

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

November 2021



**California Public
Utilities Commission**

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OVERVIEW

The Consumer Protection and Enforcement Division (CPED) implements California Public Utilities Commission (Commission) regulations, policies, and licensing for transportation carriers; investigates and enforces against passenger carrier misconduct; and investigates allegations of utility waste, fraud, and abuse. CPED is comprised of two separate programs: Passenger Transportation and Utilities Enforcement.

This report contains information reflecting the month's performance within each CPED program. Information about each program is collected in six different sections: (1) Key Activities, (2) Citations/Fines/Refunds/Telephone Disconnects, (3) Compliance with Ordering Paragraphs, (4) Docket Activity, (5) Outreach/Training/Other Events, and (6) Legislation of Interest.

PASSENGER TRANSPORTATION

The Commission's Transportation Program oversees for-hire passenger carriers (limousines, airport shuttles, chartered and scheduled bus operators, transportation network companies and ferries). The Program consists of two branches: The Transportation Enforcement Branch (TEB) which has three Units, the Airport Enforcement Unit (AEU), Compliance Enforcement Unit (CEU), and Field Enforcement Unit (FEU); and the Transportation Licensing and Analysis Branch (TLAB).

TEB investigates alleged violations, conducts joint inspections, issues warning notices and citations, prosecutes enforcement cases before the Commission and supports civil and criminal cases brought by local prosecutors, such as a district or city attorney. TEB also supports a consumer complaint 800 phone line and conducts outreach activities to educate consumers, carriers, and state and local law enforcement and prosecutors on consumer protection statutes, regulations and policies that affect passenger transportation.

TLAB's Licensing Section analyzes applications from carriers, writes proposed decisions to approve or deny a carrier's CPCN application, issues permits and certificates, and tracks carrier compliance with permit requirements while TLAB's Analysis Section functions as the Commission's subject matter expert on policy matters, and advises decision makers regarding for-hire carriers.

Citations/Fines/Refunds/Telephone Disconnects

Investigations

In November 2021, TEB closed 29 investigation cases and initiated 18 new cases.

Table 1. TEB Enforcement Activity

12-Month Enforcement Activity	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	Sept 2021	Oct 2021	Nov 2021	Totals
Open Investigations	87	81	61	61	73	70	67	67	71	64	74	62	N/A
New Investigations Initiated	6	0	6	14	9	9	18	8	5	15	26	18	134
Investigations Completed	12	20	6	2	12	12	18	4	12	5	38	29	170
Cease and Desist Notices	8	7	11	2	11	6	9	9	2	8	10	14	97
Warning Letters	2	1	0	0	0	0	1	0	1	6	3	7	21
Telephone Disconnects	0	0	0	0	1	0	0	0	1	0	0	1	3
Citations	2	5	2	8	2	4	6	2	4	6	3	4	48
Citations Appealed	1	2	0	0	1	0	0	0	0	1	1	0	6

Consumer complaints increased by two complaints in November compared to the prior month. This month, the Consumer Intake Unit (CIU) received 11 complaints.

Table 2. TEB CIU Complaints Received

November 2021 CIU Complaint Activity	
Open complaints as of November 1, 2021	3
New complaints received during month	11
Subtotal	14
Less: Complaints closed by CIU directly	5
Complaints Referred to Enforcement during month	7
Open CIU complaints as of November 30, 2021	2

Table 3. CIU Complaints Referred to TEB

	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	Sept 2021	Oct 2021	Nov 2021
Open Investigations as of first day of Month	20	18	17	21	25	20	17	26	32	30	35	37
New Investigations Initiated	0	0	4	5	0	1	15	7	2	9	7	6
Closed Investigations During Month	2	1	0	1	5	4	6	1	4	4	5	9
Open Investigations as of last day of month	18	17	21	25	20	17	26	32	30	35	37	34
Investigations open longer than 6 months	10	9	12	15	10	8	3	3	5	7	6	4
% Of total investigations open longer than 6 months	56%	53%	57%	60%	50%	47%	12%	9%	17%	20%	16%	12%

Table 4. TEB Fines Assessed, Fines Paid, Consumer Refunds and PUCTRA Underpayment Fees

TEB Fines/Refunds	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	June 2021	July 2021	August 2021	Sept 2021	October 2021	Nov 2021	Totals
Fines Assessed	\$25,000	\$31,000	\$10,000	\$36,000	\$11,000	\$10,000	\$10,000	\$20,000	\$13,000	\$32,000	\$7,000	\$14,500	\$219,500
Fines Paid	\$3,900	\$5,650	\$2,700	\$11,800	\$13,375	\$11,360	\$9,590	\$17,755	\$14,375	\$15,940	\$14,257	\$8,090	\$128,792
Refunds & CIU Settlements	\$0	\$0	\$115	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$115
PUCTRA Underpayment Fees Paid	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,943	\$116,943	\$68,282	\$0	\$4,429	\$195,597

Citations

All citations below were issued in November, and some may be under appeal or awaiting a hearing before an Administrative Law Judge.

- T.21-11-001. Lux Bus America Co. Anaheim (TCP 22650) Case PSG-5543. Fine: \$2,000. Violations: carrier 1) Engaged an unlicensed sub-carrier.
- T.21-11-002. Zum Services, Inc., Redwood City (TCP 35590) Case PSG-5563. Fine: \$5,000. Violations: carrier 1) Failed to provide secured child passenger safety restraint.
- T.21-11-003. Cal Wonders, Inc., Sylmar (TCP 37447). Case PSG-5589. Fine: \$1,500. Violations: carrier 1) Operated as a charter party carrier after revocation of its operating authority.
- T.21-11-004. Vineyard Coast Transportation LLC, Temecula (TCP 28743). Case PSG-5651. Fine: \$6,000. Violations: 1) Operated after revocation; 2) operated without \$1.5 million PL&PD; and 3) driver operated without proper CDL Class. Driver also operated without CHP inspection and advertised without authority.

Statewide Airport Enforcement Unit Surveillance Activities

- TEB conducted field activities and surveillance at major airports throughout California. Targeted airports included Los Angeles, San Diego, Orange County, Long Beach, Hollywood-Burbank, Ontario, Palm Springs, San Francisco, Oakland, and San Jose. The main purpose was to monitor passenger carrier transportation activities.

In November 2021, AEU conducted surveillance at ten airports. The number of Transportation Charter-Party (TCP) / Transportation Network Company (TNC) / Passenger Stage Corporation (PSC) violations decreased by 86 in November compared to the prior month. This month, AEU found 21 TCP/TNC/PSC violations.

Table 5. AEU Surveillance Findings

AEU Surveillance Activity	June 2021	July 2021	Aug 2021	Sept 2021	Oct 2021	Nov 2021	TOTALS
# of TCP observed	229	213	254	136	192	42	1066
# of TCP violations found	8	2	4	4	10	0	28
% of TCP violations found	3.49%	0.9%	1.6%	2.9%	5.2%	0%	2.62%
# of TNC observed	707	781	930	693	862	253	4,226
# of TNC violations found	147	85	102	114	107	21	576
% of TNC violations found	20.79%	10.88%	11.0%	16.45%	12.41%	8.30%	13.63%
# of PSC observed	1	1	2	0	0	0	4
# of PSC violations	0	0	0	0	0	0	0
% of PSC violations found	0%	0%	0%	0%	0%	0%	0%

Los Angeles Airport Citation Program

Table 6. LAX Citations and Fines Collected

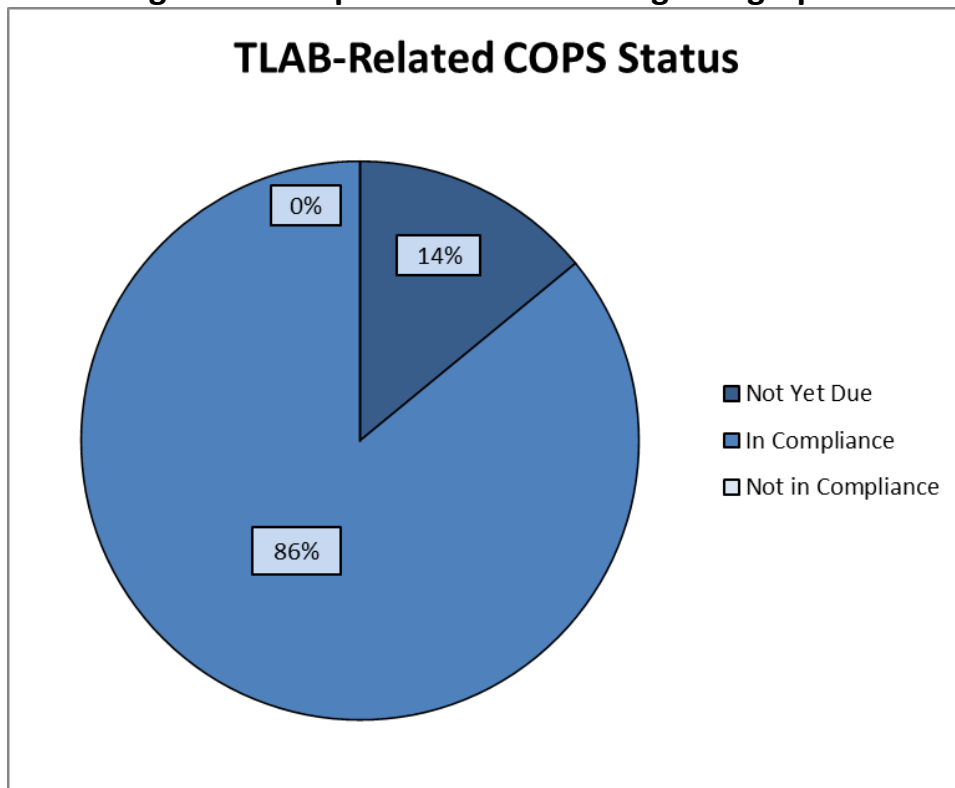
Month	Citations issued by LAX	Citations issued by the Commission	Vehicles impounded	C&D letters issued by the Commission (at LAX only)	Total fines collected
December 2020	0	0	0	0	\$0
January 2021	0	0	0	0	\$0
February 2021	1	0	0	5	\$0
March 2021	2	1	1	2	\$1,000
April 2021	1	1	1	1	\$1,000
May 2021	4	2	4	4	\$2,000
June 2021	2	1	2	2	\$1,000
July 2021	2	2	2	6	\$2,000
August 2021	0	0	0	8	\$0
September 2021	4	2	4	4	\$2,000
October 2021	1	2	0	3	\$2,000
November 2021	1	0	0	1	\$0
Totals	18	11	14	36	\$11,000

Telephone Disconnects

- PSG 5584. GETTRANSFER LTD dba GETTRANSFER.COM and Voximplant, New York City, NY (Unlicensed). Carrier advertised and offered transportation services without valid authority. The advertisement listed a California phone number. Notwithstanding CPED’s Cease and Desist letter directing the carrier to immediately cease all unlawful advertisements and operations in California, carrier continued to violate the law. On November 18, 2021, CPED obtained a Finding of Probable Cause signed by Los Angeles County Superior Court District Judge Alfred A. Colleta. The Finding orders disconnection of telephone service to the California number advertised and used by carrier to violate criminal laws in the State of California.

Compliance with Ordering Paragraphs

Figure 1. Compliance with Ordering Paragraphs



The Transportation Program is currently responsible for 656 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.

Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.**
 - 1) November 1, 2021: ALJ Ruling issuing CPED Staff AV Application Guidance
 - 2) November 18, 2021: Comments received on PD adopting the Uber/CPED/RAINN Joint Settlement Agreement (Uber/CPED/RAINN, SEIU Local 1021 and Local 721, ValorUS)
 - 3) November 23, 2021: Reply comments received on PD adopting the Uber/CPED/RAINN Joint Settlement Agreement (Uber/CPED/RAINN, Raliance)
 - 4) November 24, 2021: ALJ Ruling Granting in Part Motions for Confidential Treatment of TNC Annual Report Data by HopSkipDrive, Uber, Lyft, and Nomad
- **R.19-02-012 / TNC Rulemaking / Chiv / Shiroma.**
 - 1) Track 4 Decision voted out at November 4, 2021 Commission Voting Meeting.
- **R.21-11-004 / Clean Miles Standard / Wang / Shiroma.**
 - 1) OIR voted out at November 18, 2021 Commission Voting Meeting.

Formal Enforcement Proceedings

- **No Order Instituting Investigation (OII)**

Citation Appeal Proceedings

- **K.19-09-015 / Jordan & Associates Investments, dba Sun Buggy Fun Rentals (TCP 38563-Z) Appeal / ALJ Kim.** Concurrent Opening Briefs were filed by July 15, 2021, and Concurrent Reply Briefs filed by August 5, 2021. No update for November 2021.
- **K.20-06-003 / David Gorgoyan dba Celebrity Rides (TCP 35518) Appeal / assigned to Administrative Law Judge (ALJ) Sasha Goldberg.** Opening briefs were submitted on September 13, 2021, and Reply Briefs were submitted September 28, 2021. Awaiting next steps.
- **K.21-01-019 / About Time Limousines LLC (TCP 21892). Appeal / ALJ Thomas J. Glegola.** On

February 25, 2021, Docket Office informed defendant that his appeal was successful and officially filed. Awaiting ALJ ruling.

- **K.21-02-001 / Bogale Getu Abebe., Hayward (TCP 32714).** Compliance Filing for Citation F-5729 was filed February 16, 2021. No hearing date set.
- **K.21-09-015 / GoGo Charters LLC (Unlicensed) Appeal / assigned to ALJ Peter Wercinski.** Compliance filing due October 13, 2021. No hearing date set.
- **K.21-10-007 / PLS Transportation Group Inc dba Paseo Limousine (TCP 32070) Appeal / assigned to ALJ Patricia Miles.** On October 25, 2021, the CPUC received defendant's appeal (Citation T.21-08-004 imposing a \$6,000 fine). On November 2, 2021, the appeal was filed by ALJ Docket Office and assigned to ALJ Miles.

Carrier Application Proceedings

- **A.21-06-008 / Application of Tideline Marine Group, Inc. DBA Tideline Water Taxi to amend VCC-93 / 11/02/2021 Proposed Decision issued**
- **A.21-06-006 / Application of Ventura Transit System, Inc. to expand its passenger stage authority under (PSC-23334) 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, dated January 12, 2012 / 11/22/2021 Application assigned to ALJ Mathews**
- **A.20-09-005 / Application of Blue & Gold Fleet, L.P. a Delaware Limited Partnership (VCC-77), for Authorization to Discontinue Scheduled Passenger Transport Service Between San Francisco and Tiburon / 11/18/2021 Decision 21-11-012 issued**

Outreach

- On November 15, 2021, FEU reached out to Riverside Sheriff's Agricultural Crime Team, to discuss future joint enforcement efforts in Temecula.

Training for Managers, Supervisors, and Staff

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

Joint Agency Collaboration

- TEB investigators, San Francisco International (SFO) Airport Ground Transportation Unit (GTU), and SFO Airport Police working jointly on an ongoing basis, to address complaints of unlicensed providers of passenger transportation at SFO.
- Nov 4, 2021: TLAB Staff Coordination meeting with CARB on Clean Miles Standard implementation
- Nov 14, 2021: TLAB Staff introductory call with Caltrans regarding interest in serving as a Statewide Access Fund Administrator for the TNC Access for All Program
- Nov 24, 2021: TLAB Staff Coordination meeting with DMV on Autonomous Vehicle program implementation

UTILITIES ENFORCEMENT BRANCH

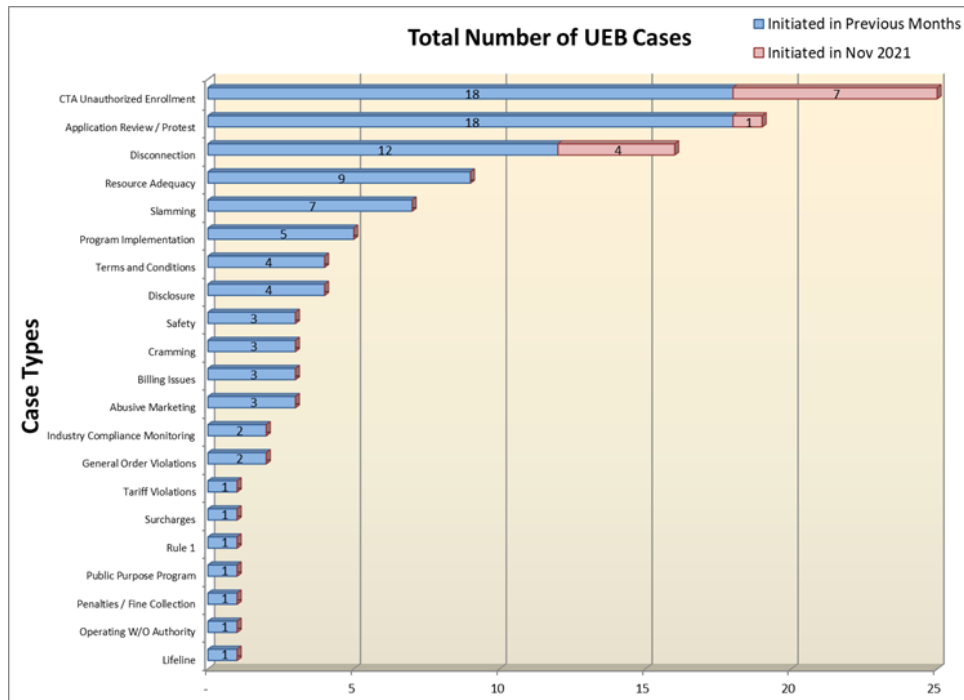
UEB protects California utility consumers from fraud and abuse by developing enforcement mechanisms and ensuring service providers comply with consumer protection laws and regulations. UEB investigates alleged violations by utilities, including communications (both wireline and wireless), energy (both 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.

- **Frontier Communications Service Outage OII (I.19-12-009):** On November 4, 2021, CPED and Frontier filed a joint motion for adoption of a revised settlement agreement. Under the settlement agreement, Frontier agrees to a disgorgement of \$3.5 million relating to the issues in this proceeding, consisting of \$996,000 in customer credits that Frontier paid to customers for service outages and related service quality issues during the Verizon transition period, \$1,050,000 penalty to the State’s General Fund for the release of customer address information, and \$1,454,000 penalty to the State’s General Fund for the outages and service interruptions during the cutover from Verizon. On November 10, 2021, ALJ Zhang issued an email ruling granting Frontier’s motion to stay the proceeding schedule.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-03-005):** On November 5, 2021, ALJ Goldberg issued an email ruling scheduling a status conference for November 10, 2021. On November 22, 2021, ALJ Goldberg issued an email ruling ordering briefing and noticing status conference.
- **Shell Energy North America (SENA) RA Citation Appeal (K.21-11-018):** On November 22, 2021, SENA filed a Notice of Appeal of Citation No. E-4195-0113 in the amount of \$567,132.50 issued by CPED on October 21, 2021. On November 24, 2021, SENA filed a motion to stay the appeal until after the Commission acts on SENA’s September 22, 2021 application for rehearing of Resolution E-5158.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On November 3, 2021, SENA filed a Notice of Appeal of Citation No. E-4195-0107 in the amount of \$581,817.60 issued by CPED on October 4, 2021. On November 17, 2021, CPED filed its compliance filing. On November 29, 2021, ALJ Wercinski issued an email ruling ordering parties to respond by December 30, 2021.
- **Commercial Energy RA Citation Appeal (K.21-08-001):** On November 5, 2021, ALJ Chiv issued a ruling setting schedule and scope of issues. The ruling scheduled concurrent opening briefs for December 1, 2021 and concurrent reply briefs for December 10, 2021.

Key Activities

UEB is working on a total of 112 cases. Investigations center primarily on Application Review, CTA Unauthorized Enrollment, Disconnections, and Resource Adequacy. 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 November 30, 2021



Citations/Fines/Reparation

In November 2021, UEB issued two citations totaling \$106,528 under the Resource Adequacy (RA) and CTA Citation programs. The RA citation was in the amount of \$105,528 and the CTA citation was in the amount of \$1,000. Cumulative 2021 fines, reparations and penalties imposed are shown below.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
October 2021	\$106,528
Cumulative 2021	\$55,566,213

- 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 November, UEB issued one citation totaling \$105,527.50 and received payment for seven citations totaling \$3,765,002.70 previously issued in October 2021. Details for citation issued are shown below.

Table 8.UEB Resource Adequacy Citations

RESOURCE ADEQUACY CITATIONS NOVEMBER 2021					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
E-4195-112	11/3/201	Pilot Power Group	\$105,527.50	12/3/2021	Payment received 11/23/2021

- 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 November, UEB reviewed 67 CTA-related complaints received by the Consumer Affairs Branch (CAB) in October 2021 and identified 15 needing investigations for potential unauthorized enrollment. Staff identified 8 duplicate cases. UEB issued 6 data requests for proof of enrollment authorization for 13

customers. Two complaints did not have enough information in CAB’s Consumer Information Management System (CIMS) to be included in the data requests. UEB received 8 third-party verification (TPV) recordings and 8 signed agreements as proof of customer authorization to enroll in CTA services. One customer did not have a service account with the alleged CTA. After reviewing the information provided, staff determined that the CTAs obtained customer authorization before enrolling them in CTA service in all cases. Staff reviewed all data request responses and recommended no further investigation.

On November 10, 2021, UEB sent Bolt Energy Services, LLC Citation No. UEB-003-0057, totaling \$1,000, for one case of unauthorized enrollment for a complaint from August 2021. The citation payment is due on December 10, 2021. UEB is awaiting payment.

Table 9. UEB CTA Citations

CTA CITATIONS AUGUST 2021					
Citation #	Date Issued	Company	Citation Amount	Date Due	Status
UEB-003-0057	11/10/2021	Bolt Energy Services, LLC	\$1,000.00	12/10/2021	Pending

Table 10.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				
October	67	15	6	13	0	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB's COPS tracker for the month of November. UEB was responsible for 41 separate Ordering Paragraphs. As of November 2021, 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.

Table 10 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
A.21-02-006	Protest of One-Ring's Certificate of Public Convenience and Necessity to Operate as a Competitive Local Exchange Carrier.	Liang-Uejio	Aceves

Outreach/Training/Other Activities

State National Action Plan (SNAP): On November 18, 2021, the FCC presented an update on the Auction 904 Rural Opportunity Digital Fund. The FCC is reviewing 110 auction bids and completed four rounds of bids. The Rural Digital Opportunity Fund will prioritize higher network speeds and lower latency and offer at least one voice and one broadband service to meet the relevant service requirements.