

Decision 21-03-059

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement Registration of Third Party Natural Gas Procurement Service Providers, Known as “Core Transport Agents,” pursuant to Public Utilities Code Sections 980-989.5 to Regulate non-rate matters, including Registration Standards, Complaint Resolution Practices, and Minimum Standards of Consumer Protection.

Rulemaking 14-03-002

ORDER CORRECTING ERRORS IN DECISION 18-02-002

Pursuant to Commission Rules of Practice and Procedure, Rule 16.5, this order corrects several obvious errors in Appendix A of Decision (D.) 18-02-002, Decision on Phase Two Issues Regarding Core Transport Agents. Appendix A is the Core Transport Agent Registration Application Form. While converting Appendix A of D.18-02-002 to a form that can be completed electronically, the Commission’s Energy Division discovered several grammatical and typographical errors in the form.

The following errors have been discovered and are obvious errors:

- Removed bolding from “Please print or type.”
- Added a period to each incidence of “(Attach additional page if necessary.)”
- Question 7: added a comma after “If a partnership.”

- Question 8: added a comma after “If a limited liability company.”
- Question 9: added a comma after “government entity.”
- Question 10: added a comma after “other.”
- Question 11: changed “ten” to “10.”
- Question 12: changed “hold” to “holds” and “five” to “5.”
- Question 14a: changed the verbiage from “Please provide a brief description of the gas services you plan to offer” to “Please describe the types of gas service programs you plan to provide.”
- Question 14b: changed “which” to “that” and fixed the spacing between the checkboxes.
- Question 14c: changed “which” to “that.”
- Question 16a: changed “that” to “who.”
- Question 16b: changed “On” to “In.”
- Question 17: added the word “Provide.”
- Question 19b: changed “ten” to “10.”
- Question 20: changed “which” to “who” and “which” to “that.” Removed the comma before “and the date.”
- Under section, Additional Requirements and Notice:
 - changed the order of words from “with a cash (cashier’s check) security deposit” to “with a cash security deposit (cashier’s check);
 - replaced D17-__-__ with D.18-02-002;
 - changed “five percent” to “5 percent”;
 - changed “include” to “includes”; and
 - changed “ten years” to “10 years.”
- In the “Declaration: section, capitalized “Date” and “Place of Execution.”

Attached to this Decision is the revised application form with the grammatical errors corrected. In addition to the grammatical errors, the final

form was revised to accommodate being an electronic form and the following formatting changes have been made:

- All questions with lines to provide information were changed to a fillable text box.
- Moved the section that begins, “Mail completed application to address below” and ends with the “FOR CPUC USE ONLY” box to the end of the application.
- Added reminders for the other required documents that should be included with the application to this section.
- In the “Declaration” section, added the ability to sign digitally.

Pursuant to Commission Resolution A-4661 and Rule 16.5 of the Commission’s Rules of Practice and Procedure, the Commission’s Executive Director is authorized to sign, on behalf of the Commission, orders involving the correction of clerical and other obvious inadvertent errors and omissions in Commission decisions. Accordingly, the corrections to Appendix A of Decision 18-02-002 should be adopted pursuant to Commission Resolution A-4661 and Rule 16.5 of the Commission’s Rules of Practice and Procedure.

Findings of Fact

1. Appendix A (the Core Transport Agent Registration Form) of Decision 18-02-002, Decision on Phase Two Issues Regarding Core Transport Agents, contains several grammatical and typographical errors, as shown in the bullets above.
2. The grammatical and typographical errors listed in the bullets above are obvious errors.

Conclusions of Law

1. The grammatical and typographical errors listed in the bullets above should be corrected.
2. Commission Resolution A-4661 and Rule 16.5 of the Commission’s Rules of Practice and Process authorize the Commission’s Executive Director to sign

orders involving the correction of clerical and other obvious inadvertent errors and omissions in Commission decisions.

3. Rulemaking 14-03-002 should be closed.

IT IS RULED that:

1. Appendix A of Decision 18-02-002 is revised to correct the grammatical errors and is replaced with Attachment 1 of this decision.

2. Rulemaking 14-03-002 is closed.

This order is effective today.

Dated March 30, 2021, at San Francisco, California.

/s/ MICHELLE COOKE for

RACHEL PETERSON
Executive Director

Attachment 1

Revised Appendix A of Decision 18-02-002
Core Transport Agent Registration Form

California Public Utilities Commission CORE TRANSPORT AGENT REGISTRATION APPLICATION FORM

FOR CPUC USE ONLY CTA No.

PLEASE PRINT OR TYPE

1. Exact Legal Name of Registrant:

If registrant is conducting business in California under a fictitious business name, list all the names under which the registrant is doing business as (DBA) in California and the date and county in which the fictitious business name statement was filed. (Attach additional page if necessary.) For each DBA, provide a copy of the proof of publication of the fictitious business name or a copy of the certified fictitious business name statement. (See Business & Professions Code Sections 17910, 17917, 17926)

DBA	Date	County
DBA	Date	County
DBA	Date	County
DBA	Date	County

2. Current Address:

Address

State	Zip Code	City

3. Current Telephone Number: _____

4. Type of Ownership:

Individual

Partnership

Corporation

Limited Liability Company

Government Entity

Other

5. If you are a non-California corporation, limited liability company, or limited partnership, attach a copy of the certificate from the California Secretary of State permitting the entity to transact business in California. ([See Corporations Code Section 2105](#))

6. a. If registrant is a corporation, the state in which the registrant is incorporated and

Date of Incorporation: _____ **State of Incorporation:** _____

b. List names and titles of corporate officers. (Attach additional page if necessary.)

7. If a partnership, list all general partners. (Attach additional page if necessary.)

8. If a limited liability company, list all managers and/or officers and their titles. For the purpose of this document, a manager shall be considered anyone who has charge of a branch establishment, division, or department of the registrant's energy-related operations. (Attach additional page if necessary.)

9. If registrant has listed type of ownership as “government entity,” provide the names and titles of the personnel responsible for managing the sale of gas to residential and small commercial customers and attach a brief description of the government entity. (Attach additional page if necessary.)

10. If registrant has listed type of ownership as “other,” describe the type of ownership, list the names and titles of all managers or officers, and attach a copy of the document establishing the entity as well as the bylaws or similar governing document of the entity. (Attach additional page if necessary.)

11. If the type of ownership is a corporation, provide a listing of the names and addresses of all persons or entities that directly or indirectly own, control, or hold the power to vote 10 percent or more of the outstanding voting securities of the registrant. Alternatively, attach any report required by the Securities and Exchange Commission which details such an interest.

12. List the names and addresses of all the corporate registrant’s affiliates in which the registrant owns, controls, or holds 5 percent or more of the affiliate. If this information is contained in any report required by the Securities and Exchange Commission, that report may be submitted in lieu of the information. See the “NOTICE” section for the definition of an “affiliate.”

13. The street address and telephone number of the registrant’s principal place of business, if *different* from the current address and telephone number listed in line numbers 2 and 3:

Address

City	State	Zip Code
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Telephone Number

14. a. Please describe the types of gas service programs you plan to provide.

b. Check the box or boxes that describe what customer classes you plan to serve.

Residential Customers

Small Commercial Customers

**Medium to Large Commercial
Customers**

Industrial Customers

c. Check the box or boxes that best describe the geographic area in which you plan to offer gas services.

Northern California Counties

Southern California Counties

Statewide

Central California Counties

d. Indicate the number of customers you plan to serve: _____

e. Indicate the average number of therms you expect to provide per month: _____

15. Before you can apply to register as a Core Transport Agent (CTA), you are required to execute a service agreement with each Utility Distribution Company (UDC) in whose service territory you plan to do business. State the name of each UDC for which you have a signed service agreement. Attach to this form an executed copy of each UDC-CTA agreement.

Name of UDC(s):

16. a. Provide the names and titles of the key personnel who are involved in the technical and operational aspects of the business.

b. In a separate attachment, describe each key person's experience in the sale, procurement, metering, and billing of natural gas or similar products, including the time period of such experience. CTAs may submit resumes of the key technical and operational personnel if the resume includes the requested information.

c. If your company is not providing billing services, provide the names of the companies who will provide that service on your behalf, and provide a description of their experience in those areas.

ADDITIONAL REQUIREMENTS AND NOTICE:

Each CTA registered with the California Public Utilities Commission (CPUC) should be familiar with all the laws and decisions pertaining to the offering of gas services to customers in California. This “Additional Requirements and Notice” mentions some of the provisions that the CTA must abide by.

To be issued a CTA registration number, you are required to provide the CPUC with a cash security deposit (cashier’s check) in the initial minimum amount of \$25,000 or post a financial guarantee bond in favor of the CPUC in that amount. This deposit must be received by the CPUC before your CTA registration will be considered complete. The deposit or financial guarantee bond shall be delivered to the Energy Division address listed on the first page of this form. Alternatively, the CTA may elect to open a customer trust account in a format approved by the CPUC’s General Counsel. Pending such an approval, the CTA must post the cash deposit or the financial guarantee bond.

In accordance with the security deposit schedule adopted in Decision 18-02-002 (D.18-02-002), as the number of customers increases for the CTA, bringing the CTA to the next customer threshold level, the CTA shall within 10 days of that triggering event increase the financial resource amount to the applicable amount.

In accordance with Public Utilities Code §§ 984.5(a) and 986(b) and D.18-02-002, each CTA registering with the CPUC shall provide at the time it registers a copy of the written notice of the terms and conditions of its standard service plan. The latest version of the written notice shall be provided to the Director of the Energy Division on a semi-annual basis as required by D.18-02-002.

Prior to signing up and initiating service on behalf of any residential or small commercial customer, all registered CTAs serving such customers are required to provide the potential customer with a written notice that describes the price, terms, and conditions of service. The notice shall include all of the elements required by Public Utilities Code § 986 and the requirements set forth in R.14-03-002.

Public Utilities Code § 987 prohibits all CTAs from soliciting those residential and small commercial consumers whose names appear on the Do Not Call list that is maintained pursuant to that code section.

In order to change the gas provider of a residential or small commercial customer, all CTAs must follow the verification procedures set forth in the rules provided by the UDC in whose territory they are conducting business.

Each registered CTA serving residential or small commercial customers is required to submit annual filings containing information regarding its standard service plans. This information is to be submitted in the standard format adopted by the CPUC (Public Utilities Code § 984.5).

In addition to the \$100 registration fee, you are required to pay the annual fee required by Public Utilities Code § 984 (b). This fee is assessed on each registered CTA on September 1st of each year.

For the purposes of this form, the following definition of an “affiliate” applies:

“Affiliate” means any legal entity in which 5 percent or more of the outstanding shares are owned, controlled, or held with power to vote, directly or indirectly either by the CTA or any of its subsidiaries; or by the CTA’s controlling entity or any of its subsidiaries; or by any company in which the CTA, its controlling entity, or any of the CTA’s affiliates, exert substantial control over the operation of the company or indirectly have substantial financial interests in the company which is exercised through means other than ownership. For purpose of this definition, “substantial control” includes, but is not limited to, the possession, directly or indirectly and whether acting alone or in conjunction with others, of the authority to direct or cause the direction of the management or policies of the company. A direct or indirect voting interest of 5 percent or more by the CTA in an entity’s company creates a rebuttable presumption of control.

Any material change in the information required by this form shall be provided to the CPUC within 60 days, except for any change in the CTA’s telephone number or address, which shall be reported within five days of such a change. (Public Utilities Code § 982 (d)).

In addition, any CTA attempting to register with the CPUC must attach to this form a statement stating the following:

“Neither the applicant, nor any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) with more than 10 percent interest in the applicant, or anyone acting in a management capacity for applicant has: (A) held one of those positions with a company that filed for bankruptcy in the last 10 years, (B) been personally found liable, or held one of those positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others, (C) been convicted of a felony, (D) been (to his or her knowledge) the subject of a criminal referral by a judge or public agency, (E) had a license of operating authority denied, suspended, held, revoked, or limited in any jurisdiction, (F) personally entered into a settlement, or held one of those positions with a company that has entered into settlement, of criminal or civil claims involving violations of Chapter 4 (commencing with Section 17000) of Part 2 of, or Part 3 (commencing with Section 17500) of Division 7 of, the Business and Professions Code or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclosure, or misrepresentations to consumers or others, (G) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries, or (H) entered into any settlements or agreements, made any voluntary payments, or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.”

The above statement must be signed by an officer of the registrant. The registrant may include an attachment to its statement providing additional information relevant to the CPUC’s consideration for any individuals for whom the statement cannot be verified.

Submit the original signed form together with all required documents and three additional copies.

DECLARATION

If this registration form is verified outside of California, the verification must be made by an affidavit sworn or affirmed before a notary public.

I, (print name and title) _____ hereby certify that I am empowered to act on behalf of _____ (registrant's name) and to make this application on its behalf. I declare under the penalty of perjury under the laws of the State of California that I have read the above notice, that the above statements and information submitted in connection with this application are true and correct, and that any documents furnished in connection with this application are true and correct copies.

Dated this _____ at _____
(Date) (Place of Execution)

Signature: _____

Mail completed application to address below along with:

- \$100.00 certified check with 0462-800 written on the front
- Complete fingerprint information (see question No. 20)
- UDC-CTA agreement
- Description of key personnel's natural gas experience
- An explanation of any felony convictions or civil, criminal, or regulatory sanctions
- A copy of written notice of the terms and services of its standard services

State of California Public Utilities Commission
Energy Division - CTA Registration
505 Van Ness Avenue, San Francisco, CA 94102-3298

INCOMPLETE APPLICATIONS CANNOT BE PROCESSED

<p>FOR CPUC USE ONLY Application Processed</p> <p>By: _____</p> <p>Date: _____</p>
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