

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

February 2022



**California Public
Utilities Commission**

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TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)

TLAB's Licensing Section analyzes applications from carriers, issues permits and certificates to carriers that meet state requirements, writes proposed decisions to approve or deny carriers' CPCN applications, manages changes to carrier operations, communicates with carriers, and tracks carrier compliance with permit requirements. **TLAB's Analysis Section** functions as the Commission's subject matter expert on policy matters, providing technical and advisory support to commissioners, administrative law judges, and all levels of agency management on transportation matters.

Processing Carrier Applications

TLAB's Licensing Section is processing and managing applications for nearly 5,000 carriers throughout California. Items processed as of February 2022 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the new Transportation Carrier Portal (TCPortal), an online system that allows carriers to submit applications and other requests electronically and make payments online. The TCPortal tracks certain licensing activities as shown in the following tables and figures.

Figure 1. Total Permits & Certificates

Total Permits and Certificates. Figure 1 shows the total number of operating authorities (active and suspended) by month.

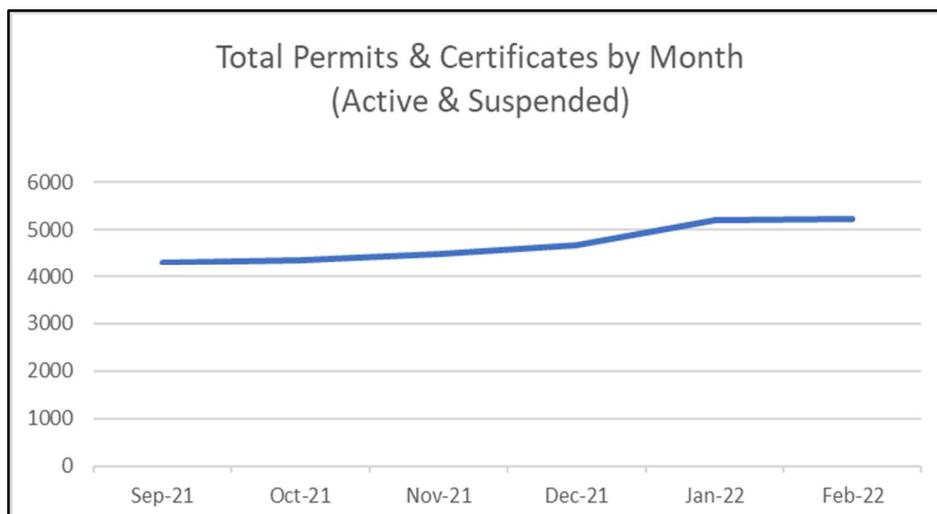


Table 1. Permits and Certificates by Category

Permits and Certificates by Category. The PUC grants permits and certificates for five categories of transportation carriers. Table 1 shows total numbers for those categories in the current month.

Carrier Type	Current Total
Transportation Charter Party	5082
Passenger Stage Corporation	124
Vessel Common Carrier	18
Transportation Network Company	15
Autonomous Vehicle	7

Figure 2. Monthly Completions of Permit Categories

Monthly Completions of Permit Categories. In addition to new applications for operating authorities, TLAB processes refile applications, transfer applications, and renewal applications. Figure 2 shows the numbers of each category completed by month.

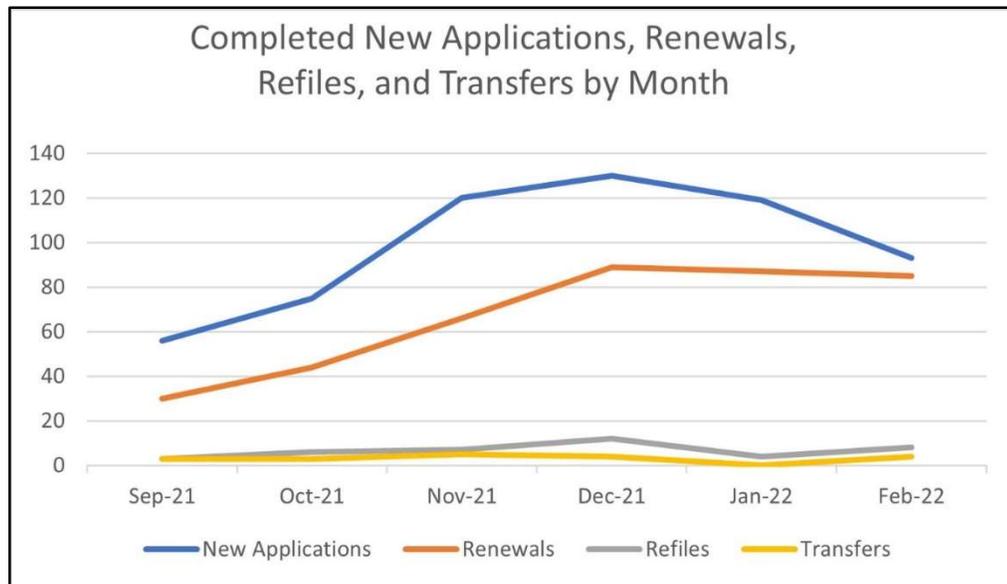


Figure 3. Suspensions and Revocations by Month

Suspensions and Revocations. Carriers can be suspended or revoked for varying failures to comply with licensing rules, such as not maintaining active insurance. Carriers also have the option to voluntarily suspend operations. Figure 3 shows both types of suspensions/revocations by month.

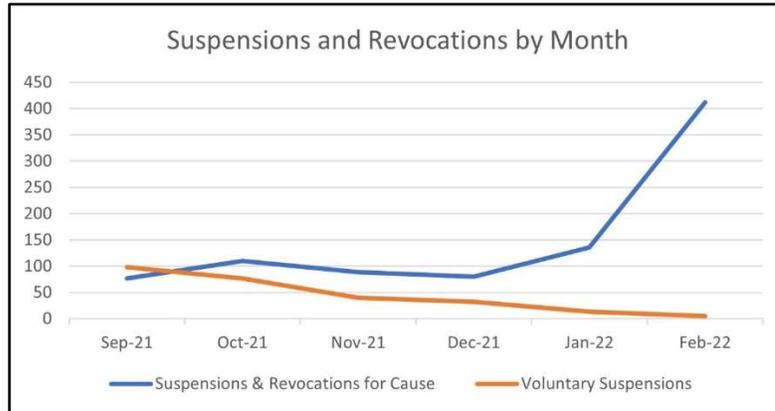


Figure 4. Average Processing Times

Average Processing Times. The total time to process an application, from initial receipt to issuance or denial of a permit or certificate, is dependent on internal processing time and on the time for external entities to provide necessary information. Upon receipt of an application, CPUC staff review the package for completeness and issue a deficiency notice to the carrier for any outstanding items. Examples of these items include insurance information filed by the carrier’s insurance agent, drug and alcohol testing information, and inspection by the California Highway Patrol for vehicles with a seating capacity of 11 or more. Figure 4 shows the average total processing time for the major categories of permits and certificates processed by TLAB.

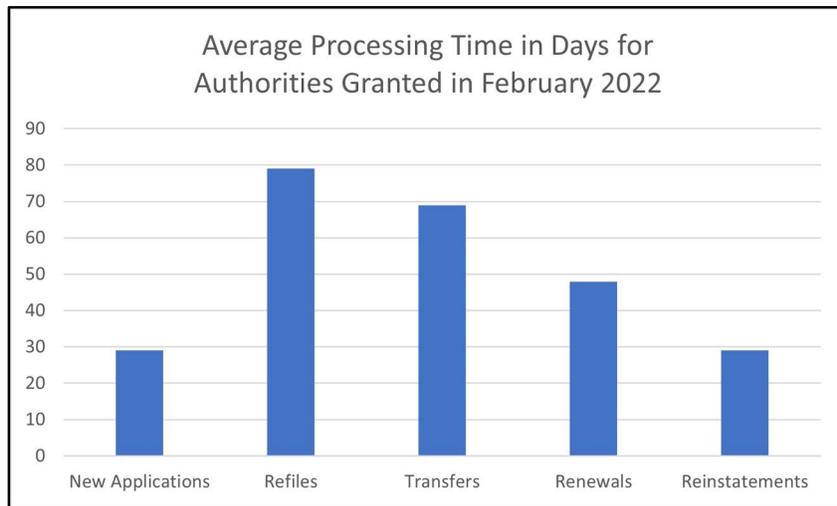
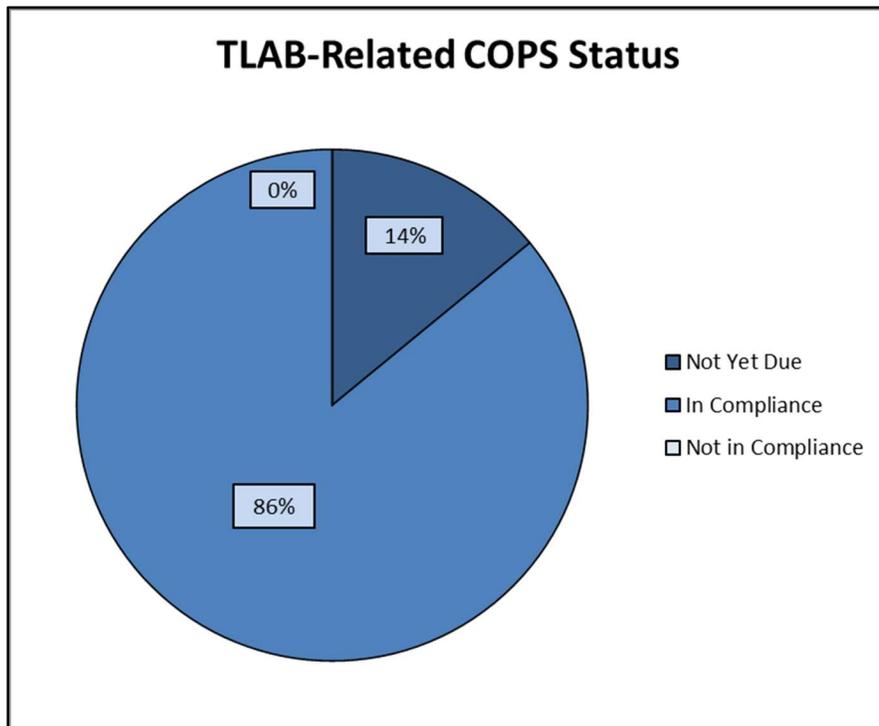


Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for **698** separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and California Department of Motor Vehicles (DMV) pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. OPs also introduce new reporting requirements and transportation policies. Figure 5 shows compliance with the Ordering Paragraphs.



Current Policy Proceedings. The Transportation Analysis Section supports three current proceedings. **R.12-12-011** develops regulations relating to transportation network companies and autonomous vehicles. **R.19-02-012** implements Senate Bill 1376, incentivizing transportation network companies to provide on-demand service for persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle. **R.21-11-004** implements the California Clean Miles Standard and Incentive Program, enacted through Senate Bill 1014, requiring the California Air Resources Board and the Commission to jointly work to lower greenhouse gas emissions from transportation network companies.

R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.

1. February 11, 2022: Opening Comments on Third Amended Phase III.C Scoping Memo questions on 2014-2019 Annual Reports filed by Lyft, Uber, HopSkipDrive, City of San Francisco, and San Francisco Taxi Workers Alliance.
2. February 25, 2022: Reply Comments on Third Amended Phase III.C Scoping Memo filed by Lyft and City of San Francisco.

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

1. February 10, 2022: Email Ruling extending deadline for Track 5A Proposals from Feb 11 to Feb 14.
2. February 14, 2022: Track 5A Proposals filed by CPED (Staff Proposal), Lyft, Uber, City of San Francisco, Disability Advocates, San Francisco Taxi Workers Alliance.

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

1. February 7, 2022: Emailing Ruling granting party status to Public Advocates Office.
2. February 16, 2022: Transcript of Feb 11 Prehearing Conference.
3. February 23-24, 2022: PHC Statements filed by: SFTWA, Joint Commenters (BlueGreen Alliance, Union of Concerned Scientists, Sierra Club, Rideshare Drivers United), Uber, Lyft, Waymo, Cruise, Public Advocates Office

Carrier Application Proceedings. The Transportation Licensing Section assists the Commission in the regulation of common carriers that include Passenger Stage Corporations and Vessel Common Carriers. **Passenger Stage Corporations (PSCs)** are carriers that transport passengers between points on an individual fare basis. Examples are fixed-route bus services and “share-the-ride” airport shuttle services. **Vessel Common Carriers (VCCs)** are carriers that transport persons or property between points within the state. Examples are commute ferry services in the San Francisco Bay and services between California mainland points and Catalina. PSCs and VCCs are common carriers and must file with the Commission through a formal process. Both carrier types require a “certificate of public convenience and necessity” (CPCN) from the Commission for the authority to operate in California.

- **A.19-09-011** / Application of PropSF, LLC (VCC94) to amend its Vessel Common Carrier Authorization to Add Unscheduled Prearranged Service Between Points in San Francisco, Marin, the Peninsula, and the East Bay, Establish Rates and a ZORF for Unscheduled Service, and Request a ZORF of 20% for Both Scheduled and Unscheduled Services / **02/10/2022 Decision granting application issued.**
- **A.21-06-006** / Application of Ventura Transit System, Inc. (PSC23334) to expand its passenger stage authority under to establish a scheduled route to serve three hotels in the immediate vicinity of the present service, under the existing Zone-of-Rate-Freedom (ZORF) granted in decision D.12- 01-023 / **02/14/2022 Application reassigned to ALJ Gerald F. Kelly**
- **A.22-01-017** / Application of Uber Technologies, Inc. (TCP38150) to Provide High-Capacity Vehicle Service / **02/24/2022 Application assigned to Comr. Genevieve Shiroma and ALJ Daphne Lee**

Joint Agency Collaboration/Outreach/Training

Joint Agency Collaboration. TLAB finds great value in sharing information and collaborating with other transportation-related agencies, including other regulatory agencies and city and county transportation agencies.

- Feb 1, 2022: Bi-weekly TLAB<>CARB Staff Coordination meeting on Clean Miles Standard implementation.
- Feb 2, 2022: TLAB<>DMV Staff Meeting regarding TNC data sharing and DMV's ongoing analysis.
- Feb 3, 2022: TLAB hosted meeting of eligible Local Access Fund Administrators to kick off second funding cycle for the TNC Access for All Program.
- Feb 10, 2022: TLAB hosted meeting of current Local Access Fund Administrators to discuss implementation progress.
- Feb 15, 2022: TLAB Presentation to DMV, CalSTA, and CHP on AV Deployment Program.
- Feb 17, 2022: CPED meeting with Caltrans regarding TNC Access for All implementation.
- Feb 23, 2022: CPED attended and presented at Q1 Interagency AV Update Meeting, including CPUC, DMV, CalSTA, OTS, Caltrans, CHP, SANDAG, CCTA.
- Feb 24, 2022: Bi-weekly TLAB<>CARB Staff Coordination meeting on Clean Miles Standard implementation.

Outreach and Education. TLAB provides outreach and education to potential and current carriers

through presentations on application fundamentals at venues such as SFO and LAX, and attendance at functions sponsored by transportation-related organizations such as the Greater California Livery Association and the California Bus Association.

- February 1, 2022: TLAB staff presented at a meeting of the Greater California Livery Association (GCLA) regarding operational details and regulatory requirements associated with providing transportation for the Super Bowl in Los Angeles.
- February 24, 2022: TLAB staff providing training to the San Jose Airport Ground Transportation Unit on how to use the Transportation Carrier Portal.

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

- Hot Weather Heat training
- New Employee Training
- Covid-19 Prevention Program Training
- TCT Phase 1-training
- Ethics Training
- Word Essential Training

TRANSPORTATION ENFORCEMENT BRANCH

The Transportation Enforcement Branch (TEB) regulates Charter-Party Carrier (TCP) of passengers in California to safeguard the public (e.g., limousines, airport shuttles, chartered and scheduled bus operators, Transportation Network Companies (TNC), and vessels) by ensuring compliance with Commission General Orders (GO), Public Utilities (PU) Codes, and other applicable laws and regulations. TEB ensures compliance through investigations, enforcement, proactive compliance inspections, and field surveillance and inspections. TEB also supports a consumer complaint 800 phone line ([Transportation Complaint \(ca.gov\)](https://www.cpuc.ca.gov/transportation-complaint)), and conducts outreach and training activities for passenger carriers, law enforcement, and prosecutors, on regulations that affect passenger carriers.

Consistent with the Commission's Strategic Directives¹ and Enforcement Policy², TEB developed the TEB Safety Management System that is implemented through the following concepts Transportation Safety Assurance, Transportation Risk Management, and Transportation Safety Promotion.

Transportation Safety Management System

TEB reports the following progress for February 2022, for the following program elements.

1. **Transportation Safety Assurance** - Assuring that the entities the Commission regulates comply with the law and have sufficient training and resources to ensure the safety of the public, their workers, and the environment. For TEB, this includes Investigations, Carrier Inspections, Field Operations, and related Enforcement Activities.
 - **Formal Enforcement Proceedings**
 - **I.21-12-001/Uber Technologies, Inc., and Uber Black Sub-carriers/ALJ Stevens/Commissioner Shiroma.** On December 2, 2021, the Commission opened an Order Instituting Investigation (OII) to determine whether passenger carriers violated any provisions of the Public Utilities Code or other applicable rules and regulations. February 01, 2022, ALJ Stevens held a Prehearing Conference to consider issues of party status, proceeding schedule, scope, and other procedural matters
2. **Transportation Risk Management** - Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.

¹ [CPUCs Strategic Directives \(ca.gov\)](https://www.cpuc.ca.gov/strategic-directives)

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

3. **Transportation Safety Promotion** - Supporting efforts to assure that the public and regulated transportation entities can make informed choices and know how to respond to unsafe situations. For TEB, this includes Training and Education, Outreach Efforts with Industry and Law Enforcement, and Commission Engagement.
 - On February 7, 2022, TEB's FEU met with Riverside Sheriff's Agricultural Crime Team to discuss transportation safety related matters.

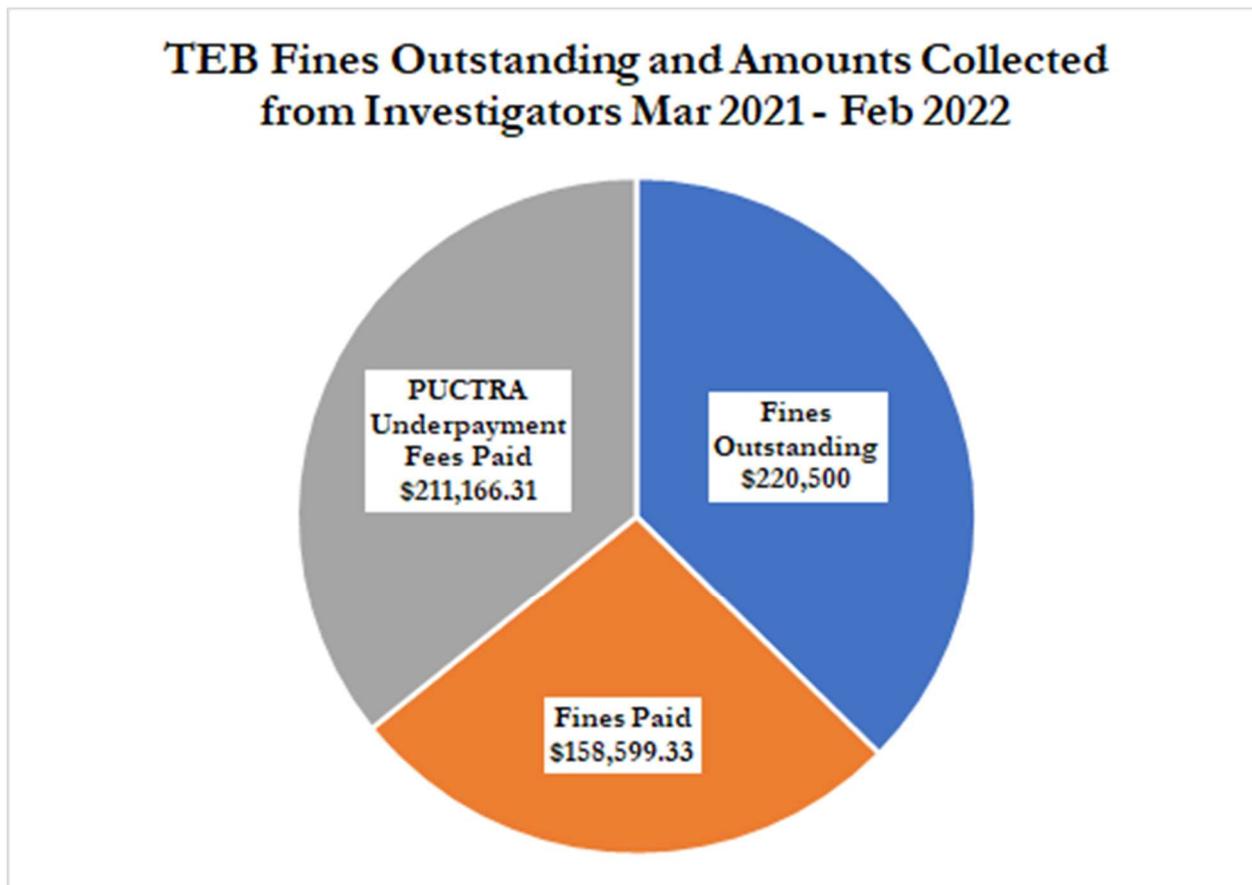
TEB Enforcement Activities

Table 2

12 Month Enforcement Activity	Mar 2021	April 2021	May 2021	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Total
Open Investigations	61	73	70	67	67	71	64	74	62	60	46	42	N/A
New Investigations	14	9	9	18	8	5	15	26	18	6	22	21	171
Investigations Completed	2	12	12	18	4	12	5	38	20	20	26	15	184
Investigations Open Longer than 6 Months	15	10	8	3	3	5	7	6	4	9	19	19	N/A
% of investigations Open Longer than 6 Months	60%	50%	47%	12%	9%	17%	20%	16%	11%	29%	41%	45%	N/A
Cease and Desist Notices	2	11	6	9	9	2	8	10	14	4	12	9	96
Warning Letters	0	0	0	1	0	1	6	3	7	4	2	2	26
Telephone Disconnects	0	1	0	0	0	1	0	0	1	0	0	0	3
Citations	8	2	4	6	2	4	6	3	4	3	8	3	53
Civil Compromise Actions	1	1	2	1	2	0	2	2	0	0	2	9	22
Vehicle Impounds	3	1	4	2	2	0	4	0	0	1	6	3	26

CPED Monthly Activity Report / February 2022

Figure 6



Consumer Intake Unit (CIU) Statistics

Table 3

February 2022 CIU Complaint Activity	
Open complaints as of February 1, 2022	1
New complaints received during month	9
Subtotal	10
Less: Complaints closed by CIU directly	2
Complaints Referred to Enforcement during month	8
Open CIU complaints as of February 28, 2022	0

Citation Appeal Proceedings

Table 4

Docket No.	Entity	Status
K.19-09-015	Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z)	Request filings submitted on 12/16/2021
K.20-06-003	David Gorgoyan dba Celebrity Rides (TCP 35518)	Reply briefs submitted on 9/13/2021
K.21-01-019	About Time Limousines LLC (TCP 21892)	Awaiting ALJ ruling
K.21-02-001	Bogale Getu Abebe., Hayward (TCP 32714)	Awaiting hearing date
K.22-01-004	Taco Tour LLC, San Diego, (TCP 38185)	Awaiting hearing date
K-22-01-005	Pro Limo Service, Tarzana, (TCP 35882)	Awaiting hearing date
K.22-02-004	Earl McLeod, Hayward, unlicensed	Awaiting hearing date
K.21-10-007	PLS Transportation Group	Awaiting hearing date

TEB Field Operations – Probable Violations and Observation Summary

Table 5

Month	Transportation Charter-Party (TCP)		Transportation Network Companies (TNC)		Passenger Stage Corporations (PSC)	
	Observed	Probable Violations	Observed	Probable Violations	Observed	Probable Violations
June 2021	229	8	707	147	1	0
July 2021	213	2	781	85	1	0
Aug 2021	254	4	930	102	2	0
Sept 2021	136	4	693	114	0	0
Oct 2021	192	10	862	107	0	0
Nov 2021	42	0	253	21	0	0
Dec 2021	148	4	487	40	0	0
Jan 2022	49	0	228	35	0	0
Feb 2022	96	0	558	131	0	0

Joint Operations with Law Enforcement Agencies

Table 6

Agency	Operation
Los Angeles International Airport (LAX)	TNC/TCP Passenger carrier inspection
LAX and Inglewood	Passenger carrier inspection during Superbowl 56 at LAX and Inglewood

UTILITIES ENFORCEMENT BRANCH (UEB)

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

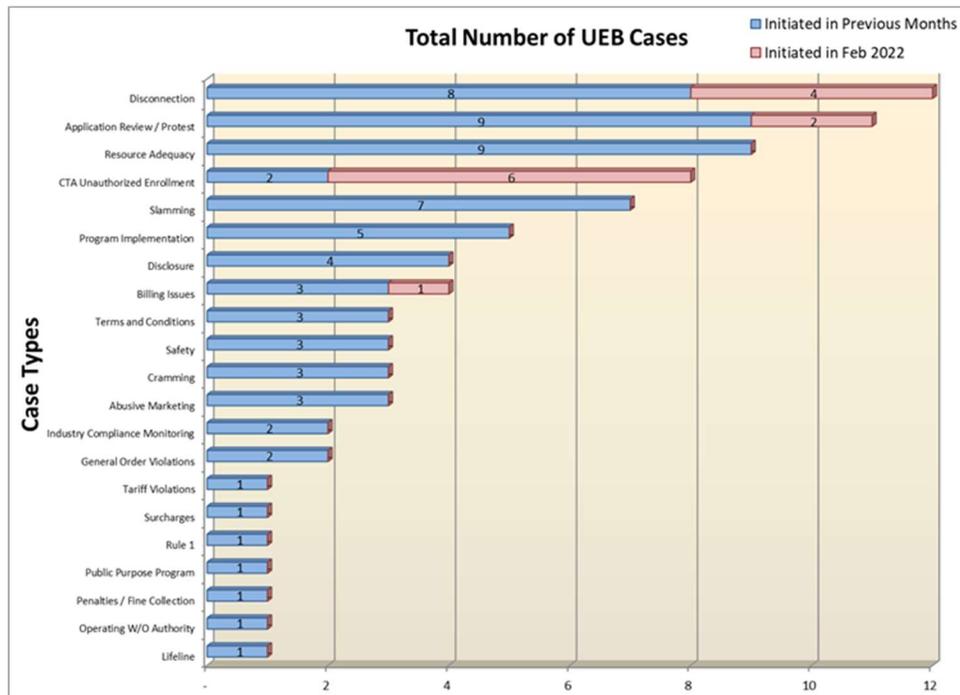
Monthly Highlights

- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-03-005):** On February 2, 2022, ALJ Goldberg issued an email ruling ordering statement and noticing status conference. On February 22, 2022, SDCP issued a response to ALJ Goldberg's February 2, 2022 Ruling.
- **Commercial Energy RA Citation Appeal (K.21-08-001):** On February 4, 2022, CPED and Commercial Energy filed a joint response to ALJ Chiv's January 4, 2022 ruling on disputed facts. On February 14, 2022, ALJ Chiv issued a ruling setting procedural schedule for testimony and briefs.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On February 9, 2022, CPED responded to SDCP data request #1 dated January 26, 2022. On February 21, CPED received SDCP data request #2. On February 25, 2022, CPED issued DR-ELE-186-2 to SDCP.

Key Activities

UEB is working on a total of 83 cases. Investigations center primarily on Disconnections, Application Review, Resource Adequacy and CTA Unauthorized Enrollment. UEB's cases come from a variety of sources, with Inter-Division referrals and UEB's own scanning activities playing key roles.

UEB Total Number of Cases by Type as of February 28, 2022



Citations/Fines/Reparation

UEB did not issue any fines, penalties, or citations during the month of February 2022. To date, there are no fines, reparations or penalties imposed in 2022.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2022	\$0
February 2022	\$0

- **Resource Adequacy (RA) Citation Program:** UEB issues citations and levies fines to enforce Load Serving Entities' (LSE) compliance with system, local, and flexible resource adequacy requirements pursuant to Resolution E-4195, as modified by Decisions 10-06-036, 11-06-022, 14-06-050, 19-06-026, and 20-06-031. In January, UEB did not issued any new RA citations and received new collections.
- **Core Transport Agent (CTA):** UEB reviews CTA-related complaints received by the Commission to enforce compliance with the standards for verification of change in provider requirements in D. 18-02-002, and to identify acts constituting grounds for suspension or revocation of registration pursuant to Pub. Util. Code Section 983.5.

In February, UEB reviewed 77 CTA-related complaints received by the Consumer Affairs Branch (CAB) in January 2022 and identified 17 needing investigation for potential unauthorized enrollment. Staff identified 9 duplicate cases. On February 16, 2022 staff issued 6 data requests for proof of enrollment authorization for 17 customers. February's CTA investigation is ongoing, as CTA responses are due March 2, 2022.

Table 8. UEB CTA-Related Complaints

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total Reviewed	Unauthorized Enrollment				
January	77	17	6	pending	0	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of January. UEB was responsible for 41 separate Ordering Paragraphs. As of February 2022, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

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

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

UEB-Related Proceedings

Table 9. UEB-Related Proceedings

Docket No.	Title	ALJ	Commissioner
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Aceves

I.17-04-021	Order Instituting Investigation on the Commission's Own Motion into the Billing Practices of Southern California Gas Company (U904G); and Order to Show Cause Why the Commission Should not Revise Rule No. 14, Impose Penalties and/or Other Remedies for Extending Billing Periods and Issuing Untimely Monthly Bills.	Ayoade	Rechtschaffen
I.19-12-009	Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of Frontier Communications to Determine Whether Frontier Violated Laws, Rules and Regulations through Service Outages and Interruptions and Disclosing and Publishing Customer Addresses.	Zhang	Batjer
K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A
K.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.21-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Golberg	N/A
K.21-03-006	Appeal of Western Community Energy to citation E-4195-99 issued on February 9, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
K.21-08-001	Appeal of Commercial Energy to citation E-4195-100 issued on July 1, 2021 by Consumer Protection & Enforcement Division.	Chiv	N/A

Outreach/Training/Other Activities

State National Action Plan (SNAP): On February 15, 2022, the FCC updated the States on the Affordable Connectivity Program (ACP). The ACP benefit, released on February 14, provides a discount of up to \$30 per month toward internet service for eligible households and up to \$75 per month for

households on qualifying Tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if they contribute more than \$10 and less than \$50 toward the purchase price. The ACP is limited to one monthly service discount and one device discount per household. All carriers will be offering this program and customers can check the FCC website to see if they qualify.