



Consumer Protection and Enforcement Division



Monthly Activity Report April 2020

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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 seven 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 April 2020, TEB closed 22 investigation cases and initiated 34 new cases.

2020 Enforcement Activity	Jan	Feb	Mar	April	YTD
Open Investigations as of 4/1/2020	111	117	125	113	
New Investigations Initiated	46	16	30	34	126
Investigations Completed	18	26	25	22	91
Cease and Desist Notices	28	19	17	12	76
Official Notices	3	7	5	4	19
Telephone Disconnects	2	3	0	0	5
Citations	6	8	11	3	28
Citations Appealed	0	0	2	1	3

Complaints

Consumer complaints decreased by two complaints in April compared to the prior month, from 17 to four compared to April 2019, and from 83 to 35 year-to-date compared to January-April 2019. This month, the Consumer Intake Unit (CIU) received just four complaints.

Complaint Activity	Jan	Feb	Mar	April	YTD 2020
Open complaints as of first day of current month	3	3	1	1	
New complaints, by source:	17	12	6	4	35
Consumer	13	12	5	4	30
Competitor	4	0	1	0	5
Complaints referred to Enforcement	9	8	4	2	23
Open complaints as of last day of current month, by duration:					
0-30 days	3	1	1	2	
31-60 days	0	0	2	0	
Complaints closed by CIU, by duration:					
0-30 days	14	14	4	2	34

Carrier Application and Permit Activity

As of April 2020, TLAB’s Licensing Section has received **833** applications (New, Renewals, Refiles, and Transfer) and issued **798** permits. Currently, TLAB has completed **366** 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). **One** new TNC application is currently under review.

Year-to-Date Passenger Carrier Activity	Total
New Applications Docketed	182
Renewal Applications Docketed	593
Refile Applications Docketed	46
Transfer Applications Docketed	12
Authorities Issued	798
Authorities Suspended	2502
Authorities Revoked	426
Authorities Reinstated (Suspended/Revoked)	1004
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	153
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	213
Pending Reinstatement from Suspension and Revocation	28
Total Active/Suspended TCP and PSC Authorities as of 04/30/2020	5814
Total Active/Suspended TNC Authorities as of 04/30/2020	13
Voluntary Suspensions	471
Voluntary Revocations	62
Vehicles added to Passenger Carrier Equipment Statements	1453
Address and DBA Changes	905
Vehicle inspection requests sent to CHP	1127
Returned Applications (incomplete package)	156

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 statistics below show a breakdown of calls handled during the past three months since the implementation of the Transportation Call Center. 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.

Unit (Number of Employees)	Week Ending 7-Feb	Week Ending 14-Feb	Week Ending 21-Feb	Week Ending 28-Feb	Month Ending Feb
Equipment (4)		13	15	11	39
Licensing (7)		5	3	12	20
General Inquiries (1)		20	15	15	20
Total Calls		38	33	38	109

Unit (Number of Employees)	Week Ending 6-Mar	Week Ending 13-Mar	Week Ending 20-Mar	Week Ending 27-Mar	Month Ending Mar
Equipment (4)	12	14	14	39	79
Licensing (7)	2	15	13	26	56
General Inquiries (1)	22	16	21	42	101
Total Calls	36	45	49	107	236

Unit (Number of Employees)	Week Ending 3-Apr	Week Ending 10-Apr	Week Ending 17-Apr	Week Ending 24-Apr	Week Ending 30-Apr	Month Ending Apr
Equipment (4)	7	11	22	23	11	67
Licensing (7)	31	23	28	27	11	89
General Inquiries (1)	28	31	30	36	19	116
Total Calls	66	65	80	86	41	272

CITATIONS/FINES/REFUNDS

TEB Fines/Refunds	January	February	March	April	YTD
Fines Assessed	\$34,500	\$21,000	\$30,500	\$26,000	\$117,500.00
Fines Paid	\$13,590	\$14,040	\$37,233.33	\$11,190	\$71,596.24
Overcharge Refunds/Settlements by TEB Consumer Unit	\$1,496	\$559	\$2,269.06	0	\$4,296.69

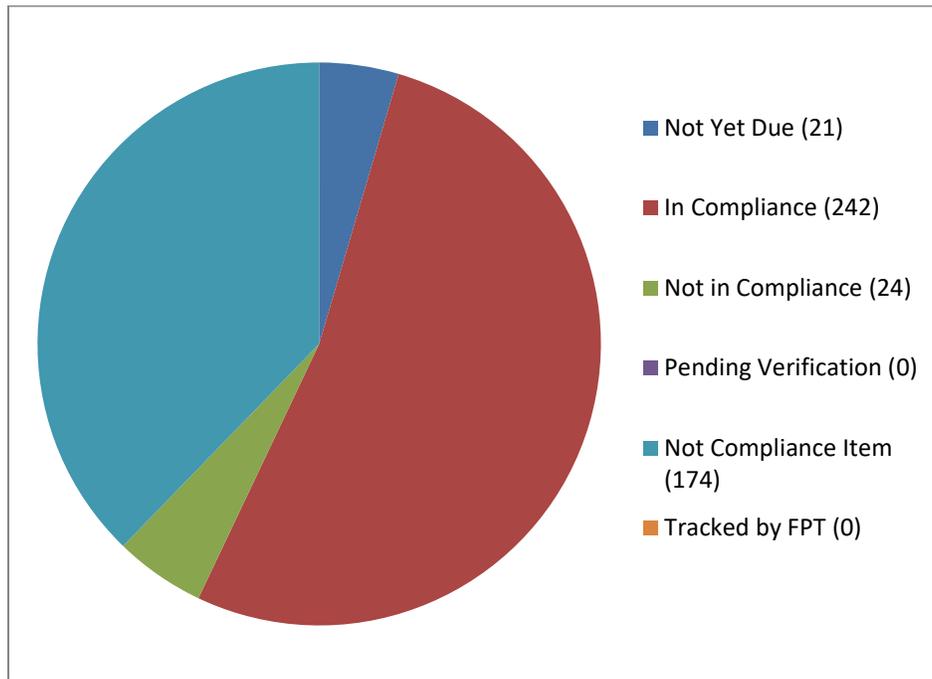
Citations

- F-5654. Lux Bay Area Limo Service, LLC, Daly City (TCP 30741). Case: PSG-5062. Fine: \$5,000. Violations: carrier 1) Operated after suspension; 2) operated without PL&PD insurance; and 3) operated without WKCP insurance. Carrier also failed to enroll drivers in the DMV EPN Program, enroll drivers in a drug program, and underreported gross revenue and underpaid PUCTRA fees.
- F-5655. American Fame Express Transportation, Inc., Fremont (TCP 27857). Case: PSG-5116. Fine: \$10,000. Violations: carrier 1) Operated after suspension; 2) operated without PL&PD insurance; and 3) operated without WKCP insurance. Carrier also failed to enroll driver in the DMV EPN Program, enroll driver in a drug program, include the required information on waybills, and underreported gross revenue and underpaid PUCTRA fees.

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
Year to date	35	19	30	32	\$18,250

COMPLIANCE WITH ORDERING PARAGRAPHS



The Transportation Program is currently responsible for 461 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.** No update.

Enforcement Proceedings

- No OIIs or OSCs.

Citation Appeal Proceedings

- **K.19-12-004/ Superior Enterprises, LLC (TCP 35089) Appeal / ALJ Goldberg.**
Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing and setting telephonic status conference scheduled for May 4, 2020 by the ALJ.
- **K.19-12-005/ D and D Limo, Inc. (TCP 36542) Appeal / ALJ Goldberg.**
Appeal received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing and setting telephonic status conference scheduled for May 4, 2020 by the ALJ.

Carrier Application Proceedings

- **A.20-04-016 / Application of Santa Barbara Airbus, Inc. d/b/a Santa Barbara Airbus (PSC-1262) for Authority to Increase Base Fares and Continue to Maintain a Zone of Rate Freedom / 04/24/2020 Application filed.**

OUTREACH/TRAINING/OTHER FIELD ACTIVITIES

- **California Air Resources Board (CARB) Clean Miles Standard Public Workshop.**
On April 1, 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.

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 CPUC to seek appropriate penalties and remedies for consumers.

MONTHLY HIGHLIGHTS

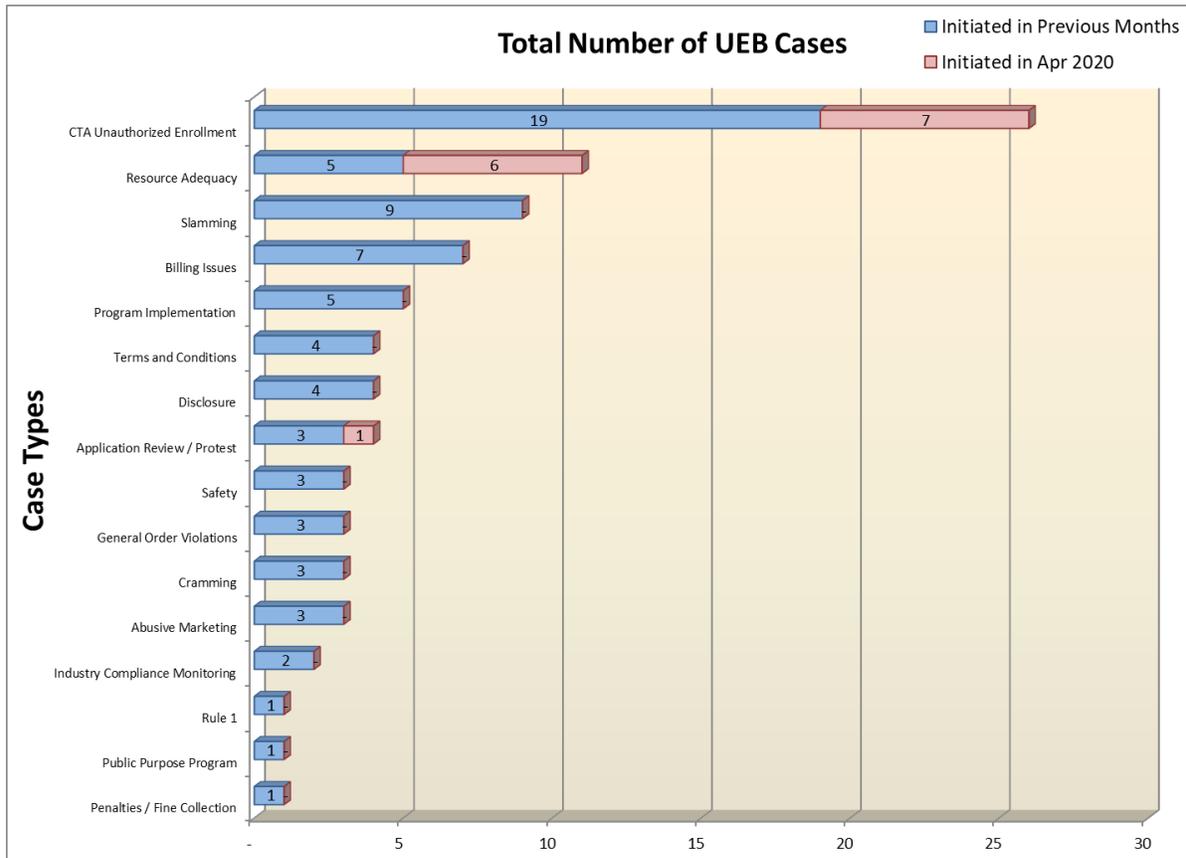
- **Net Energy Metering (NEM) Citation Program (UEB-004):** CPED proposed a resolution to establish a NEM citation program to enforce compliance with the consumer protection measures authorized by the Commission in Decisions (D.)16-01-044, D.18-09-044 and D.20-02-011. This resolution was served on all parties for comments on April 28.
- **One Million New Internet User Coalition (NIU) (I.18-07-009) (Commissioner Rechtschaffen/ALJ KIM):** CPED filed separate motions with two members of NIU. CPED and Korean Churches for Community Development filed a joint motion for adoption of a settlement agreement to resolve all outstanding issues in the proceeding. CPED and Asian Pacific Community Fund (APCF) filed a joint motion for dismissal of APCF from this proceeding as its involvement with NIU was limited.
- **Frontier Communications (I.19-12-009) (Commissioner Randolph/ALJ Zhang):** The assigned Commissioner issued a Scoping Memo and Ruling setting forth the scope and schedule for the proceeding. Frontier and CPED filed a joint motion for adoption of a settlement agreement that resolves all outstanding issues in the proceeding.
- **Resource Adequacy (RA) Citation Program:** UEB issued five RA citations totaling \$62,354.10 against Load Serving Entities for failing to comply with resource adequacy requirements pursuant to Resolution E-4195, and Decisions 10-06-036, 11-06-022 and 14-06-050.
- **San Jose Clean Energy (K.20-04-005) (ALJ Yacknin):** San Jose Clean Energy filed a Notice of Appeal to citation E-4195-74 issued on March 10, 2020 by CPED.

- **East Bay Community Energy (K.20-04-006) (ALJ Yacknin):** East Bay Community Energy filed a Notice of Appeal to citation E-4195-77 issued on March 10, 2020 by CPED.
- **PG&E Public Safety Power Shutoff (PSPS) (R.18-12-005) (Commissioner Batjer/ALJ Semcer):** Based on the ALJ's ruling, parties filed rebuttal testimonies addressing the need for additional and modified de-energization guidelines. This ruling directs PG&E to show cause why it should not be sanctioned by the Commission for failing to properly communicate with its customers and coordinate with local governments and Public Safety Partners, resulting in a risk to public safety. On April 16, the assigned ALJ issued a Ruling clarifying that the remaining procedural schedule is held in abeyance until further notice.

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 April 30, 2020



CITATIONS/FINES/REPARATION

UEB issued one Core Transport Agent (CTA) citation in the amount of \$3,000 and five Resource Adequacy (RA) citations totaling \$62,354 during the month of April 2020. The CTA citation was issued for failing to provide proof of enrollment authorization. The RA citations were issued for deficiency that was remedied after 5 business days from the date of notification by the Energy Division (or not remedied at all), for a deficiency that was cured within 5 business days from the date of notification by the Energy Division, or for failure to file a Month-Ahead System Resource Adequacy Compliance Filing at the time and manner required.

In addition, UEB revised a previously issued March RA citation (E-4195-0073) from \$56,410 to \$30,441. Cumulative January through April 2020 fines, reparations and penalties imposed are shown below.

Date	Citations/Fines/ Reparation
April 2020	\$65,354
Cumulative 2020	\$9,332,990

- 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.

RESOURCE ADEQUACY CITATIONS April 2020					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
ELE-4195-81	4/20/2020	Just Energy Solutions	\$35,864.10	5/20/2020	Awaiting payment or appeal
ELE-4195-82	4/15/2020	Clean Power Alliance	\$10,000.00	5/15/2020	Awaiting payment or appeal
ELE-4195-83	4/20/2020	Commercial Energy	\$7,495.00	5/20/2020	Awaiting payment or appeal
ELE-4195-80	4/14/2020	Tiger Natural Gas	\$1,500.00	5/15/2020	Awaiting payment or appeal

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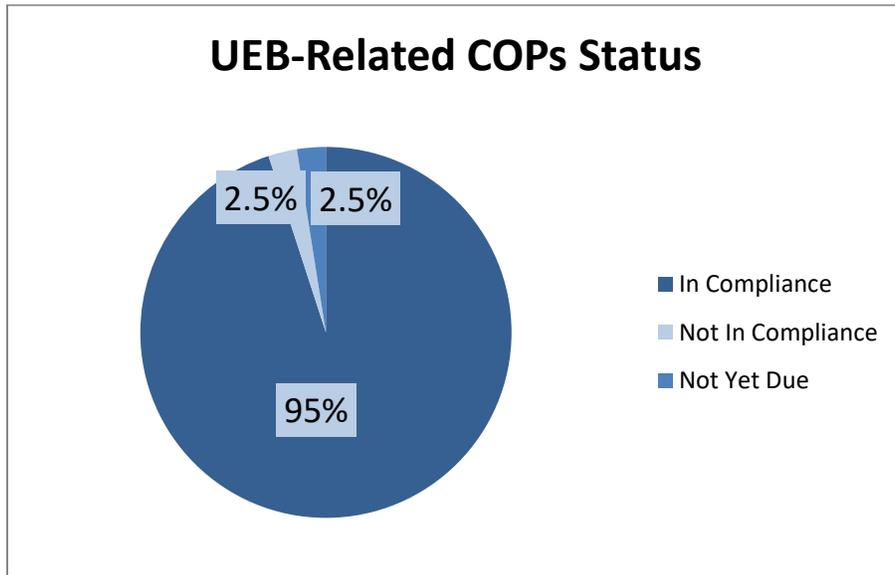
ELE-4195-84	4/21/2020	Commercial Energy	\$7,495.00	5/21/2020	Awaiting payment or appeal
		TOTAL	\$62,354		

- **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 April, UEB reviewed 108 CTA-related complaints received by the Consumer Affairs Branch (CAB) in March 2020 and identified 28 needing investigation. UEB issued 7 data requests for proof of enrollment authorization for 26 customers. Two of the complaints did not contain enough information in CAB’s Consumer Information Management Systems database to be included in the data requests. So far, UEB received 17 TPVs and 6 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	Unauthorized Enrollment				
March	108	28	7	Pending	Pending	0

Citation #	Date Issued	Company	Citation Amount	Date Due	Payment Status
UEB-003-#027 to 036	2/26/2020	Spark Energy	\$10,000.00	3/27/2020	Payment received 4/20/2020
UEB-003-#037 to 039	4/21/2020	Smart One Energy	\$3,000.00	05/21/2020	Payment pending

COMPLIANCE WITH ORDERING PARAGRAPHS



There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of April. UEB was responsible for 39 separate Ordering Paragraphs. As of April, 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. However, UEB staff also tracks such payments separately in our case management system.

UEB-RELATED PROCEEDINGS

Docket No.	Title	ALJ	Commissioner
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A.19-04-014	Application of Cox California Telcom, LLC (U5684-C) Requesting the Commission Not Require Cox to Pay Disputed Surcharge Amounts Identified in Audit Report.	Kline	Shiroma
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	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	Aceves
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
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

OUTREACH/TRAINING/OTHER ACTIVITIES

SNAP: The FCC presented a summary of actions taking during the COVID-19 outbreaks. Telecommunications carriers continue to monitor their networks and are reporting performance issues to the FCC. Some rural areas have experienced problems with broadband networks not being robust enough. The FCC also reported an increase in Robocall scams related to the current pandemic. Some carriers continue to waive data caps and are working with consumers facing financial hardship from job loss or furloughs. The FCC's website is being updated almost daily with new information from the carriers.