

# *Monthly Activity Report*

**Consumer Protection and Enforcement  
Division | California Public Utilities  
Commission | April 2017**

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## OVERVIEW

The Consumer Protection and Enforcement Division (CPED) serves as the first line of defense for California utility customers. CPED collects and resolves consumer complaints, establishes and enforces rules and regulations for transportation carriers, and investigates allegations of utility waste, fraud, and abuse. CPED is comprised of three separate branches: the Consumer Affairs Branch (CAB), the Transportation Enforcement Branch (TEB), and the Utilities Enforcement Branch (UEB).

This report contains information reflecting the month's activity within each of the three CPED branches. Information about each Branch is collected in seven different sections: (1) Monthly Highlights, (2) Key Activities, (3) Citations/Fines/Refunds, (4) Compliance with Ordering Paragraphs, (5) Docket Activity, (6) Outreach/Training/Other Activities, and (7) Legislation of Interest.

## CONSUMER AFFAIRS BRANCH

CAB provides assistance to consumers over the phone and in writing by answering questions and addressing informal complaints regarding CPUC-regulated communications, energy, and water utilities. CAB also acts as a conduit of consumer information for CPUC decision-makers.

### MONTHLY HIGHLIGHTS

- **Initiated Design Phase for Upgrade to CAB's Database:** Using the system requirements developed in concert with IT, the design phase was initiated for CAB's Consumer Information Management System. The database upgrade will allow CAB to comply with recommendations from the California State Auditor for improving quality assurance processes and data quality.
- **Created Processes to Assist Consumers with California LifeLine Program Changes:** Coordinated with the Communications Division on development of new CAB processes to assist program participants with requirements established in D.17-01-032 for the discount transfer freeze and the enrollment request freeze.
- **Presented at CPUC Voting Meeting on April 27<sup>th</sup> 2017:** Teamed with Energy Division and the Public Advisor's Office to present on "Existing Programs / New Proposals Addressing Bill Spikes" associated with increased complaints and protests resulting from rate increases and cold winter weather in 2017.

## KEY ACTIVITIES

In April, CAB provided assistance to consumers that contacted us seeking assistance via our statewide 800 number. Through the 800 number, consumers accessed CAB's consumer assistance information line menus 15,028 times and opted to speak to a live representative 4,447 times. Live consumer calls regularly result in referral to the utilities' high-level internal consumer assistance groups for expedited resolution of consumer-identified issues. Live calls may also result in providing answers to consumer questions or providing them with referral information on utilities, service providers, and other entities that are not regulated by the CPUC.

In addition to assisting consumers with complaints, questions and information referrals via telephone, CAB received 1,039 contacts from consumers that were seeking assistance, via U.S. mail, fax, or online complaint form. At the end of April, CAB had closed 1,192 written contacts and was in process of addressing an additional 1,642 written contacts.

CAB Activity for April 2017	
Data for Telephone Contacts	
Calls to Assistance Line	15,028
Live Calls Answered	4,447
Data for Written Contacts Processed*	
New Written Contacts Received	1,039
Written Contacts Closed	1,192
Written Contacts Being Processed**	1,642

\* Written contacts closed may differ from the number of written contacts received in a month since cases received in previous months may be resolved in the current month.

\*\* Depending on the timing of when written contacts were received and the complexity of the issue, written contacts may not be resolved during the month in which they were received. These contacts are in process and are under review by CAB and the utility service provider.

CAB also responds to requests from internal and external entities for contact data. In April 2017, CAB responded to nine data requests. There were six internal requests: two requests for Lifeline data, two requests pertaining to specific telecommunications utilities, one request for all Telecommunications complaints within a specific time range, and a request for information for specific solar installation companies. The FCC also submitted two requests for slamming/cramming complaints against two specified

utilities. PG&E submitted a request for a count of all pending complaint cases sent to them for the month of April, to reconcile with their own internal complaint records.

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#### CITATIONS/FINES/REFUNDS

CAB helped California consumers secure \$115,990.23 worth of refunds and credits in April 2017. The cumulative total for 2017 is \$363,298.63

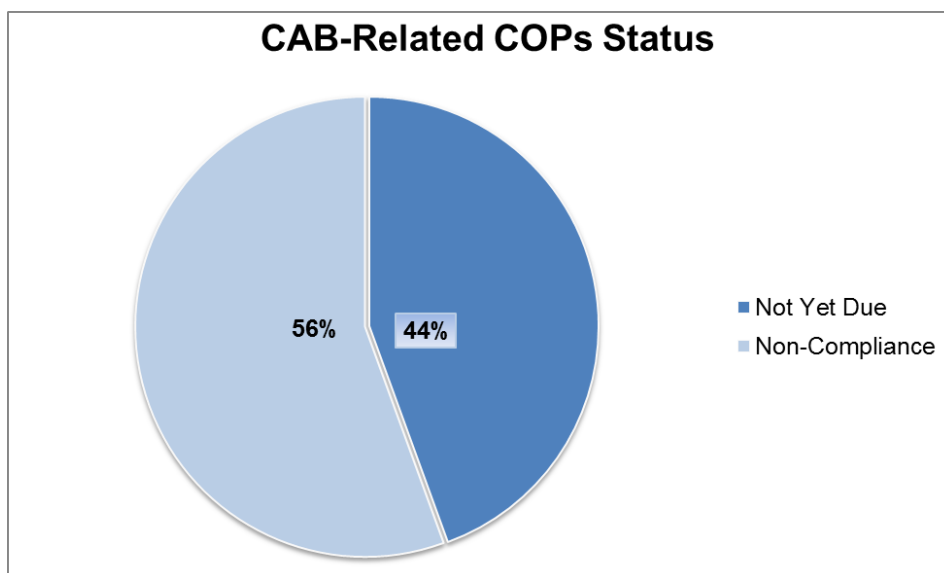
Date	Refund/Credit Amount*
April 2017	\$115,990.23
Cumulative 2017	\$363,298.63

\* Refund amounts may be underreported in cases where a utility does not share refund information in its response to CAB. This may occur in cases where Voice over Internet Protocol (VoIP) telephone service is involved. VoIP services are governed under Public Utilities Code Section 710. Also, CAB does not currently have a process that enables follow-up on consumer phone contacts that are transferred to the company for expedited resolution. Thus, the refund amount reflected may be underreported since the company may resolve the consumer's issue after the transfer is made, including the offering of a refund.

CAB does not issue citations or fines, but instead may negotiate refunds through its informal complaint resolution process. Most refunds secured by CAB are the result of incorrect billing of a utility consumer or from discretionary refunds provided by the utility.

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#### COMPLIANCE WITH ORDERING PARAGRAPHS



There were no new CAB-related Ordering Paragraphs enacted in April. CAB is currently responsible for nine separate Ordering Paragraphs. Of those 9 Ordering Paragraphs, four (representing 44%) are not yet due. The balance of five CAB-related Ordering Paragraphs require that regulated utilities, that have been granted authority to operate by the CPUC, provide CAB with contact information needed in processing informal complaints (Not Compliance Items).

For these five CAB-related Not Compliance items, CAB has proactively contacted the utility in an attempt to gather the information and inform the utility of CAB's role. Once received, the contact information will be entered into the CPUC's Utility Contact System (UCS) database that houses contact information for utilities authorized to provide service in California.

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#### DOCKET ACTIVITY

CAB monitored eight open proceedings in April that have consumer impacts. Four of the eight items appeared on the CPUC's April Voting Agendas and were approved.

Four of the eight proceedings noted are regarding applications for CPCNs\*. CAB monitors all CPUC non-transportation CPCN proceedings due to the requirement for CAB to maintain contact information for all certificated non-transportation companies in its database. CAB continues to closely monitor the second phase of Rulemaking 14-03-002 on Core Transport Agents.

*\* A Certificate of Public Convenience and Necessity is required to lawfully operate a utility company in California and is granted by the CPUC.*

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#### OUTREACH/TRAINING/OTHER ACTIVITIES

All CAB staff in San Francisco attended the Building Emergency Evacuation Training presented by the Department of General Services.

CAB participated in multiple California LifeLine Program meetings in April. These meetings are comprised of CPUC staff, the California LifeLine Program Administrator, as well as industry and stakeholders that advise the CPUC on the LifeLine program.

CAB management attended the third module of the Adaptive Leadership training that was provided to all managers and supervisors at the CPUC.

In April, six CAB managers and supervisors completed the required Sexual Harassment Prevention Training via Cal HR webinar.

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## LEGISLATION OF INTEREST

CAB is currently tracking one legislative item of interest. No bills were added to or removed from CAB's tracking list in April 2017.

**SB 598 (Hueso)** – CAB continues to monitor this bill, which addresses disconnection of gas and electric consumers. It requires the CPUC to reduce gas and electric service disconnections by 50% by 2021, prioritize provision of universal gas and electric service to every residential household and prohibits a gas or electrical corporation from disconnecting service for nonpayment by a residential customer dependent on life-support equipment (under certain conditions). The CPUC will be required develop disconnection metrics, report to the Legislature, and incorporate the metrics into certain proceedings.

## TRANSPORTATION ENFORCEMENT BRANCH

TEB oversees for-hire passenger carriers (limousines, airport shuttles, chartered and scheduled bus operators, and transportation network companies) and moving companies. To that end, TEB analyzes applications from carriers, writes proposed decisions to approve or deny a carrier's CPCN application, issues permits and tracks carrier compliance with permit requirements. TEB also serves a role analogous to that of an "industry division," acts as the CPUC's subject matter expert and advises decision makers regarding for-hire carriers. And finally, TEB staffs a consumer complaint 800 phone line; educates consumers, carriers and state and local law enforcement and prosecutors; investigates alleged violations; issues citations; brings cases before the Commission and supports civil and criminal cases brought by local prosecutors, such as a district or city attorney.

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## MONTHLY HIGHLIGHTS

- On April 6, 2017, the Commission opened an Order Instituting Rulemaking and Order to Show Cause regarding Rasier-CA-LLC's failure to comply with the Zero Tolerance rules and Public Utilities Code 5381, prompted by a TEB staff investigation.

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## KEY ACTIVITIES

### Carrier Application and Permit Activity

TEB staff received 315 applications this month (new, renewals, refiles, and transfers), and issued 250 permits. TEB completed but cannot approve 537 additional applications until the CHP completes bus terminal inspections (CHP requires 60 days) and/or the carrier provides proof of insurance or enrollment in a drug testing program (up to 7 days). TEB received new applications from two TNCs.

Activity	Passenger Carrier	Household Goods	Total
New Applications Docketed	67	19	86
Renewal Applications Docketed	205	0	205
Refile Applications Docketed	15	6	21
Transfer Applications Docketed	3	0	3
Authorities Issued	245	5	250
Authorities Suspended	1161	81	1242
Authorities Revoked	88	26	114
Authorities Reinstated (Suspended/Revoked)	528	50	578
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	207	73	210
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	327	0	327
Pending Reinstatement from Suspension and Revocation	40	6	46
Applications backlogged over 30 days	59	0	59
Applications backlogged over 60 days	93	0	93
<b>Total Active/Suspended Authorities as of 4/30/2017</b>	<b>8099</b>	<b>1047</b>	<b>9146</b>
Number of Voluntary Suspensions	19		19
Number of Voluntary Revocations	20		20
Number of vehicles added to Passenger Carrier Equipment Statements	328		328
Address and DBA Changes	89		89
Vehicle inspection requests sent to CHP	208		208
Returned Applications (incomplete package)	43		43

## Enforcement Activities



TEB is working on a total of 240 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. Ten cases submitted to local district attorneys' offices are in various stages of prosecution in Los Angeles, Orange, Riverside and San Diego counties.

In April 2017, TEB closed 13 cases and initiated 25 new cases.

Enforcement Activity	Passenger Carrier	Household Goods	Total
<b>Open Cases as of 4/1/17</b>	109	119	228
<b>New Investigation Initiated</b>	20	5	25
<b>Investigations Completed</b>	11	2	13
<b>Cases Open as of 4/30/17</b>	118	122	240
<b>Cease and Desist Notices</b>	18	5	23
<b>Official Notices</b>	1	2	3
<b>Administrative Citations</b>	8	1	9
<b>Overcharge Letters</b>	2	4	6

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#### CITATIONS/FINES/REFUNDS

TEB Activity	Passenger Carriers	Moving Companies	Total
<b>Fine Assessed</b>	\$20,500	\$2,000	\$22,500
<b>Fines Paid</b>	\$10,923	\$7,297	\$18,224
<b>Overcharge Refunds/Claims Settlements</b>	\$65	\$5,208	\$5,273

#### Citations

- F-5214. Robin Christopher Cedillo, DbA Cedillo Limousine, Buena Park (TCP 27787). Fine \$10,000. Violations: Operating as a charter-party-B carrier without the

proper CPUC permit, and the lack of 1) liability and workers' compensation insurance coverage, 2) enrollment in the DMV EPN program and drug and alcohol testing program, 3) CHP terminal inspection, 4) current equipment statement, 5) waybills, and failure to pay PUCTRA fees. Carrier agreed to pay fine.

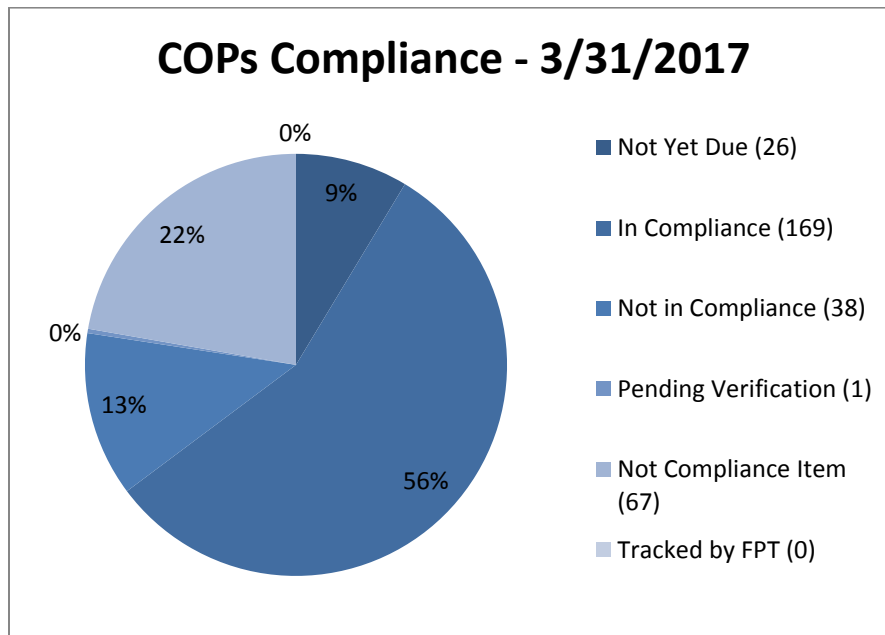
- F-5220. Ruben Villa dba Villa Express, Fresno (TCP 34819). Fine: \$3,500. Violations: Utilized unlicensed sub-carriers, lack of workers compensation insurance, failed to enroll drivers in DMV Employer Pull Notice program, failed to enroll drivers in a drug and alcohol testing program, improper waybills.
- F-5227. Jackson-Jones Corporation, dba Jackson Limousine Service, Los Angeles (TCP 2510-A). Fine: \$1,000. Violation: Failed to produce records.
- F-5228. Reyes 723 LLC, Chula Vista (TCP 35231). Fine: \$2,000. Violations: Engaged three employees without evidence of workers compensation insurance; failed to maintain and enroll three drivers in the DMV EPN Program and failed to update equipment statement. Carrier agreed to pay fine.
- F-5229. Mag Marin LLC, National City (TCP 27102). Fine: \$1,000. Violation: Failed to provide access to records.
- F-5230. Solymar Tours LLC, San Ysidro (PSC/TCP 30175). Fine: \$1,000. Violation: Advertised as a charter-party carrier and passenger stage corporation after suspension of operating authority. Carrier agreed to pay fine.
- F-5231. Lizhong Xu dba Xu's Moving, San Francisco (T-191445). Fine: \$2,000. Violations: Operated without a valid permit; operated without Cargo insurance; failed to provide shipper with Important Notice document; failed to issue Combined Agreements; failed to report gross revenue for the year 2015.
- F-5232. Costamar Tours, LLC, Cherry Valley (PSC 36150). Fine: \$1,000. Violations: Failed to enroll one driver in DMV EPN program. Carrier agreed to pay citation.
- F-5333. V & A International LLC, Inc., Granada Hills (TCP 35049). Fine: \$1,000. Violations: Operated without evidence of workers compensation insurance on file; failed to enroll drivers in DMV EPN Program and mandatory controlled substance program.

### Airport Citation Program

Airport	Citations issued by LAX police	Vehicles impounded	Citations issued by PUC	C&D letters issued	Total fines collected
<b>LAX</b> (Los Angeles International Airport)	<b>16</b>	<b>15</b>	<b>9</b>	<b>16</b>	<b>\$9,000</b>

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## COMPLIANCE WITH ORDERING PARAGRAPHS



TEB is currently responsible for 301 separate Ordering Paragraphs. Most Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and DMV pull-notice programs, receiving bus terminal inspections by the CHP and others. Other OPs uphold TEB citations and impose fines that result from those citations for violations of law and wrongdoing against consumers, or introduce new reporting requirements on carriers.

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## DOCKET ACTIVITY

### Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason / Randolph.**

An April 7, 2017 Scoping Ruling identified issues and a filing schedule for Phase III. B., which include background checks for TNC drivers (Track 1), regulatory status of Uber Technologies, Inc. and Uber USA, Inc. (Track 2), accessible vehicle requirements (Track 3), regulation of autonomous vehicles (Track 4), whether the Commission should establish a website portal for TNC data (Track 5), incidental transportation of minors (Track 6) and requirements applicable to TNCs to ensure public safety (Track 7.)

## Carrier Application Proceedings

- **A. 16-05-002 / Pacific Maritime Freight, Inc. and Catalina Freight Line, Inc. / Bemederfer / Randolph.** Transfer CPCN from Pacific Freight to Catalina Freight. Held for April 2, 2017 meeting; currently scheduled for a Commission vote on May 11, 2017.
- **A.16-08-015 / Chariot Transit Inc., dba Chariot Transit / Miles / Randolph.** Seeks CPCN to operate in Bay Area counties. As required by the January 27, 2017 Order to Show Cause, Chariot filed and served a protest response, prehearing conference (PHC) statement and an explanation regarding why it failed to appear at the December 2016 PHC, on February 7, 2017. No activity since the February 28, 2017 PHC, and Chariot's filed motion to withdraw its application.
- **A.17-01-002 / Silverado Stages, Inc. / Zanjani.** Seeks to expand PSC 9069 authority to operate in Bakersfield, CA and Los Angeles International Airport. Decision 1704024 granted the expansion request and closed the proceeding on April 18, 2017.
- **A.17-02-004 / Abdolkarim Nouranian / Zanjani.** Seeks to transfer Passenger Stage Authority PSC-15808 to Abdoulrahim Daneshnia, under Section 8561 et seq., of the Public Utilities Code. Decision anticipated in May 2017.
- **A.17-04-007 / Max E. Fuhrmann dba SherpaMax / Zanjani.** Seeks authority to operate as an on-call, door to door, passenger stage corporation between the towns of Mojave and Independence, California. Application filed April 6, 2017.
- **A.17-04-012 / Proper Sightseeing Corporation / Zanjani.** Seeks authority to operate as a scheduled Passenger Stage Corporation with Hop On/Hop Off Service on fixed routes between points in Hollywood and Santa Monica, and to establish a Zone of Rate Freedom. Application filed April 7, 2017.

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## OUTREACH/TRAINING/OTHER ACTIVITIES

- **Vehicle inspection at John Wayne Airport, April 7, 2017.** TEB investigators conducted a joint strike force enforcement operation with the CHP to check motor coach and commercial vehicles for mechanical safety issues as well as carrier compliance with CPUC regulations. Of the 22 vehicles inspected, the CPED investigators found five violations, of which three resulted in misdemeanors.
- **Casino bus inspection at Graton Casino, Rohnert Park, April 15, 2017.** – TEB investigators conducted a joint agency bus safety inspection with the CHP. TEB inspected 14 buses. All operated with valid permits; five carriers operated with outdated equipment lists.
- **Vehicle inspection at San Ysidro border crossing, April 19, 2017.** TEB investigators conducted a joint strike force enforcement operation with the CHP. Of the 21 vehicles inspected, TEB found four violations.
- **Vehicle inspection in St. Helena, April 22, 2017.** TEB investigators, the CHP and the Napa Valley Railroad Police Department conducted a joint agency bus and limousine safety inspection. TEB inspected 38 vehicles and found four operating without valid permits, four operating without workers compensation insurance; and six with outdated equipment lists
- **Vehicle inspection at Palm Springs International Airport, April 27, 2017.** TEB investigators conducted a joint agency inspection with the CHP. Of the 31 vehicles inspected, the CPED investigators found one violation resulting in a misdemeanor.
- **Vehicle inspection, John Wayne International Airport, April 28, 2017.** – TEB investigators conducted a joint agency inspection with the CHP. Of the 18 commercial vehicles inspected, TEB found four violations, of which two resulted in misdemeanors.
- **Household goods held hostage, April 17, 2017.** TEB investigators, backed up by local police, retrieved a customer's household goods from an unlicensed carrier. The customer was given one quote prior to the intrastate move, but the mover later refused to release the goods unless the customer agreed to pay an additional amount. The consumer filed a complaint with the local District Attorney's Office, who forwarded it to the CPUC for handling. TEB staff met

the consumer and moving company at the delivery site to ensure the belongings were delivered without incident.

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## LEGISLATION OF INTEREST

TEB is currently tracking six legislative items of interest. One bill (AB 1099) was added to TEB's tracking list in April 2017.

**AB 25 (Nazarian)** – This bill would establish new safety regulations for modified tour buses and allow California's Attorney General and local DAs to recommend that the CPUC suspend a carrier permit.

**AB 711 (Low)** – This bill would authorize a beer manufacturer to provide consumers free or discounted rides with certain CPUC-regulated transportation providers.

**AB 1099 (Gonzalez Fletcher)** – This bill was substantively amended on April 5<sup>th</sup>. The amended bill would categorize TNCs as employers of their drivers and require that the TNC allow its drivers to receive gratuity via patrons' debit or credit card payments.

**SB 19 (Hill)** – This bill would make a number of changes relating to the governance of the CPUC. The bill includes language that presumes the future transfer of certain TEB responsibilities to the California State Transportation Agency.

**SB 20 (Hill)** – This bill would require that charter-party carrier vehicle drivers inform their passengers of the requirement to wear seatbelts and the penalties associated with not doing so.

**SB 182 (Bradford)** – This bill would prohibit municipalities from requiring more than one business license from a TNC driver, regardless of the number of cities he or she operates in.

## UTILITIES ENFORCEMENT BRANCH

UEB protects California utility consumers from fraud and abuse by ensuring that service providers comply with consumer protection laws and regulations. UEB investigates alleged violations by utilities, including communications (both wireline and wireless), energy (both electric and gas), and water companies. When sufficient evidence of violation is uncovered, UEB brings cases before the CPUC to seek appropriate remedies for consumers and/or penalties.

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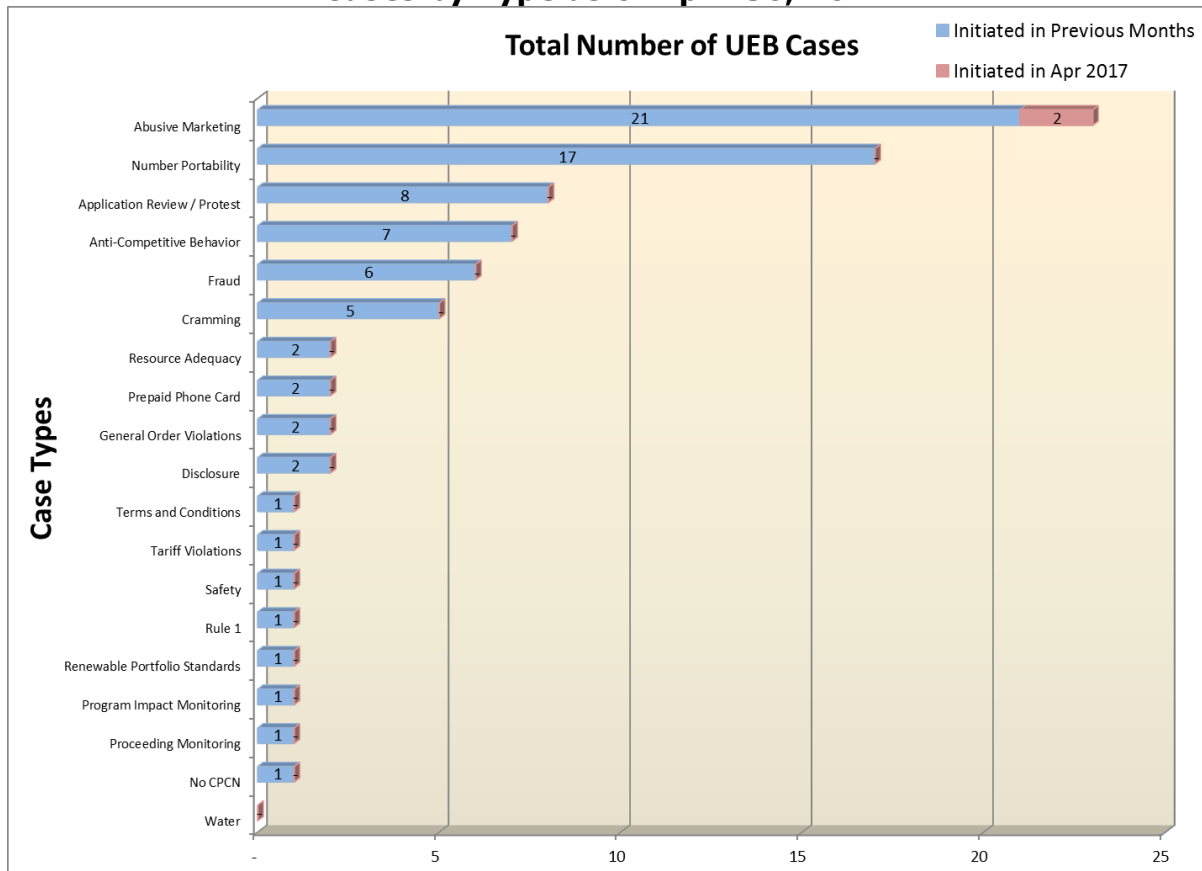
## MONTHLY HIGHLIGHTS

- **SoCalGas OII (I.17-04-021) (Commissioner Rechtschaffen/ALJ Ayoade)**  
**(Advocacy):** The Commission voted unanimously on UEB's request to institute a formal investigation to determine whether SoCalGas violated Commission statutes by repeatedly failing to issue timely monthly bills, extending the billing period for a significant number of customers, and issuing over nine million estimated bills.
- **Ceretel Incorporated (A.16-04-006) (Commissioner Peterman/ALJ Park)**  
**(Advocacy):** Staff filed rebuttal testimony to address the incorrect assertions made by Ceretel in its opening testimony, specifically in issues relating to the Commission's jurisdiction over prepaid phone card services.
- **Attacks on 911:** Staff reviewed background of the recent telephony distributed denial of service (TDoS) attacks on 911 and emergency services infrastructure. Research revealed that the major California telecommunications corporations are already working closely with the National Emergency Number Association on hardware and software solutions to prevent or mitigate TDoS attacks, and to implement Next Generation 911 standards.

## KEY ACTIVITIES

UEB is currently working on a total of 82 cases. Investigations center primarily on Application Protests, Cramming, and Slamming. UEB's cases come from a variety of sources, with CPCN application reviews and consumer complaints playing key roles.

**Cases by Type as of April 30, 2017**



## CITATIONS/FINES/REFUNDS

No fines or citations were imposed in April 2017.

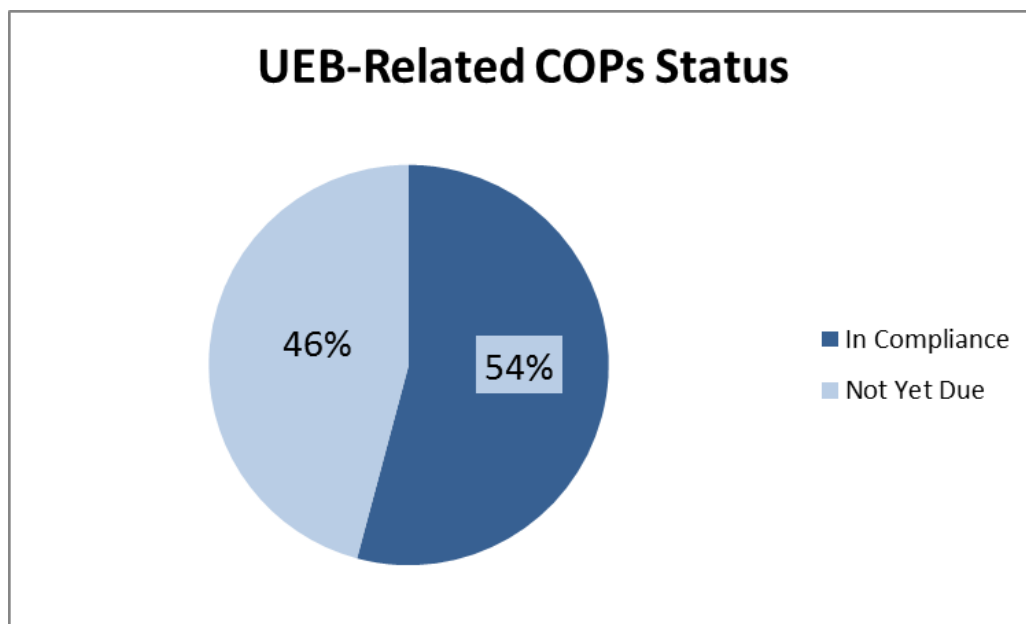
UEB's work for 2016 resulted in \$2,421,534 in fines and citations as follows: \$1,169,534 in fines against telecommunications companies, \$539,000 in citations to two telecommunications providers for slamming violations, a \$699,000 citation to an energy company for failure to comply with mitigation measures outlined in the Environmental Impact Report and three citations totaling \$14,000 to energy companies



for deficient month-ahead resource adequacy and late-filed month-ahead system resource adequacy reports.

Date	Citations/Fines/ Refund Amounts
April 2017	\$0
Cumulative 2017	\$197,500

#### COMPLIANCE WITH ORDERING PARAGRAPHS



No new Ordering Paragraphs were enacted or added to UEB's COPS tracker for the month of April. UEB is currently responsible for 24 separate Ordering Paragraphs. Of those 24 Ordering Paragraphs, 13 (representing 54%) have been complied with, and compliance with the remaining 11 are not yet due. None are out of compliance.

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

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## DOCKET ACTIVITY

There was one UEB-related agenda items in April 2017. The CPUC approved and Order Instituting Investigation (OII) on Southern California Gas (I. 17-04-012).

UEB is currently monitoring 12 separate CPUC proceedings. UEB serves an advocacy role in proceedings relating to formal investigations of alleged violations and wrongdoings by energy (both electric and gas), telecommunications (both wireline and wireless), and water companies. UEB is often a party in applications for operating authority when it protests the filings of telecommunications providers with alleged fitness issues. UEB also monitors and participates in an advisory role in consumer-protection-related Rulemakings when needed.

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## OUTREACH/TRAINING/OTHER ACTIVITIES

Staff updated a Robocall Factsheet, had it reviewed and approved by Legal, Public Advisor, and CAB, and posted it on the PUC Intranet and Internet.

UEB staff attended a training in “Roles and Responsibilities of the Superior Analyst,” with emphasis on achieving professional behavior, keeping a positive attitude, and managing conflict at work.

Staff attended the April SNAP (State National Action Plan) conference call, where the focus was on the FCC’s Notice of Proposed Rulemaking and Notice of Inquiry that would enable voice services providers to better protect subscribers from illegal robocalls. Ideas such as a “Do-Not-Originate” list and giving consumers the ability to block more calls were discussed.

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## LEGISLATION OF INTEREST

UEB is currently tracking one legislative item of interest. No bills were added to or deleted from UEB’s tracking list in April 2017.

**SB 549 (Bradford)** – This bill would require an energy corporation to report to the CPUC, within 60 days, when moneys authorized by the CPUC for maintenance or safety are reprioritized for other purposes.