



Consumer Protection and Enforcement Division



Monthly Activity Report July 2020

TABLE OF CONTENTS

TABLE OF CONTENTS 1

OVERVIEW 2

PASSENGER TRANSPORTATION..... 2

Key Activities 3

Citations/Fines/Refunds5

Compliance with Ordering Paragraphs 6

Docket Activity..... 7

Outreach/Training/Other Activities..... 9

UTILITIES ENFORCEMENT 10

Monthly Highlights 11

Key Activities 11

Citations/Fines/Refunds 12

Compliance with Ordering Paragraphs 14

Docket Activity..... 14

Outreach/Training/Other Activities..... 16

OVERVIEW

The Consumer Protection and Enforcement Division (CPED) serves as the first line of defense for California utility and transportation customers. CPED implements 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, (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 three branches: the Transportation Enforcement Branch-North (TEB-N), TEB-South (TEB-S) 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 staffs 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 and advises decision makers regarding for-hire carriers.

KEY ACTIVITIES

Investigations

In July 2020, TEB closed 26 investigation cases and initiated 6 new cases.

2020 Enforcement Activity	Jan	Feb	Mar	April	May	June	July	YTD
Open Investigations as of 7/1/2020	111	117	125	113	128	131	90	
New Investigations Initiated	46	16	30	34	18	4	6	154
Investigations Completed	18	26	25	22	24	28	26	169
Cease and Desist Notices	28	19	17	12	25	3	7	111
Official Notices	3	7	5	4	4	3	1	27
Telephone Disconnects	2	3	0	0	0	0	0	5
Citations	6	8	11	3	14	26	0	68
Citations Appealed	0	0	2	1	0	2	0	5

Complaints

Investigations from CIU Complaints Referred to Enforcement	
Open Investigations as of July 1, 2020	24
New Investigations Initiated	1
Closed Investigations During Month	11
Open Investigations as of July 31, 2020	14
Investigations open longer than 6 months	6
% of total open investigations	43%

Carrier Application and Permit Activity

As of July 2020, TLAB’s Licensing Section has received **1369** applications (New, Renewals, Refiles, and Transfer) and issued **1244** permits. Currently, TLAB has completed **190** additional applications but cannot approve them until the California Highway Patrol (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).

Year-to-Date Passenger Carrier Activity	Total
New Applications Docketed	217
Renewal Applications Docketed	1058
Refile Applications Docketed	77
Transfer Applications Docketed	17
Authorities Issued	1244
Authorities Suspended	3901
Authorities Revoked	1129
Authorities Reinstated (Suspended/Revoked)	1896
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	141
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	49
Pending Reinstatement from Suspension and Revocation	79
Voluntary Suspensions	943
Voluntary Revocations	94
Vehicles added to Passenger Carrier Equipment Statements	2637
Address and DBA Changes	1322
Vehicle inspection requests sent to CHP	1645

Transportation Call Center Statistics

Beginning February 12, 2020, all Licensing staff are available to answer calls from applicants and carriers inquiring about pending applications, addition of vehicles (equipment updates), or general inquiries. The number of calls has been increasing because of COVID-19 and the Licensing section’s efforts to direct applicants and carriers to our phone lines. A total of 1611 calls has been received to date.

CITATIONS/FINES/REFUNDS

TEB Fines/Refunds	Jan	Feb	Mar	Apr	May	June	July	YTD
Fines Assessed	\$34,500	\$21,000	\$30,500	\$26,000	\$66,000	\$68,000	\$0.00	\$246,000.00
Fines Paid	\$13,590	\$14,040	\$37,233.33	\$11,190	\$3,002.09	\$19,173.34	\$4,400.00	\$102,628.76
Overcharge Refunds/ Settlements by TEB Consumer Unit	\$1,496	\$559	\$2,269.06	\$0.00	\$522	\$41.50	\$0.00	\$4,887.56
PUCTRA Back Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$636.95	\$1,601.79	\$2,238.74

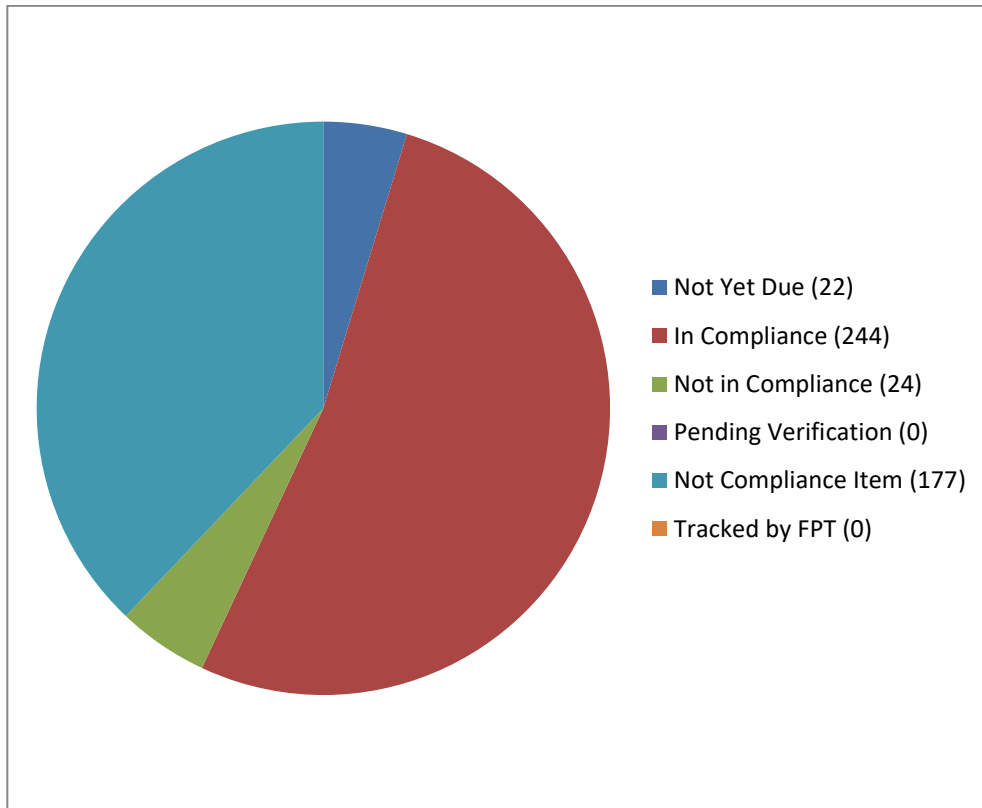
Citations

None to report

Los Angeles Airport Citation Program

Month	Citations issued by LAX	Citations issued by CPUC	Vehicles impounded	C&D letters issued by TEB-S	Total fines collected
January	16	8	15	16	\$8,000
February	19	11	15	16	\$10,250
March	2	0	2	2	\$0
April	0	0	0	0	\$0
May	2	1	1	2	\$1,000
June	0	0	0	0	\$0
July	3	3	3	3	\$3,000
Year to date	42	23	36	39	\$22,250

COMPLIANCE WITH ORDERING PARAGRAPHS



The Transportation Program is currently responsible for 467 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 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.

DOCKET ACTIVITY

Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.** No update.
- **R.19-02-012 / TNC Access for Persons with Disabilities / Mason & Chiv / Shiroma.**

On July 24, 2020, TLAB conducted public workshop via WebEx on the proceeding's "Track 3" issues.

Formal Enforcement Proceedings

- **R.12-12-011 / Order to Show Cause / Mason / Shiroma.**

On July 27, 2020, the ALJ issued a ruling directing Uber Technologies, Inc. to appear for an Order to Show Cause Evidentiary Hearing for why it should not be sanctioned by the Commission for refusing to answer questions regarding sexual assaults and sexual harassment claims and for refusing to submit the information under seal.

Citation Appeal Proceedings

- **K.19-09-015 / Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z) Appeal / ALJ Kim**

On September 26, 2019, appeal was received and filed by ALJ Docket Office. April 2020, no hearing date scheduled by the ALJ. May 2020, no hearing date scheduled by ALJ. Appeal has not been scheduled to date. No change for July.

- **K.20-03-012 / Belmont Village Calabasas, LLC. (TCP - Unlicensed) Appeal / ALJ Kline**

On March 16, 2020, appeal was received and filed by the ALJ Docket Office. No hearing date scheduled by the ALJ. On April 20, 2020, ALJ ordered TEB to suspend any and all further efforts to enforce its cease and desist order against Belmont until the citation appeal proceedings is resolved by Commission resolution. In addition, parties are reminded that all ex parte communications are prohibited in citation appeal proceedings. On May 22, 2020, Counsel working on opening brief. On 6/3/2020,

CPUC Counsel received service copies of Belmont Village Calabasas LLC's Opening Brief and supporting documents from Legal Secretary Linda Jan Hall to William D. Taylor and Matthew H. Lewis, Esq. On 6/29/2020, Counsel received email from ALJ a "Ruling Resolving Threshold Jurisdictional Issue and Directing Procedural Next Steps". ALJ finds the Commission has jurisdiction over charter-party carriers of passengers pursuant to the Passenger Charter-party Carriers' Act (Pub. Util. Code §§ 5351 et seq.) even when those same carriers are issued a Private Carrier of Passengers Certificate by the California DMV pursuant to the Private Carriers of Passengers Registration Act (Veh. Code §§ 34680-34693). ALJ ordered Belmont Village Calabasas and the CPED to meet and confer, and file a joint case management statement that addresses the remaining material issues in dispute and the need for an appeal hearing within 21 calendar days of the date of this ruling. On July 9, 2020, Belmont filed an appeal to the categorization of proceedings K 20-03-012, requesting the Commission reclassify from "adjudicatory" to "quasi-legislative" pursuant to Rule 7.6, (Categorization appeal). On July 17, 2020, ALJ Ruling Denying Belmont Village Calabasas, LLC's Categorization Appeal.

- **K.20-06-003 / David Gorgoyan dba Celebrity Rides (TCP 35518-B) Appeal / ALJ Goldberg**
On June 1, 2020, received defendant's appeal.
On June 10, 2020, appeal was filed by the ALJ Docket Office.
No Hearing date has been set.
- **K.20-06-008 / Hamidullah Hamidi dba All Access Limo Service (TCP 31413-B) Appeal / ALJ Goldberg**
On June 24, 2020, received defendant's appeal and filed by ALJ Docket Office.
No hearing date has been set.

Carrier Application Proceedings

- **A.20-03-010 / Application of Transit Systems Unlimited, Inc. for Authority to Operate as Self-Insured Charter-Party Carrier of Passengers Pursuant to Public Utilities Commission General Order No. 115-G / 07/29/2020 Request for assignment to an Administrative Law Judge.**

- **A.20-04-016** / Application of San Diego Direct Transportation Service, LLC (PSG12852) dba San Diego Airport Shuttle to Amend Service Routes and Areas of Service to Include the Cities of San Diego and Los Angeles and Points in the Counties of San Diego, Imperial, Orange, Riverside, Los Angeles, San Bernardino, Ventura, Santa Barbara and Kern; and to establish a Zone of Rate Freedom / **07/09/2020 Application filed.**

OUTREACH/TRAINING/OTHER FIELD ACTIVITIES

Outreach

- **California Air Resources Board (CARB) Clean Miles Standard Public Workshop.** On July 17, 2020, TLAB staff and management attended a public workshop to discuss issues related to implementation of SB 1014 (Skinner, 2018) on TNCs and greenhouse gas emissions reductions.
- **Monthly Joint New Carrier Orientation at San Francisco International Airport.** The San Francisco Ground Transportation Unit (SFO GTU) has resumed the Applicant/carrier workshop as of July 16, 2020. The workshop was suspended for 4 months due to Covid19. The CPUC is providing the orientation via WebEx for the Applicants. The number of applicants has been reduced to five applicants/carriers per session to keep the recommended 6-foot standard distance per the CDC.

Joint Agencies

- **Napa County Interagency Operations, Napa** – Northern California-based staff (Nera), working with the Napa County District Attorney's office and St. Helena Police Department, to address complaints of unlicensed providers of for-hire passenger transportation. The following violations were found: two (2) carriers operating with revoked permits; one vehicle was impounded.

Surveillance – TEB-South

- The Transportation Enforcement Branch South (TEB-S) continued to conduct field activities throughout Southern California, including Airports, transit centers, the entertainment district, and the San Ysidro Border Area. The main purpose of these visits was to monitor passenger transportation carriers' (PTC) activities during COVID-19 and report if drivers of these vehicles are complying with face covering and social distance state mandates. TEB staff observed a slight increase of airport ground traffic during the month of July coming off the COVID -19 era historical lows. TEB Staff did observe that drivers for PTC were wearing face covering and complying with social distance mandates where applicable.

Special Projects - TEB-South

- Contacted 57 Southern California carriers who were suspended and revoked for inadequate insurance via telephone and/or email and sent them cease and desist notices informing them of their permit status. Provided carriers with assistance and/or information to contact the license section and/or go online for licensing information, notices, and forms (i.e. Voluntary Suspension/Revocation/Reinstatement/Change of Information/PUCTRA/Notices).

Training for Managers, Supervisors, and Staff

- Implicit Bias Training
- Defensive Driver Training
- Ethics Training
- Heat Illness Training Ongoing

UTILITIES ENFORCEMENT BRANCH

UEB protects California utility consumers from fraud and abuse by developing enforcement mechanisms and ensuring service providers comply with consumer

[CPED Monthly Activity Report / July 2020](#)

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 penalties and remedies for consumers.

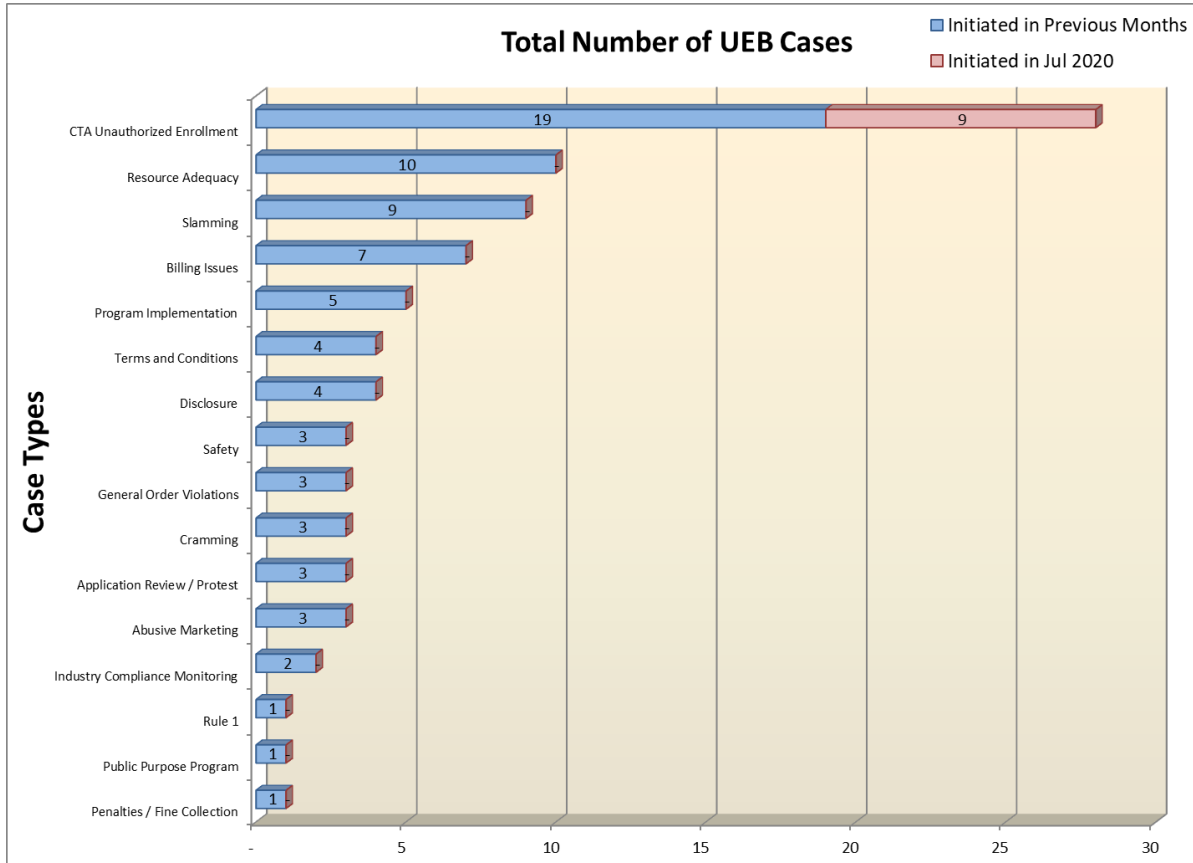
MONTHLY HIGHLIGHTS

- **One Million New Internet User Coalition (NIU) (I.18-07-009) (Commissioner Rechtschaffen/ALJ KIM):** CPED filed our opening testimony addressing issues from the ALJ's scoping ruling and alleged that Community Union (CU), a member of NIU, was overpaid from the California Advanced Services Fund (CASF). In addition, CPED filed the following motions in the proceeding: 1) Supporting Assigned Commission Ruling expanding the scope of the proceeding, 2) Denying CU's request to extend the due date to file reply testimony, and 3) Requesting for Law & Motion hearing to address confidentiality and discovery issues.
- **Cox California Surcharge (A.19-04-014) (Commissioner Shiroma/ALJ Kline):** The Commission adopted D.20-07-013 dismissing with prejudice Cox's application requesting that the Commission not require Cox to pay disputed surcharge amounts related to directory assistance revenues. Cox had previously paid the disputed amount of \$303,182 under protest and sought reimbursement from the Commission. CPED protested the application, argued for existing obligation and requested that the Commission reject Cox's argument and deny reimbursement of the payment in protest.
- **Disconnections/Reconnections OIR (R.18-07-005) (ALJ Kelly):** UEB issued a notice of workshop to develop a citation program to enforce disconnection rules pursuant to D.20-06-003.
- **Pacific Gas and Electric (PG&E) Order to Show Cause Related to Public Safety Power Shutoff (Commissioner Batjer/ALJ Poirier):** The ALJ issued an email ruling directing parties to meet and confer and setting a status conference.

KEY ACTIVITIES

UEB is working on a total of 87 cases. Investigations center primarily on CTA Unauthorized Enrollment, Slamming, 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.

Cases by Type as of July 31, 2020



CITATIONS/FINES/REPARATION

UEB did not issue any new citations during the month of July 2020. However, three RA deficiency citations were reissued in July in the revised total amount of \$12,316. In addition, the Commission adopted D.20-07-013 denying Cox’s reimbursement request of \$303,182 it paid under protest related to directory surcharge revenues.

Updated Cumulative January through July 2020 fines, reparations and penalties imposed are shown below.

Date	Citations/Fines/Reparation
------	----------------------------

July 2020	\$315,498
Cumulative 2020	\$9,648,488

- 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 and 14-06-050. UEB issued revisions to three citations after receiving and reviewing additional information. See below RA citations issued in July 2020.

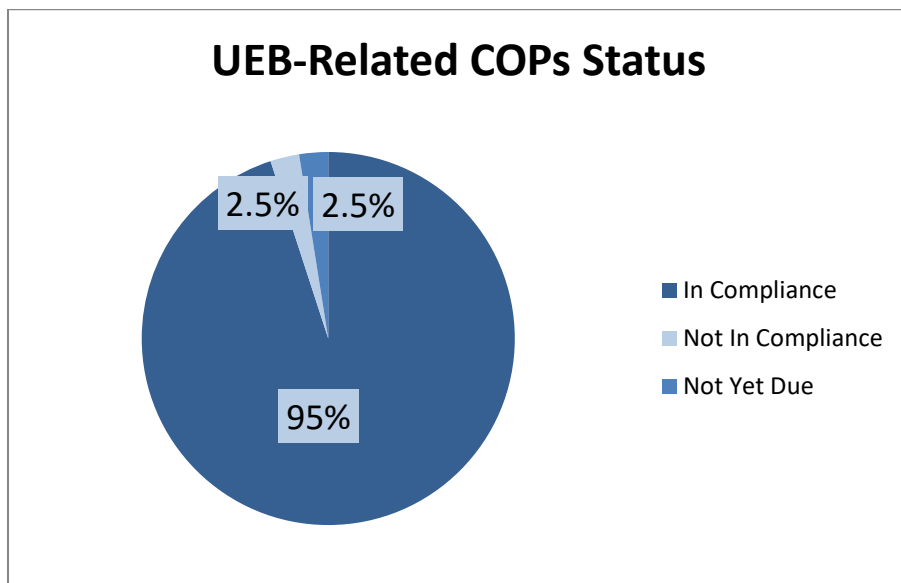
RESOURCE ADEQUACY CITATIONS JULY 2020					
Energy Citation #	Date Re-Issued	Company	Citation Amount	Date Due	Status
E-4195-0085	7/3/2020	Commercial Energy	\$3,330.00	8/3/2020	Awaiting payment or appeal
E-4195-0086	7/3/2020	Commercial Energy	\$3,996.00	8/3/2020	Awaiting payment or appeal
E-4195-0087	7/3/2020	Commercial Energy	\$4,990.00	8/3/2020	Awaiting payment or appeal
		TOTAL	\$12,316.00		

- 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 PU Code Section 983.5.
 - In July, UEB reviewed 71 CTA-related complaints received by the Consumer Affairs Branch (CAB) in June 2020 and identified 31 needing investigation. UEB issued 9 data requests for proof of enrollment authorization for 28 customers. Three complaints did not contain enough information in CAB's Consumer Information Management Systems database (CIMS) to enable UEB to pursue the matter through data requests. So far, UEB received 17 TPVs

and 4 signed contracts as proof of customer authorization.

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total Reviewed	Unauthorized Enrollment				
June	71	31	9	Pending	Pending	0

COMPLIANCE WITH ORDERING PARAGRAPHS



There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of July. UEB was responsible for 39 separate Ordering Paragraphs. As of July, 2020, 37 (representing 95%) have been complied with, one is not yet due and one is not in compliance (both representing 2.5%, respectively).

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.

California Public Utilities Commission | Consumer Protection and Enforcement Division

However, UEB staff also tracks such payments separately in our case management system.

UEB-RELATED PROCEEDINGS

Docket No.	Title	ALJ	Commissioner
A.19-04-014	Application of Cox California Telcom, LLC (U-5684-C) Requesting the Commission Not Require Cox to Pay Disputed Surcharge Amounts Identified in Audit Report.	Kline	Shiroma
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Aceves
R.18-12-005	Ruling directs Pacific Gas and Electric Company to show cause why it should not be sanctioned for violation of Public Utilities Code § 451 and Commission statutes by failing to properly communicate with its customers, and coordinate with local governments and Public Safety Partners during the Public Safety Power Shutoff (PSPS) events during October 9 - November 1, 2019, resulting in a risk to public safety.	Semcer/ Poirier	Batjer
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.18-07-009	Order Instituting Investigation on the Commission's Own Motion into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds.	Zhang	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	Randolph
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.20-04-004	Appeal of American PowerNet Management (APN) to citation E-4195-73 issued on March 6, 2020 (revised on April 29) by Consumer Protection & Enforcement Division.	Yacknin	N/A

California Public Utilities Commission | Consumer Protection and Enforcement Division

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.20-04-006	Appeal of East Bay Community Energy to citation E-4195-77 issued on April 9, 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

OUTREACH/TRAINING/OTHER ACTIVITIES

SNAP: The FCC discussed the proliferation of robocalls focused on COVID issues and the targeting of hospitals. Caller ID is spoofed to make it look like the calls are coming from hospitals, with the hope of obtaining confidential information. The calls are targeted at consumers, other hospitals and even the hospital whose number is spoofed. The FCC has established a new task force just to focus on this issue.