

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

December 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 6,100 carriers throughout California. Items processed in December 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.

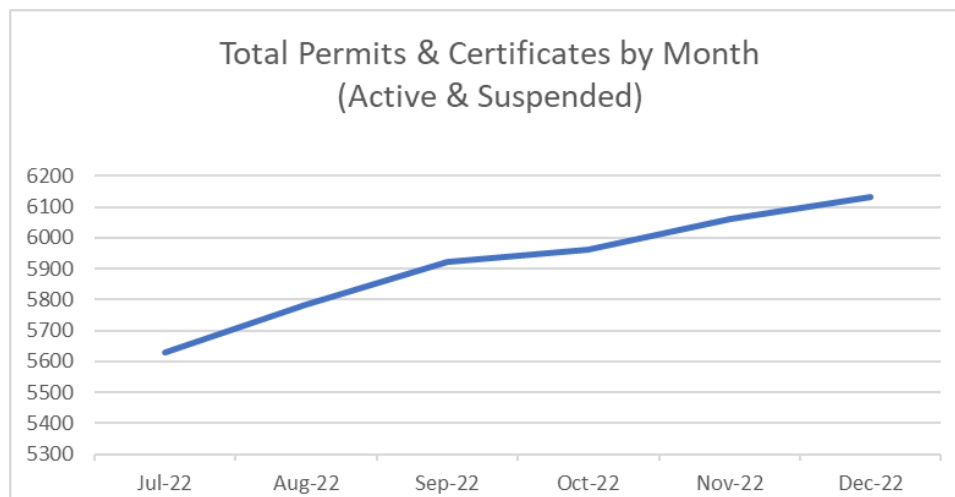


Table 1. Permits and Certificates by Category

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	5990
Passenger Stage Corporation	107
Vessel Common Carrier	17
Transportation Network Company	18
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.

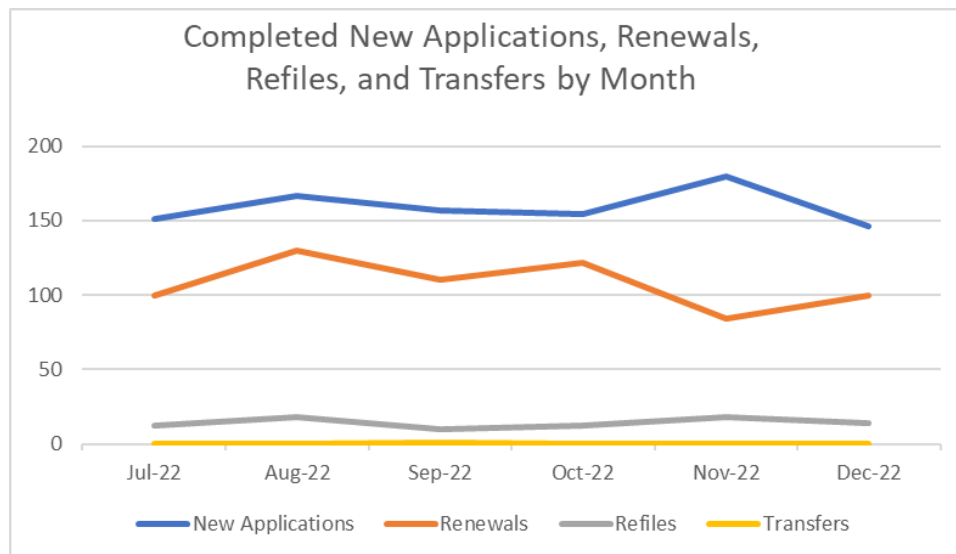


Figure 3. Suspensions and Revocations by Month

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.

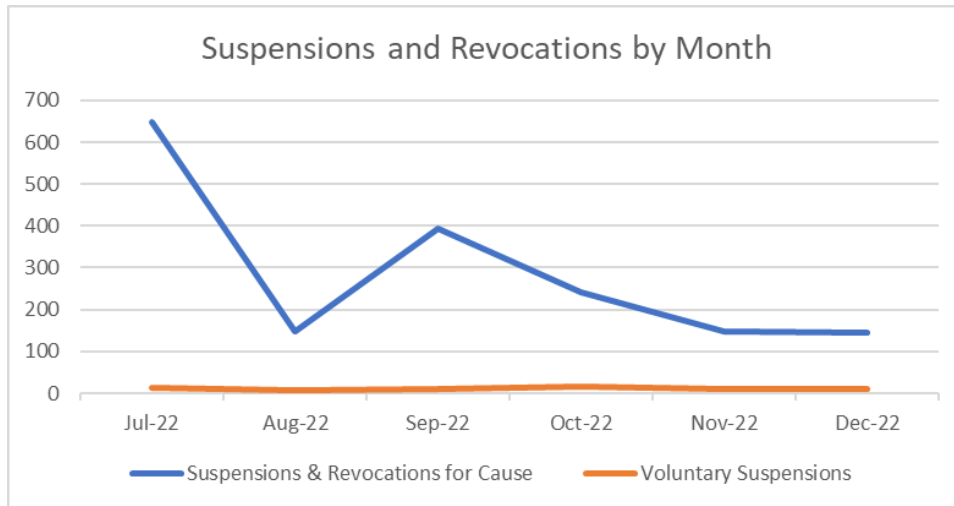


Figure 4. Average Processing Times

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.

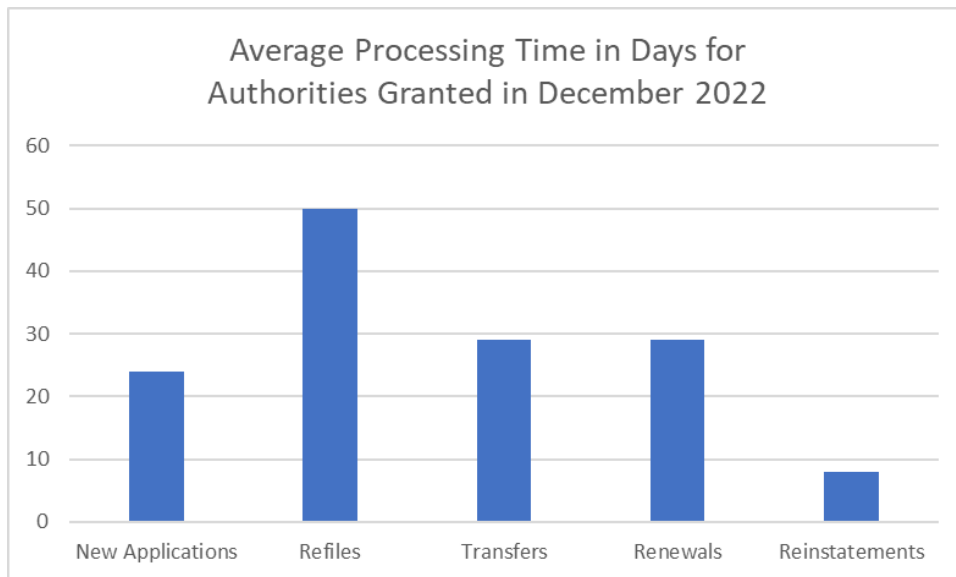
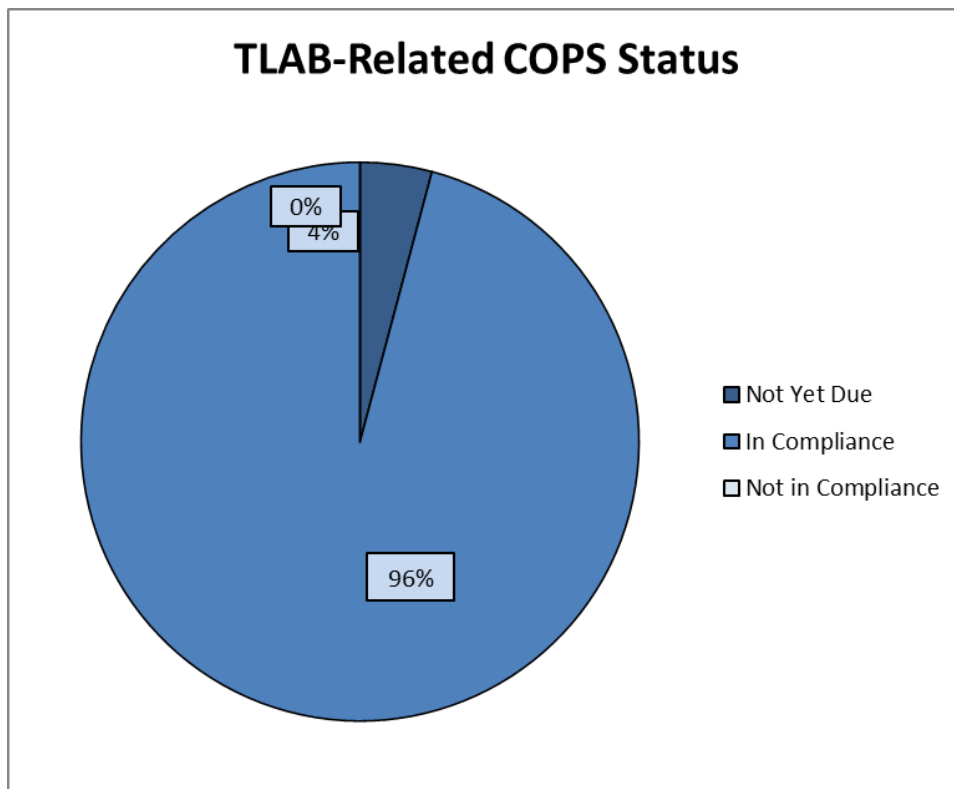


Figure 5. Compliance with Ordering Paragraphs

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. No docket activity in December 2022.

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

1. No docket activity in December 2022.

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

1. December 19, 2022: Motion for party status filed by Center for Sustainable Energy.
2. December 20, 2022: ALJ E-mail Ruling granting party status to Center for Sustainable Energy.

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.21-11-013 / Application of PropSF, LLC (VCC94) for Authorization to Provide Scheduled VCC Service to Treasure Island and to Amend Rates for Prearranged Non-Scheduled Service by Mileage / 12/12/2022 Status Conference held. 12/28/2022 PropSF filed stipulation.**
- **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 / 12/07/2022 Prehearing Conference rescheduled to and held on 12/23/2022.**

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

- December 1, 2022: Bi-monthly TLAB Staff and CARB Staff coordination meeting on the Clean Miles Standard
- December 20, 2022: Bimonthly TLAB Staff and CARB Staff coordination meeting on the Clean Miles Standard
- December 21, 2022: CPED Staff met with San Francisco Municipal Transportation Agency for an update on the Uber/Taxi partnership in San Francisco

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.

- TLAB Staff attended an Uber Comfort Electric demonstration of the company's electric vehicle services and charging infrastructure opportunities for TNC drivers on December 6, 2022.
- TLAB Staff held a virtual Workshop on the Clean Miles Standard Phase 1 Staff Proposal on December 7, 2022, where staff presented a summary of the proposal and provided a venue for stakeholders to ask clarifying questions ahead of opening comments.

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 December 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 / December 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. The OII has been extended till September 30, 2023. No updates for December 2022.

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

- No updates.

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.

- Training and Safety Inspection conducted at Palm Springs Airport

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Total
Open Investigations	46	42	48	66	82	98	90	72	64	80	77	74	N/A
New Investigations	22	21	33	8	7	24	7	3	11	27	8	7	178
Investigations Completed	26	15	15	14	3	7	10	16	24	9	11	12	162
Investigations Open Longer than 6 Months	19	19	23	25	24	27	35	23	32	21	25	25	N/A
% Of investigations Open Longer than 6 Months	41%	45%	48%	38%	29%	28%	39%	32%	50%	26%	32%	32%	N/A
Cease and Desist Notices	12	9	16	14	10	17	12	16	12	20	13	2	153
Warning Letters	2	2	5	6	2	3	4	1	2	2	0	0	29
Telephone Disconnects	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	9	3	1	6	1	5	2	1	0	4	7	1	40
Civil Compromise Actions	2	9	5	7	3	5	12	10	22	13	5	0	93
Vehicle Impounds	6	3	11	6	9	7	9	14	19	13	9	1	107

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
January 2022 – December 2022**

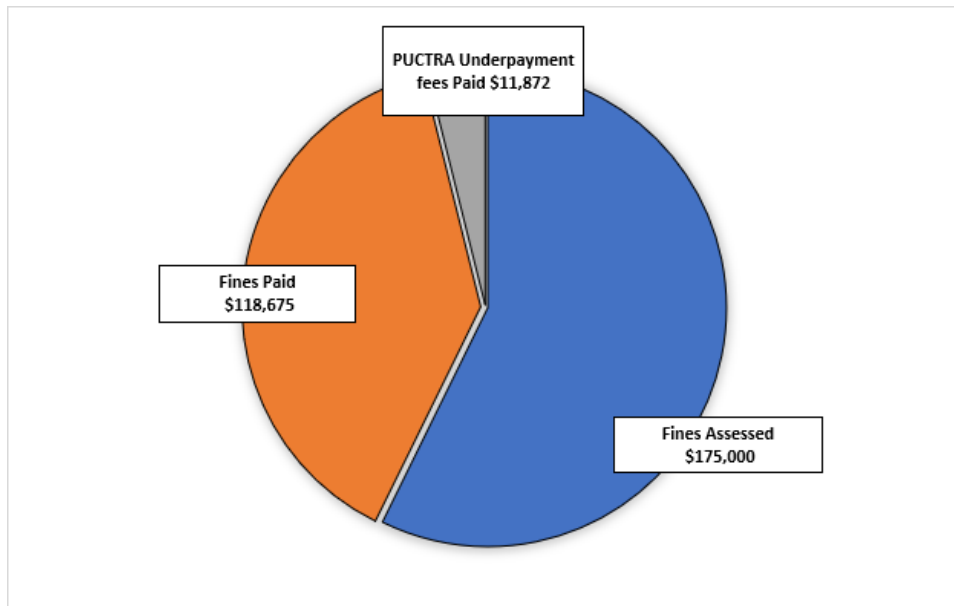


Table 3. Consumer Intake Unit (CIU) Statistics

CIU Statistics	
Open complaints as of December 1, 2022	2
New complaints received during month	4
Subtotal	6
Less: Complaints closed by CIU directly	2
Complaints Referred to Enforcement during month	2
Open CIU complaints as of December 31, 2022	2

Table 4. Citation Appeal Proceedings

Docket No.	Entity	Status
K.22-06-007	Amore' Limousine Service, Inc (TCP 25876	On September 29, 2022, hearing held. No updates for December 2022.
K.22-11-012	Edwin Torres, North Hollywood, unlicensed	On, November 10, 2022, appeal was filed. Case assigned to ALJ Robert W. Haga. On December 20, 2022, the case was re-assigned to ALJ Jacob Rambo.

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
Dec 2022	72	14	37	20	0	0
Nov 2022	144	28	46	16	0	0
Oct 2022	78	18	321	49	3	0
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

Table 6. Joint Operations with Law Enforcement Agencies

Agency	Operation
California Highway Patrol (CHP)	TCP/PSC Passenger carrier inspection at Red Hawk Casino in Placerville
Fresno Police Department	TCP/TNC Passenger carrier inspection at Fresno County Fairgrounds in Fresno

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

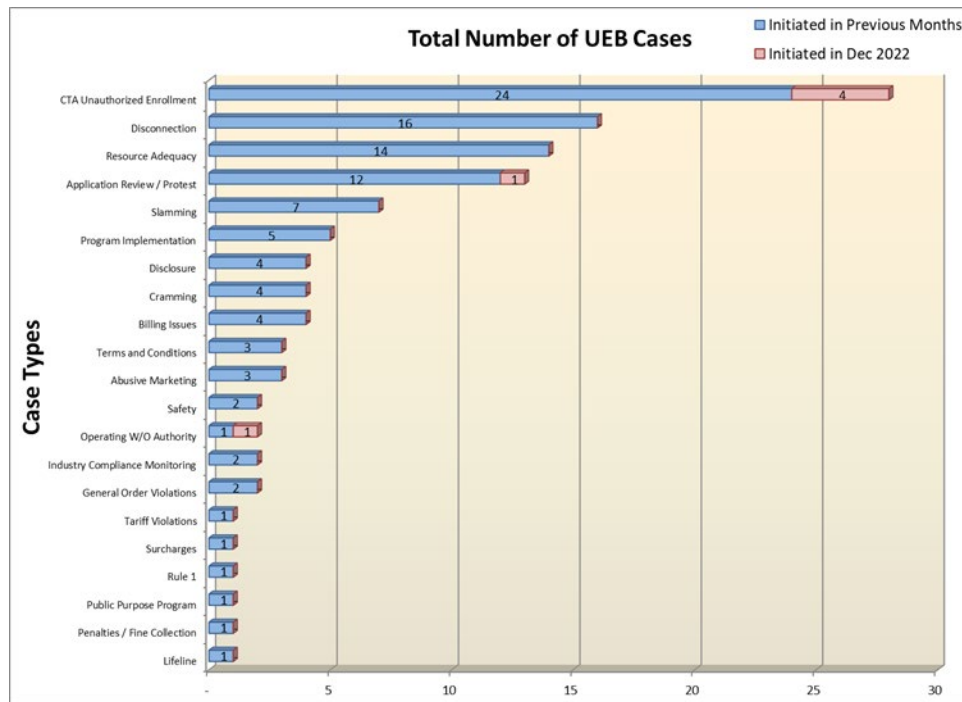
- **Constellation New Energy (CNE) RA Citation Appeal (K.22-11-007):** On December 1, 2022, ALJ Zhang issued a ruling setting the citation appeal hearing for December 15, 2022. The ruling also required prehearing motions by December 13, 2022. On December 2, 2022, CPED requested a continuance of hearings for the week of January 16, 2023. On December 8, 2022, ALJ issued a ruling granting CPED's request and reschedule hearings for January 20, 2023 with prehearing motions due by January 17, 2023.
- **Central Valley Community Energy (3CE) RA Citation Appeal (K.22-10-009):** On December 1, 2022, 3CE filed a motion to withdraw its appeal of citation E-4195-0126 and requested a stay of the proceeding schedule. On December 2, 2022, ALJ Chiv issued an email ruling staying the proceeding schedule pending a resolution on 3CE's motion to withdraw. On December 30, 2022, ALJ Chiv issued draft resolution ALJ-430 dismissing the appeal with prejudice.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-10-024):** On December 2, 2022, ALJ Zhang issued a ruling setting a citation appeal status conference on December 14, 2022 and required a joint status conference statement by December 12, 2022. On December 12, 2022, CPED and OCPA filed a joint status conference statement at 6PM, one hour after the deadline. On December 14, 2022, CPED and OCPA attended the status conference, where OCPA apologized for the administrative mishap and requested that the joint conference statement be accepted late. ALJ Zhang approved the request at the status conference and set forth the schedule for the citation appeal.
- **Kloud Communications, Inc. (A.22-11-011):** On December 14, 2022, CPED protested the application of Kloud Communications, Inc. for registration as an interexchange carrier. CPED alleges that Kloud Communications violated Rule 1.1 for its failure to disclose sanctions and a settlement with CPED associated with a previous company.

- TC Telephone (OII. 22-10-007):** On December 20, 2022, CPED filed its reply to TC Telephone’s response to the issues presented in the preliminary scoping memo for the Commission’s OII. CPED states that TC Telephone’s response did not provide any objections to the preliminary scoping memo regarding the issues to be considered as required by the preliminary scoping memo and under Rule 5.2. Instead, TC Telephone submits lengthy factual and legal arguments and allegations to each of the issues in the preliminary scoping memo. As such, CPED requests that the Commission include all eight of the issues set forth in the preliminary scoping memo.

Key Activities

UEB is working on a total of 111 cases. Investigations center primarily on 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.

Figure 7. UEB Total Number of Cases by Type as of December 31, 2022



Citations/Fines/Reparation

In December 2022, UEB did not issue any fines or citations.

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

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
Cumulative 2022	\$17,063,504
December 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, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, and 20-06-031. In December 2022, UEB received payment for one citation totaling \$1,500.
- **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 December, UEB reviewed 48 CTA-related complaints received by the Consumer Affairs Branch (CAB) in November 2022 and identified 18 needing investigation for potential unauthorized enrollment. Staff issued four data requests for proof of enrollment authorization. UEB received proof of enrollment authorization for one customer; one customer was a duplicate entry from October 2022; one customer was not enrolled with the subject CTA. At this time, UEB has not received proof of enrollment authorization for all requested customers, as extensions were granted due to holiday staffing shortages. As a such, staff's investigation for November is ongoing.

On November 23, 2022, UEB issued Spark Energy Gas, LLC (Spark) Citation No. UEB-003-0182. Spark's response was due on December 23, 2022. On December 27, 2022, Spark requested and was approved

for an extension to respond by January 5, 2023. Details of these citations can be found in the table below.

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				
December	48	19	4	1	0	0

Table 9. UEB CTA Citations

CTA CITATIONS					
Citation #	Date Issued	Company	Citation Amount	Date Due	Status
UEB-003-0182	11/23/2022	Spark Energy Gas, LLC	\$1,000	12/23/2022	Pending as extension granted until 1/5/2023
		TOTAL	\$1,000		

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of December. UEB was responsible for 41 separate Ordering Paragraphs. As of December 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 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	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.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.21-11-018	Appeal of Shell Energy North America to citation E-4195-113 issued on October 21, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
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.	Petersen	N/A
K.22-10-009	Appeal of Central Coast Community Energy to citation E-4195-126 issued on September 16, 2022 by Consumer Protection & Enforcement Division.	Chiv	N/A
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
I.22-10-007	Order Instituting Investigation into the Operations and Practices of TC Telephone and Order to Show Cause to Determine Whether Respondents Violated the Laws, Rules, and Regulations Governing the California Universal LifeLine Program	Mason	Shiroma

K.22-10-024	Appeal of Orange County Power Authority to citation E-4195-125 issued on September 16, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
K.22-11-007	Appeal of Central Coast Community Energy to citation E-4195-130 issued on October 7, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
A.22-02-020	Application of Dagobah Systems, Inc., dba Dagobah Communications Systems, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Melvin	Reynolds
A.22-10-005	Application of Digital Future UUC LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.	N/A	N/A
A.22-11-011	Application of Kloud Communications, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	N/A	N/A

Outreach/Training/Other Activities

State National Action Plan (SNAP): On December 15, 2022, CostQuest, the company contracted by the FCC to develop its maps, discussed the “fabric” of the FCC’s Broadband maps. The discussions included how the maps use data from various state and federal sources to determine needed broadband deployment. The maps will be used to find gaps in universal service and broadband availability, where the FCC will work to bring services to these areas.