to be in excess of \$1 million.) The \$2.3 million was comprised of up to \$1 million in refunds or credits to affected customers and \$1.3 million as penalties payable to state General Fund.
		2006 Total:		\$ 3,480,000	
200£					
05-02-001	Miko Communications	\$ 45,350	\$ -	\$ 45,350	This decision finds that Miko and its sole owner and President Margaret Currie conducted operations in California without operating authority, failed to pay the Commission's telecommunications fees and surcharges, made a material misrepresentation in response to a data request from the Commission's Telecommunications Division, and engaged in a pattern of slamming, i.e., violated regulations governing how telephone subscribers are switched from one interexchange carrier to another. The Commission permanently revoked respondents' operating authority, and fined respondents \$45,035.
05-03-004	Vycera Communications	\$ 100,000	\$ -	\$ 100,000	In this decision, the Commission approved a settlement between CPSD and Vycera and its officers and primary shareholders resolving an investigation into allegations that Vycera made unauthorized transfers of telephone service and billed for unordered services. The settlement agreement provides for numerous changes to Vycera's operations, enhanced CPSD oversight, and a \$100,000 fine.
05-06-033	Clear World Communications	\$ 100,000	\$ -	\$ 100,000	The Commission found that two predecessor companies of Clear World operated as unauthorized resellers of long distance service in California between the years 1997 and 1999 and that the assets of one of these companies were transferred to Clear World without authorization. The Commission imposed a fine of \$100,000.
		2005 Total:		\$ 245,350	
2004					
04-06-017	NOS Communications	\$ 2,900,000	\$ 50,000	\$ 2,950,000	The Commission adopted a settlement agreement between CPSD and NOS which requires NOS to make payments to the Commission totaling \$2,950,000. Of this sum, \$2,900,000 will be deposited into the State's General Fund, and \$50,000 will be set aside for customer restitution and claims administration. Each of about 1400 customers will receive a restitution payment of \$25.
04-09-007	Verizon	\$ 4,836,000	\$ -	\$ 4,836,000	The Commission ordered CPSD to retain and supervise consultants to conduct a review of Verizon's operations and practices related to Individual Case Basis (ICB) contracts and Verizon to reimburse the Commission for the consultants' costs. The Commission adopted a settlement between Verizon and CPSD under which Verizon will pay \$4,836,000 to the state General Fund in satisfaction of any fines or other remedies that could have been sought or imposed for violation of the Public Utilities Code and of Commission rules relating to ICB and express contracts.
04-09-062 and 07-03-048	Cingular Wireless	\$ 12,140,000	\$ 17,717,740	\$ 29,857,740	Cingular's corporate policy and practice in California did not allow any "grace period" or trial of its wireless service and prohibited early termination of wireless service unless the customer paid an early termination fee (ETF) of \$150. Given Cingular's own testimony that testing wireless service by using the phone is the best way for a customer to ascertain whether the service meets his or her needs, binding that customer in advance to a one or two-year contract constituted an unjust and unreasonable rule and resulted in inadequate, unjust, and unreasonable service in violation of PU Code Section 451 and Commission Decision (D.) 05-04-028. The Commission imposed a penalty of \$12,140,000 and ordered Cingular to reimburse customers who paid part or all of the ETF.
		2004 Total:		\$ 37,643,740	
Total Fines and Restitutions from 2004 through 2015				\$ 414,495,136	