

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

SEPTEMBER 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 Transportation Licensing Section is processing and managing applications for over 5,900 carriers throughout California. Items processed in September 2022 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the 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.

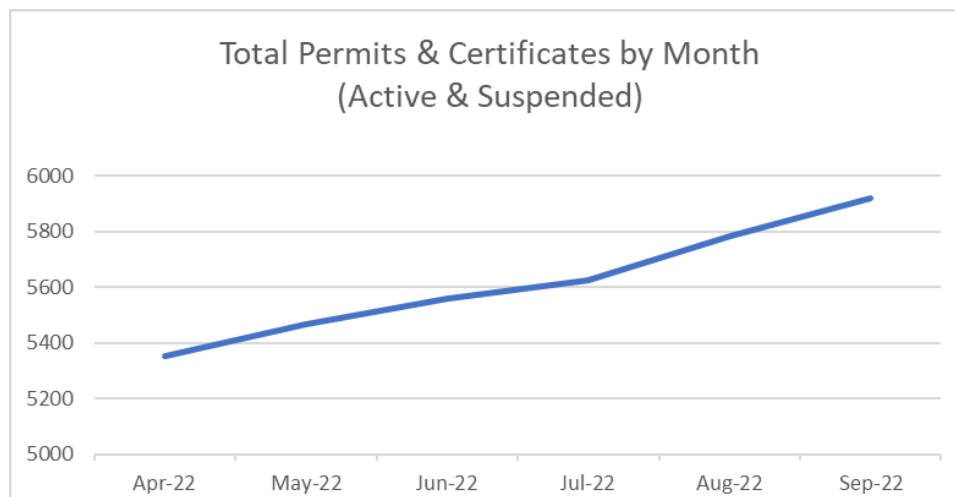


Table 1. Permits and Certificates by Category

Permits and Certificates by Category. The Commission 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	5770
Passenger Stage Corporation	111
Vessel Common Carrier	18
Transportation Network Company	16
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.

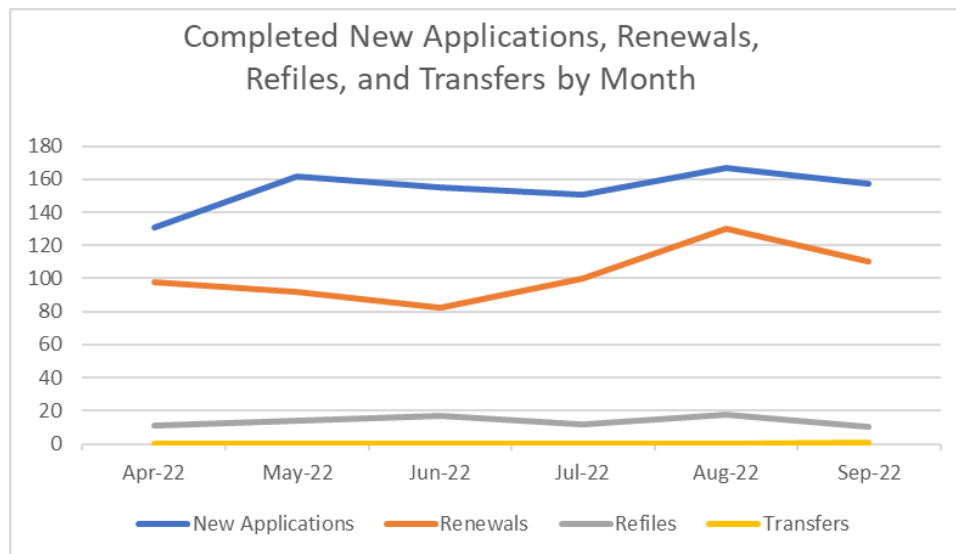


Figure 3. Suspensions and Revocations by Month

Suspensions and Revocations. Carriers can be suspended or revoked for various reasons such as failing to maintain active insurance. Carriers may also voluntarily suspend operations. Figure 3 shows both types of suspensions/revocations by month.

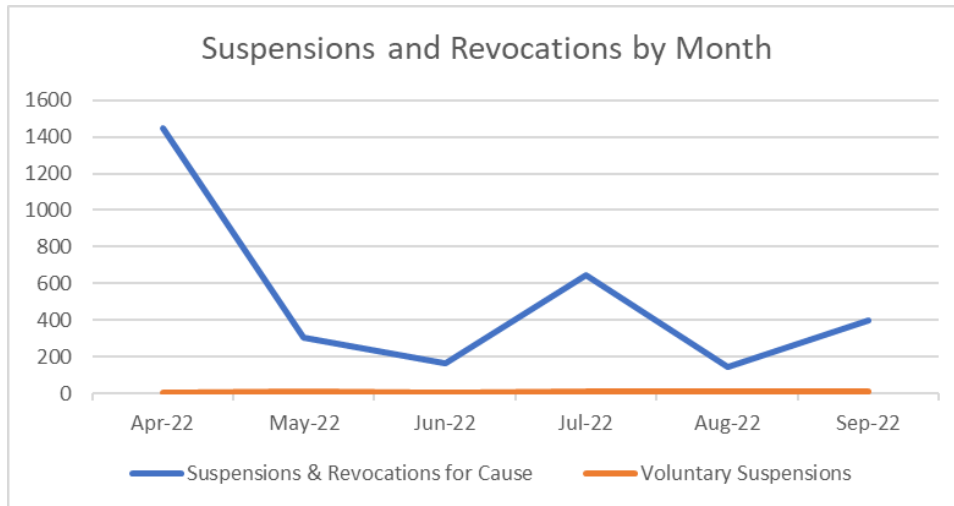


Figure 4. Average Processing Times

Average Processing Times. The total time to process an application, from initial receipt to issuance or denial of a permit or certificate, depends on internal processing time and on the time for external entities to provide necessary information. Upon receipt of applications application, CPUC staff review them for completeness and issue deficiency notices to carriers for any outstanding items.

Examples of these items include evidence of insurance coverage filed by the carrier’s insurance agent; evidence of compliance with drug and alcohol testing requirements; 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.

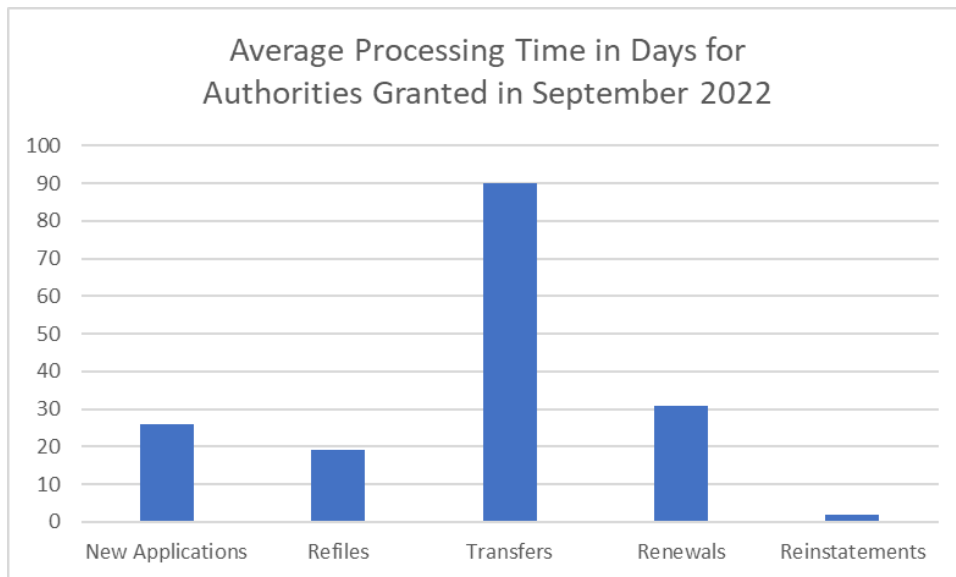
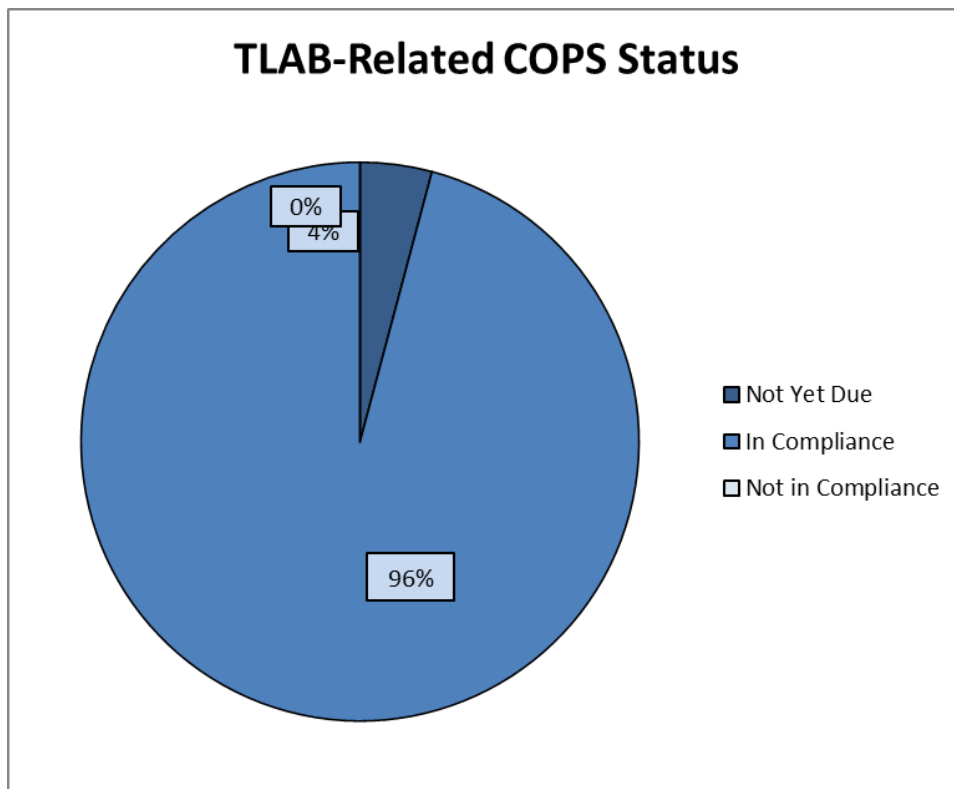


Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for **690** 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. Sep 30, 2022: Proposed Decision Requiring TNCs to Submit 2014-2019 Annual Reports with Limited Redactions (comments due October 20, 2022)

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

1. Sep 13, 2022: Assigned ALJ Ruling Requesting Proposals and Comments on Wait & Save Service
2. Sep 30, 2022: Comments on Wait & Save Service received from Lyft, Uber, SFTWA, Disability Advocates, San Francisco

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

1. No docket activity in September 2022

Carrier Application Proceedings. The Transportation Licensing Section assists the Commission in the regulation of 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.22-01-009** / Application of MAWS Transportation, LLC (PSC28383) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone-of-Rate Freedom (ZORF) fares and to expand Its Service Area to Include the Eastern Sierra Regional Airport / **09/01/2022 Decision published granted MAWS Transportation a PSC certificate.**
- **A.22-08-014** / In the matter of the Application of Central Coast Shuttle Services, Inc. (PSC13086) for authority to Increase rates between points in Santa Maria, Buellton, Santa Barbara, Ventura, and the Los

Angeles International Airport (LAX); and To establish a Zone of Rate of Freedom / **09/13/2022 Application to increase fares accepted by Docket Office.**

- **A.22-01-014** / Application of Avalon Freight Services LLC (VCC91) For Authorization to Modify Rates for Its Scheduled Vessel Common Carrier Freight Service Between the Port of Los Angeles, California on the one hand, and Avalon on Santa Catalina Island on the other hand / **09/19/2022 Ruling allowing optional briefs due in 45 days (November 3, 2022) and reply briefs due and 15 days later (November 18, 2022).**
- **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 / **09/26/2022 Draft decision published.**
- **A.22-05-019** / Neptune Holding Inc.'s Application for Authority to Control Greyhound Lines, Inc. Pursuant to Section 854 of the California Public Utilities Code / **09/29/2022 Status conference held.**

Joint Agency Collaboration/Outreach/Training

Joint Agency Collaboration. Information sharing and collaboration with other transportation agencies is a critical part of TLAB's work.

- Sep 14 and 28, 2022: TLAB / DMV AV Branch Staff Coordination Meeting on AV Program Implementation
- Sep 22, 2022: 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.

Training. TLAB managers and staff regularly attend 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 of Passengers (TCP) (e.g., limousines, airport shuttles, chartered and scheduled bus operators, Transportation Network Companies (TNC)) and vessels in California to safeguard the public 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 September 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.

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 / September 2022

➤ **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.
 - ADR was terminated after CPED rejected a counteroffer.
 - The schedule for this proceeding was stayed as of September 1, 2022, by ALJ Brian Stevens. A status conference was held September 29, 2022.

2. Transportation Risk Management – Continually identifying, assessing, and reducing operational risks through mitigation measures faced or posed by the entities the CPUC regulates.

- A final risk assessment report was prepared in September for management review.

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.

- 8 carrier orientations were scheduled and conducted at Los Angeles International Airport (LAX)

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Total
Open Investigations	74	62	60	46	42	48	66	82	98	90	72	64	N/A
New Investigations	26	18	6	22	21	33	8	7	24	7	3	11	186
Investigations Completed	38	20	20	26	15	15	14	3	7	10	16	24	208
Investigations Open Longer than 6 Months	6	4	9	19	19	23	25	24	27	35	23	32	N/A
% Of investigations Open Longer than 6 Months	8%	6%	15%	41%	45%	48%	38%	29%	28%	39%	32%	50%	N/A
Cease and Desist Notices	10	14	4	12	9	16	14	10	17	12	16	12	146
Warning Letters	3	7	4	2	2	5	6	2	3	4	1	2	41
Telephone Disconnects	0	1	0	0	0	0	0	0	0	0	0	0	1
Citations	3	4	3	8	3	1	4	1	4	1	2	0	34

Civil Compromise Actions	2	0	0	2	9	5	7	3	5	12	10	22	77
Vehicle Impounds	0	0	1	6	3	11	6	9	7	9	14	19	85

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
October 2021 – September 2022**

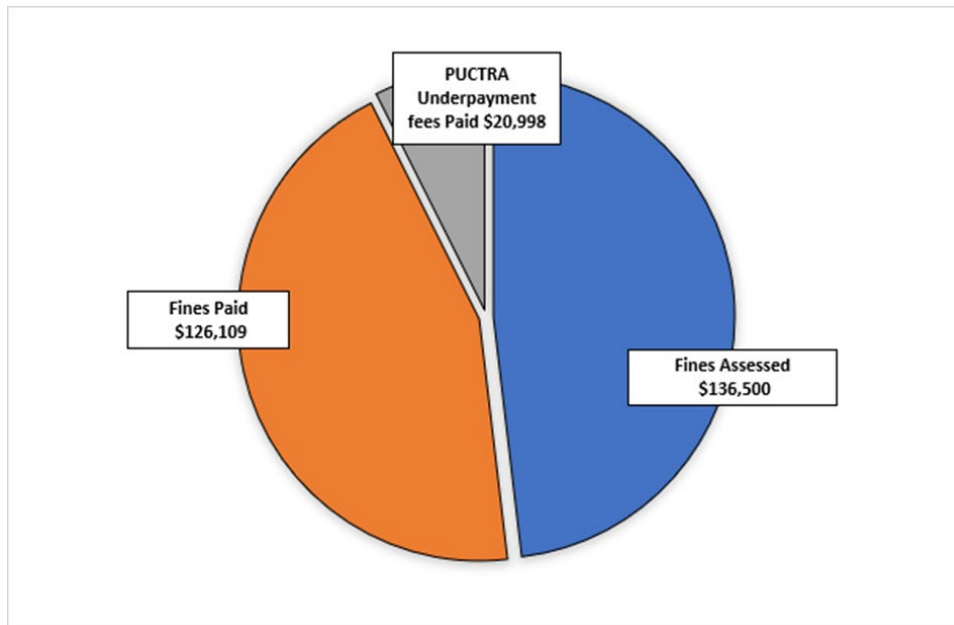


Table 3. Consumer Intake Unit (CIU) Statistics

CIU Statistics	
Open complaints as of September 1, 2022	1
New complaints received during month	11
Subtotal	12
Less: Complaints closed by CIU directly	1
Complaints Referred to Enforcement during month	7
Open CIU complaints as of September 30, 2022	4

Table 4. Citation Appeal Proceedings

Docket No.	Entity	Status
K.19-09-015	Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z)	On August 25, 2022, ALJ ruled the appeal has been granted and the citation has been dismissed. Ruling of reassign ALJ.
K.21-02-001	Bogale Getu Abebe., Hayward (TCP 32714)	On August 16, 2022, ALJ ruled the citation affirmed and appeal is denied. Waiting for Commission's ruling and Executive Director's signature.
K.21-10-007	PLS Transportation Group, Pasadena, (TCP 32070)	On June 7, 2022, CPED filed the Joint Motion for Adoption of Settlement Agreement. Waiting for Commission's ruling and Executive Director's signature.
K.22-01-004	Taco Tour LLC, San Diego, (TCP 38185)	On May 11, 2022, carrier agreed to make 12 monthly payments. Waiting for Commission's ruling and Executive Director's signature.
K.22-02-004	Earl McLeod, Hayward, unlicensed	Hearing held on May 2, 2022. Waiting ALJ decision. No updates for September 2022.
K.22-06-007	Amore' Limousine Service, Inc (TCP 25876)	On September 29, 2022, hearing held.

Table 5. TEB Field Operations – Probable Violations and Observation Summary

Month	Transportation Charter-Party (TCP)		Transportation Network Companies (TNC)		Passenger Stage Corporations (PSC)	
	Observed	Probable Violations	Observed	Probable Violations	Observed	Probable Violations
Sept 2022	79	17	280	31	11	13
Aug 2022	470	23	562	109	0	0
July 2022	208	6	366	45	1	0
June 2022	160	15	500	45	2	0
May 2022	143	7	356	71	2	0
Apr 2022	129	1	510	49	0	0
Mar 2022	155	7	465	74	0	0
Feb 2022	96	0	558	131	0	0
Jan 2022	49	0	228	35	0	0
Dec 2021	148	4	487	40	0	0
Nov 2021	42	0	253	21	0	0
Oct 2021	192	10	862	107	0	0

Table 6. Joint Operations with Law Enforcement Agencies

Agency	Operation
Los Angeles Police Department (LAPD) Hollywood Entertainment District	TCP Passenger carrier inspection in Hollywood, CA
San Francisco International Airport (SFO)	TCP/TNC Passenger carrier inspection at SFO
California Highway Patrol (CHP)	TCP Passenger carrier inspection in San Ysidro, CA
California Highway Patrol (CHP)	TCP Passenger carrier inspection at Cache Creek Casino in Brooks, CA

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 September 12, 2022, CPED and SDCP filed a joint report indicating CPED's request for admission into evidence of confidential resource adequacy solicitation materials from the investor-owned utilities, and that all issues have been resolved and no additional issues need to be addressed in this proceeding. On September 13, 2022, ALJ Wercinski issued an email ruling directing parties to provide hard copies of exhibits by October 3, 2022.
- **Commercial Energy RA Citation Appeal (K.21-08-001):** On September 14, 2022, ALJ Chiv issued draft resolution ALJ-424 denying Commercial Energy's appeal of citation E-4195-100. The Commission found that Commercial Energy has not met its burden of rebutting CPED's demonstration that the violation occurred and has not met its burden of persuasion that the citation penalty should be reduced or excused. The Commission also found that the citation and penalty amount were appropriately issued.
- **Western Community Energy (WCE) RA Citation Appeal (K.21-03-006):** On September 16, 2022, WCE filed a motion to withdraw its appeal of citation E-4195-0099 because it received authorization from the WCE board to do so on September 15, 2022.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On September 19, 2022, CPED and SDCP filed opening briefs. CPED argued that SDCP failed to meet its burden of proof that no other resource exists and requested that the citation be affirmed.
- **MetroPCS OII (I.22-04-005):** On September 22, 2022, CPED and MetroPCS filed opening briefs on Track one issues. CPED argued that penalty should be assessed against MetroPCS for violating Public Utilities Code Section 314 and Rule 1.1 and to deter future violations.
- **Dagobah System's Inc. (A.22-02-020):** On September 22, 2022, CPED and Dagobah

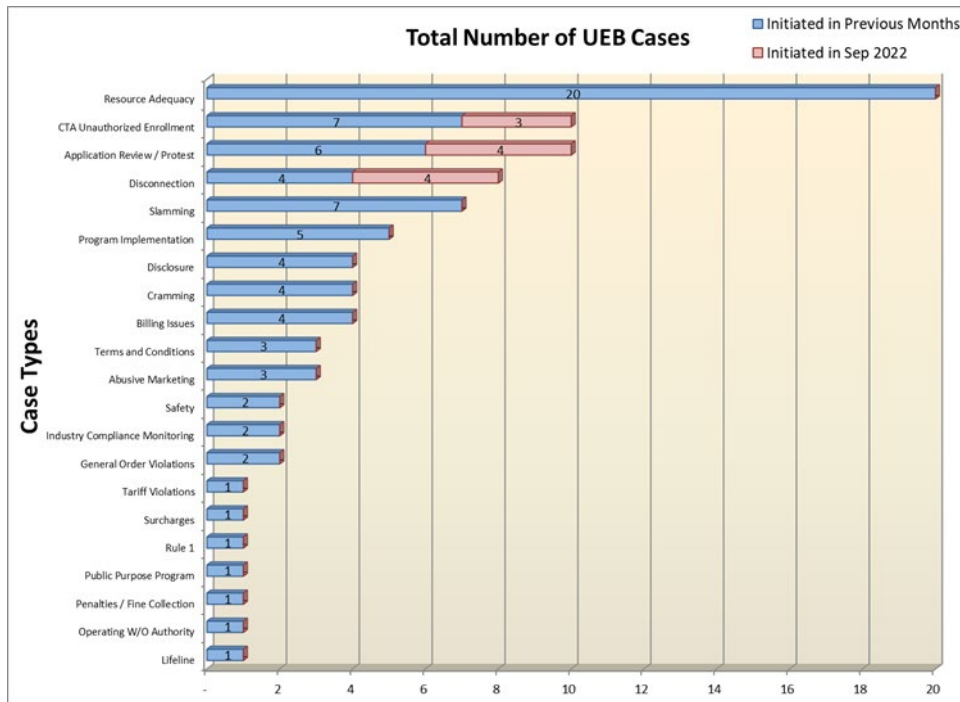
[CPED Monthly Activity Report / September 2022](#)

attended a prehearing conference scheduled by the ALJ. ALJ Melvin held the PHC to set the schedule for the proceeding. CPED protested Dagobah’s CPCN for violation of Rule 1.

Key Activities

UEB is working on a total of 91 cases. Investigations center primarily on Resource Adequacy, CTA Unauthorized Enrollment and Application Review/Protest. UEB’s cases come from a variety of sources, with Inter-Division referrals and UEB’s own scanning activities playing key roles.

Figure 7. UEB Total Number of Cases by Type as of September 30, 2022



Citations/Fines/Reparation

In September 2022, UEB issued eight Resource Adequacy citations totaling \$5,533,578.

Cumulative 2022 fines, reparations and penalties imposed are shown below.

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2022	\$17,032,004
September 2022	\$5,533,578

- **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, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, and 20-06-031. In September 2022, UEB issued eight RA citations totaling \$5,533,578, and received payment for two citations totaling \$500,644.80. UEB also issued a correction to citation E-4195-0126 due to a typographical error.

Table 8. RA Citation August 2022

RESOURCE ADEQUACY CITATIONS SEPTEMBER 2022					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
E-4195-0122	9/6/2022	CleanPowerSF	\$20,000.00	10/6/2022	Awaiting Payment/Appeal
E-4195-0123	9/15/2022	Direct Energy Business	\$499,144.80	10/17/2022	Payment received 9/26/22
E-4195-0124	9/15/2022	Direct Energy Business	\$1,733,020.80	10/17/2022	Awaiting Payment/Appeal
E-4195-0125	9/16/2022	Orange County Power Authority	\$415,406.40	10/17/2022	Awaiting Payment/Appeal
E-4195-0126	9/16/2022	Central Coast Community Energy	\$25,000.00	10/17/2022	Awaiting Payment/Appeal
E-4195-0127	9/21/2022	Central Coast Community Energy	\$506,098.40	10/21/2022	Awaiting Payment/Appeal
E-4195-0128	9/22/2022	CleanPowerSF	\$1,456,320.00	10/24/2022	Awaiting Payment/Appeal
E-4195-0129	9/30/2022	East Bay Community Energy	\$878,587.20	10/31/2022	Awaiting Payment/Appeal
		Total	\$5,533,578		

- 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 September, UEB reviewed 62 CTA-related complaints received by the Consumer Affairs Branch (CAB) in August 2022 and identified 15 needing investigation for potential unauthorized enrollment. Staff issued three data requests for proof of enrollment authorization. UEB received proof of enrollment authorization for the 15 customers. One CTA investigation initiated in August remains ongoing, awaiting Spark’s response to staff’s second data request.

Table 9. 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				
September	62	15	3	15	0	0

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of September. UEB was responsible for 41 separate Ordering Paragraphs. As of September 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	Houck
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
K.21-11-018	Appeal of Shell Energy North America to citation E-4195-113 issued on October 21, 2021 by Consumer Protection & Enforcement Division.	Wercinski	
K.22-05-017	Appeal of Orange County Power Authority to citation E-4195-116 issued on April 20, 2022 by Consumer Protection & Enforcement Division.		
I.22-04-005	Order Instituting Investigation on the Commission's Own Motion into MetroPCS California LLC Failure to Remit Prepaid Mobile Telephony Service Surcharges and User Fees	Mason	Houck

Resolution UEB-010	Approving a Settlement Agreement Between CPED and SoCalTel in Resolution of a Surcharge Payment Investigation	N/A	N/A
Resolution UEB-011	Approving ACO and Settlement Agreement of UEB and SCE Regarding CARE and LLP Communication Requirements Pursuant to Resolution M-4846	N/A	N/A

Outreach/Training/Other Activities

State National Action Plan (SNAP): On 9/22,2022, the FCC discussed its Afford to Connect outreach grant program. The ACP focuses on households who are unable to afford internet service. The benefit 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.