

Public Utilities Commission STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: Jeremiah Phillips LLC File: TCP 37160 (Active)

Attn: Date: October 9, 2024

Citation #: T.24-10-001

Burlingame, CA 94010 Case #: CSE-000135

VIOLATIONS

You are hereby cited with having violated sections of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below. These violations occurred during the period from April 22, 2024, through May 7, 2024.

- (1) Airline Coach Service operated as a charter-party carrier during suspension of authority, in violation of Pub. Util. Code Section 5379 [16 Counts].
- (2) Airline Coach Service failed to enroll four (4) drivers in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program in violation of Pub. Util. Code Section 5374(a)(1)(D), G.O. 157-E Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [4 count].
- (3) Airline Coach Service failed to operate a passenger carrier without proper enrollment of all drivers in a drug and alcohol program in violation of Pub. Util. Code section 5374 (a), (I), (I) and G. O. 157-E, Part 10 [30 counts].
- (4) Airline Coach Service provided incomplete Waybills in violation of Pub. Util. Code section 5381.5 and G.O. 157-E, Part 3.01 (TCP) [1,129 counts].

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of carrier's records and substantiating documents obtained from other sources.

RESPONSE

TEB used the Penalty Assessment Methodology adopted in Resolution M-4846 and considered mitigating and exacerbating factors in setting the fine.

You are hereby called upon to answer this citation on or before October 29, 2024. By way of such answer, you may either:

- (1) Pay a fine of \$20,000.00 pursuant to P.U. Code Section 5378. (Submit your check or money order payable to California Public Utilities Commission using the attached *Citation Agreement*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the Commission staff will deem the matter closed, **or**
- (2) Contact the Supervisor below to make payment arrangements, or
- (3) Contest this Citation by filing an Appeal. See attached document "How to File an Appeal and Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal."

If you fail to respond by October 29, 2024, you will be in default and will have forfeited your right to appeal the Citation. In addition, your operating authority will be immediately suspended and may be subsequently revoked pursuant to Resolution ALJ-187. The Commission may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

Rahmon Momoh

Rahmon Momoh, Program and Project Supervisor Consumer Protection and Enforcement Division Transportation Enforcement Branch Telephone number (415) 816-5754 E-mail address Rahmon.Momoh@cpuc.ca.gov

File No.: <u>TCP 37160 (Active)</u>

Citation #: <u>T.24-10-001</u>
Date: <u>October 9, 2024</u>

Case #: <u>CSE-000135</u>

CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated October 9, 2024, and herewith pay the fine of \$20,000.

	Jeremiah Phillips LLC Owner Burlingame
-	(Signature) (Title)
-	(Date)

Payment (cashier check or money order) should be made payable to *California Public Utilities Commission* and sent to:

California Public Utilities Commission Attn: Fiscal Office 505 Van Ness Avenue San Francisco, CA 94102-3298

Automatic credit and debit card payments are also available. To arrange for auto-pay, fill out the attached <u>CREDIT OR DEBIT CARD AUTHORIZATION form and email</u> to our Fiscal Office at <u>FiscalOffice-.TECitations@cpuc.ca.gov</u>.

INVESTIGATION REPORT

CARRIER: Jeremiah Phillips LLC

Dba: Airline Coach Service

CA Secretary of State: 201617510060 (Active)

Case: CSE-000135

OFFICERS: , Owner

AUTHORITY: TCP 37160 (Active)

MAILING ADDRESS: , Burlingame, California 94010

PHONE/EMAIL:

VEHICLES: 17 vehicles

EMPLOYEE-DRIVERS: 18

PL&PD INSURANCE: Gateway Insurance Company

Policy #:

Effective Date: 3/26/2024 Admiral Insurance Company Policy #:

Effective Date: 5/1/2024

WORKERS' State Compensation Insurance Fund

COMPENSATION Policy#:

INSURANCE: Effective Date: 4/19/2024

DRUG

CONSORTIUM: HireRight, Inc.

REVENUE: <u>Year</u> <u>Revenue</u>

2021

2022 2023

INTRODUCTION

On May 1, 2024, I was assigned to investigate the operations and practices of Jeremiah Phillips LLC, doing business as (dba) Airline Coach Service (hereinafter referred to as Airline Coach Service), because of a complaint alleging Airline Coach Service was potentially operating while its permit was suspended [Attachment 1].

VIOLATIONS

I investigated Airline Coach Service for the period of April 22, 2024, to May 7, 2024, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

• Airline Coach Service operated as a charter-party carrier during suspension of authority, in violation of Pub. Util. Code Section 5379 [16 Counts].

According to Transportation Licensing and Analysis Branch (TLAB) records, Airline Coach Service's TCP 37160 was suspended on April 22, 2034, due to failure to maintain excess public liability and property damage (PLPD) insurance [Attachment 2].

On May 8, 2024, I sent a Cease-and-Desist letter to the Airline Coach Service at [Attachment 3]. The carrier submitted PLPD Insurance to TLAB and was reinstated the same day on May 8, 2024 [Attachment 4].

On May 9, 2024, I sent a data request letter to Airline Coach Service at , with a due date of May 24, 2024, requesting PLPD insurance, workers' compensation insurance, list of sub-carriers and agreement, drug consortium agreement and drivers enrolled, other fictitious business names, waybills, and random drug test results between April 22, 2024, and to May 8, 2024 [Attachment 5]. On June 13, 2024, the owner of Airline Coach Service, sent 1,129 waybills for the period from April 22, 2024, to May 7, 2024. These records show that the Airline Coach Service was operating during those 16 days [Attachment 6].

 Airline Coach Service failed to enroll four (4) drivers in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program in violation of Pub. Util. Code Section 5374(a)(1)(D), G.O. 157-E Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [4 count].

A search of the DMV online database shows that Airline Coach Service enrolled in the Employer Pull Notice (EPN) program under requestor code [Attachment 6]. A review of Airline Coach Service's waybills [Attachment 7] shows it engaged four (4) drivers—

without being enrolled in the DMV Pull Notice Program during the review period [Table 1].

Table 1 - Drivers operated during the review period

(04/22/2024 to 5/07/2024)

No.	Driver Name	Enrolled EPN	Enrolled Drug and Alcohol Program
Contractor.	The body and a support of the suppor	(Yes/No)	(Yes/No)
1.		No	No
2.		No	No
3.		No	No
4.		No	No
5.		Yes	No
6.		Yes	No
7.		Yes	No
8.		Yes	No
9.		Yes	No
10.		Yes	No
11.		Yes	No
12.		Yes	No
13.		Yes	No
14.		Yes	No
15.		Yes	No
16.	4,00	Yes	No
17.		Yes	No
18.		Yes	No
19.		Yes	No
20.	production to the state of the	Yes	No
21.		Yes	No
22.		Yes	No
23.		Yes	No
24.		Yes	No
25.		Yes	No

26.	Yes	No
26. 27.	Yes	No
28.	Yes	No
29.	Yes	No
30.	Yes	No

 Airline Coach Service failed to operate a passenger carrier without proper enrollment of all drivers in a drug and alcohol program in violation of Pub. Util. Code section 5374 (a), (I), (I) and G. O. 157-E, Part 10 [30 counts].

I emailed Airline Coach Service's drug consultant, HireRight, Inc., on June 28, 2024, requesting its driver enrollment information between April and May of 2024 [Attachment 8]. On July 8, 2024, I received Airline Coach Service's program enrollment list from with HireRight. I discovered thirty (30) employees operated between April 22, 2024, to May 7, 2024, without enrolling in the drug and alcohol program. [Table 1 & Attachment 9].

Airline Coach Service provided incomplete Waybills in violation of Pub. Util.
 Code section 5381.5 and G.O. 157-E, Part 3.01 (TCP) [1,129 counts].

A review of the waybill log provided by Airline Coach Service disclosed that waybills were not in full compliance and lacked some of the following required items [Attachment 7]

- 1. Transportation Carrier Permit (TCP) number.
- 2. Vehicle license plate number.
- 3. Name and address of the person requesting or arranging the charter.
- Whether the transportation was arranged by telephone, written contract, of electronic communication.
- Name of at least one passenger in the traveling party or identifying information of the traveling party's affiliation.

DECLARATION

I have read the foregoing and know the contents thereof and I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and to those matters, I believe to be true.

Executed on October 9, 2024, in Los Angeles, California

<u>Yueting Sun</u>

Yueting Sun, PURA II

List of Attachments

•	Attachment 1	Complaint from CPUC Transportation Informal Complaint Tracking System printed on May 1, 2024
•	Attachment 2	CPUC Order of Suspension sent on April 22, 2024
•	Attachment 3	Cease-and-Desist letter sent on May 8, 2024
•	Attachment 4	Order of Reinstatement sent on May 8, 2024
•	Attachment 5	Data request sent on May 9, 2024
•	Attachment 6	DMV EPN Driver Enrollment List
•	Attachment 7	Waybills received on June 13, 2024
•	Attachment 8	Drug consortium data request sent on June 28, 2024
•	Attachment 9	Drug consortium information received on July 8, 2024

California Public Utilities Commission Transportation Informal Complaint Tracking System Printed as of 01-MAY-2024 13:44:24

Case #	20240071
Inquiry Type Carrier Type	Written Passenger Carrier
Received by Area Office Area Office Assigned District Office Transfered To Representative	San Francisco Destiny Graham
Received Date Closed Date Update Date Transfer Date	01-MAY-2024
COMPLAINANT: MTR/PSG/CA# DBATLAB NameTLAB Address City/St/Zip Phone Email	
DBA AIRLI	37160 NE COACH SERVICE NAH PHILLIPS LLC

CA 94010

COMPLAINT DESCRIPTION:

Carrier potentially operating while suspended

City/ST/Zip.. BURLINGAME

Address.....

Phone.....

DISPOSITION DESCRIPTION:

Referred to enforcement

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue San Francisco, CA 94102-3298



DBA: AIRLINE COACH SERVICE
ATTN:JEREMIAH PHILLIPS LLC

PSG0037160

CPUC Order of Suspension

This is notice from the California Public Utilities Commission (CPUC) that the TCP CLASS B CERTIFICATE listed on this letter is suspended.

The table below lists the reason(s) for suspension; the effective date of the suspension(s); and the date the permit/certificate will be revoked if the reason(s) for suspension are not resolved.

Suspension Reasons					
Reason	Suspension Date	Revocation Date			
Failure to maintain excess public liability and p insurance	roperty damage (PL/PD) April 22, 2024	July 21, 2024			

While voluntary suspensions may stay in effect until the permit or certificate expires, it may be revoked sooner for other reasons including failing to pay transportation user fees (PUCTRA) or failing to submit your annual CHP terminal safety inspection request(s).

After the cancellation or revocation of a permit or certificate, or during the period of its suspension, or after the expiration of its permit or certificate, it is unlawful for a Passenger Stage Corporation (PSC) or a Transportation Charter-Party carrier (TCP) of passengers to conduct any operations as a carrier. (California Public Utilities Code §§ 1045, 5379). Unlawful operations are subject to fines and penalties as set forth in the California Public Utilities Code and may include permanent revocation of your operating authority or being permanently barred from receiving an operating authority.

A carrier whose certificate or permit is suspended due to failing to pass a vehicle inspection by the California Highway Patrol (CHP) (California Public Utilities Code § 5378.5, Commission Resolution TL-18336) may obtain a reinspection of its terminal and vehicles by the CHP by submitting a written request for reinstatement to CPUC and paying a reinstatement fee of one thousand dollars (\$1,000). (California Public Utilities Code § 5378.5(b)). Upon receipt of a written recommendation from CHP to suspend a carrier's operating authority, a carrier may request a hearing of the suspension by making a written request to CPUC and the CHP showing cause why the suspension should not be continued.

If your suspension is due to failing to maintain insurance, you must contact your insurance provider to reinstate your policy on-file with the CPUC.

Date: Apr 22, 2024

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

licensing@cpuc.ca.gov

PUBLIC UTILITIES COMMISSION

505 Van Ness Ave San Francisco, CA 94102



May 8, 2024 TCP: 37160-B Suspended

Case: CSE-000135

Jeremiah Phillips LLC

Burlingame, CA 94010

NOTICE TO CEASE AND DESIST

Dear

On April 22, 2024, your Charter Party Carrier (TCP) authority was suspended for failure to maintain excess public liability and property damage (PL/PD) insurance.

Public Utilities (Pub. Util.) Code Section 1045 states in part that after cancellation or revocation, or during the period of its suspension, it is unlawful for a PSC to conduct any operations as a carrier. Pub. Util. Code Section 1034.5 states that it is unlawful to publish or advertise without holding a valid authority. Advertisements include, but are not limited to, advertising in local directories or Yellow Pages, business cards, websites, etc.

Pub. Util. Code Section 5379 states in part that it is unlawful for a TCP to conduct any operations after cancellation or revocation, or during the period of its suspension, or after the expiration of its authority. Pub. Util. Code Section 5414.5 states that it is unlawful to publish or advertise without valid authority. Advertisements include, but are not limited to, advertising in local directories or Yellow Pages, business cards, websites, etc.

Pub. Util. Code Section 5387 states in part that a charter-party carrier shall have its authority to operate as a TCP permanently revoked by the California Public Utilities Commission (CPUC) if it operates a bus without having been issued a valid authority from the CPUC.

Your company must immediately cease and desist from all unlawful operations including advertising.

Pub. Util. Code Section 1037 states in part that any PSC carrier which operates without a valid authority is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$1000.

OR

Pub. Util. Code Section 5411 states in part that any TCP carrier which operates without a valid authority is guilty of a misdemeanor and is punishable by a fine not less than \$1,000.

This letter places your company on notice that continued violations of the law without the required operating authority may result in enforcement actions, including criminal prosecutions. There will be no further warnings.

For information on obtaining a permit or certificate, go to: http://www.cpuc.ca.gov/transportationlicensing/.

Please contact me within five days of receiving this notice at the telephone number and email address listed below.

Sincerely,

Yueting Sun, Enforcement Analyst California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch Email: yueting.sun@epuc.ca.gov

Telephone: 213-718-0612

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue San Francisco, CA 94102-3298



DBA: AIRLINE COACH SERVICE

PSG0037160

ATTN:JEREMIAH PHILLIPS LLC

BURLINGAME CALIFORNIA 94010

TCP CLASS B CERTIFICATE

Order of Reinstatement

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter has been reinstated effective May 08, 2024.

Date: May 08, 2024

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

licensing@cpuc.ca.gov

STATE OF CALIFORNIA GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



May 9, 2024

TCP: 37160-B (Active) Case No.: CSE-000135

Jeremiah Phillips LLC

Burlingame, CA 94010

Subject: Data Request

Dear

The California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED) Transportation Enforcement Branch (TEB) is currently reviewing the Commission's records for intrastate transportation carriers that are regulated by the Commission.

Public Utilities Code Section 5389 authorizes the Commission and its staff to have access at any time to the land, buildings, or equipment of a charter-party carrier of passengers used in connection with the operation of its business and may inspect the accounts, books, papers, and documents of the carrier.

General Order 157-E, Part 6.01 specifically states in part that every carrier shall institute and maintain in its offices a set of records which reflect information as to the transportation services performed, including waybills, driver records, and safety and maintenance records including copies of all lease and sub-carrier agreements. Such records shall be maintained for a minimum period of three years.

Pursuant to Public Utilities Code Section 5389, the Commission is requesting a review of the Charter-Party intrastate transportation records for Jeremiah Phillips LLC. Failure to provide access to records is a misdemeanor punishable by a maximum of \$5,000, or by imprisonment in a county jail not exceeding one year, or by both fine and imprisonment, where each violation is a separate and distinct offense (Public Utilities Code Section 2110).

We are requesting that you present your documents listed below in electronic form. Please scan the following documents and email a copy to Yueting Sun at Yueting.Sun@cpuc.ca.gov by May 24, 2024.

- 1. Your current public liability and property damage insurance policy showing schedule of vehicles and drivers insured,
- 2. Your current workers' compensation insurance policy,
- 3. List of all current sub-carriers and agreements,
- 4. Current service agreement with your Drug Consortium and a list of all drivers enrolled showing dates added and/or deleted,
- 5. Other Fictitious Business Names (FBN) doing business as (dba),
- 6. Please provide the total number of trips completed from April 22, 2024, to May 8, 2024, as documented on waybills per GO 157-E, Part 3.0,
- 7. All pre-employment and random drug test results for all your drivers within the last six (6) months and
- 8. Waybills for all intrastate TCP transportation, including transportation performed as April 22, 2024, to May 8, 2024.

CPED reserves the right to amend, add to or revise this Data Request in the future if necessary.

Any responsive records provided by you that have been properly labeled and submitted as confidential will be treated as such under Public Utilities Code Section 583 (see also General Order 66-D). Confidential documents will not be released to the public except as required by law following a Public Records Request and reduction of confidential material.

If you have any questions, please do not hesitate to call me at 213-718-0612 or e-mail Yueting.Sun@epuc.ca.gov.

Sincerely,

Yueting Sun, Enforcement Analyst California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch

Email: Yueting.Sun@cpuc.ca.gov

Telephone: 213-718-0612

Driver List

er Name	DL Number	Requester Code	Add Date	Delete Date	Status
			09/18/2023		Enrolle
			07/25/2022	01/22/2024	Deleted
			02/16/2024		Enrolle
			07/01/2024		Enrolle
			10/10/2023		Enrolle
		1	04/04/2023	10/11/2023	Deleted
			08/10/2023		Enrolle
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			05/30/2018	12/17/2021	Delete
			04/21/2023		Enrolle
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			02/11/2022	08/23/2023	Delete
			05/08/2024	06/06/2024	Delete
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			05/30/2018	01/22/2024	Delete

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			12/03/2019	12/04/2020	Deleted
			05/29/2024	05/30/2024	Deleted
			06/07/2017		Enrolled
			02/06/2024	05/22/2024	Deleted
		-	04/26/2024		Enrolled
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			03/01/2023	03/16/2023	Deleted
			06/19/2019		Enrolled
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		06/07/2017	10/11/2023	Deleted
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		05/15/2023	05/22/2024	Deleted
		09/28/2020	09/06/2023	Deleted
		02/01/2024		Enrolled
		06/09/2022	01/22/2024	Deleted
		01/16/2024	01/30/2024	Deleted
		03/08/2023	10/11/2023	Deleted
		11/01/2021	02/21/2023	Deleted
		05/07/2019	03/09/2022	Deleted
		04/15/2021	12/17/2021	Deleted
		01/06/2023	01/13/2023	Deleted
		08/26/2022	02/27/2023	Deleted
		08/10/2023		Enrolled
		05/07/2019	12/17/2021	Deleted
		09/28/2020		Enrolled
		06/17/2024		Enrolled
		07/02/2021	12/17/2021	Deleted
		10/16/2023	01/22/2024	Deleted
		02/09/2022		Enrolled
		07/20/2022	02/27/2023	Deleted
		11/27/2023	01/08/2024	Deleted
		07/22/2019	04/15/2021	Deleted
		05/30/2018	12/17/2021	Deleted

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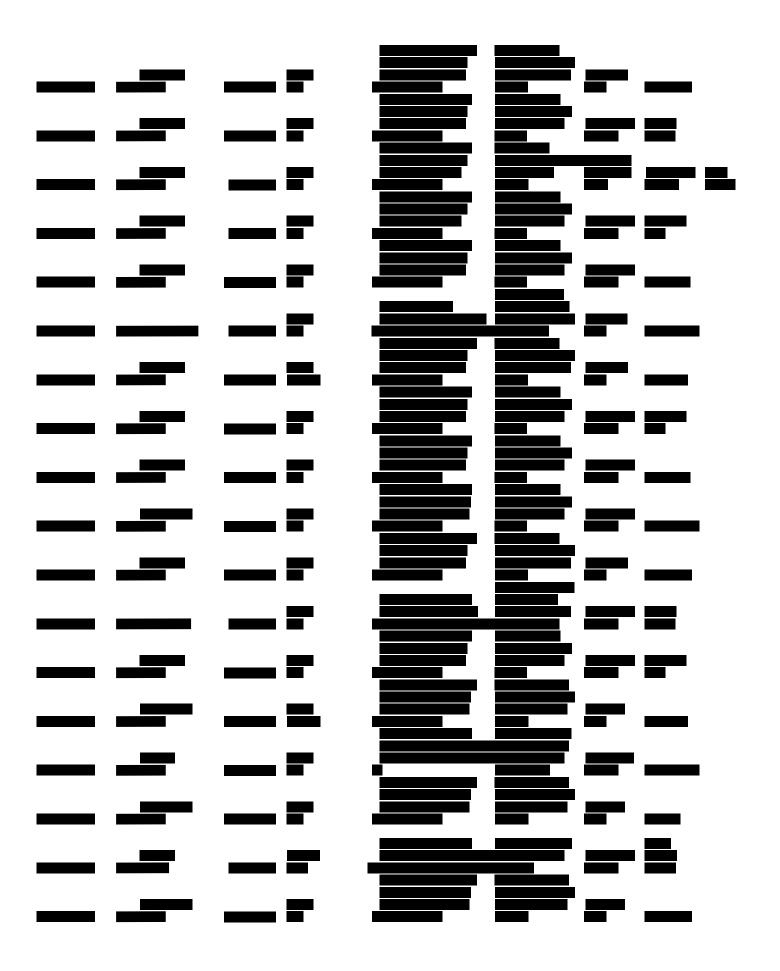
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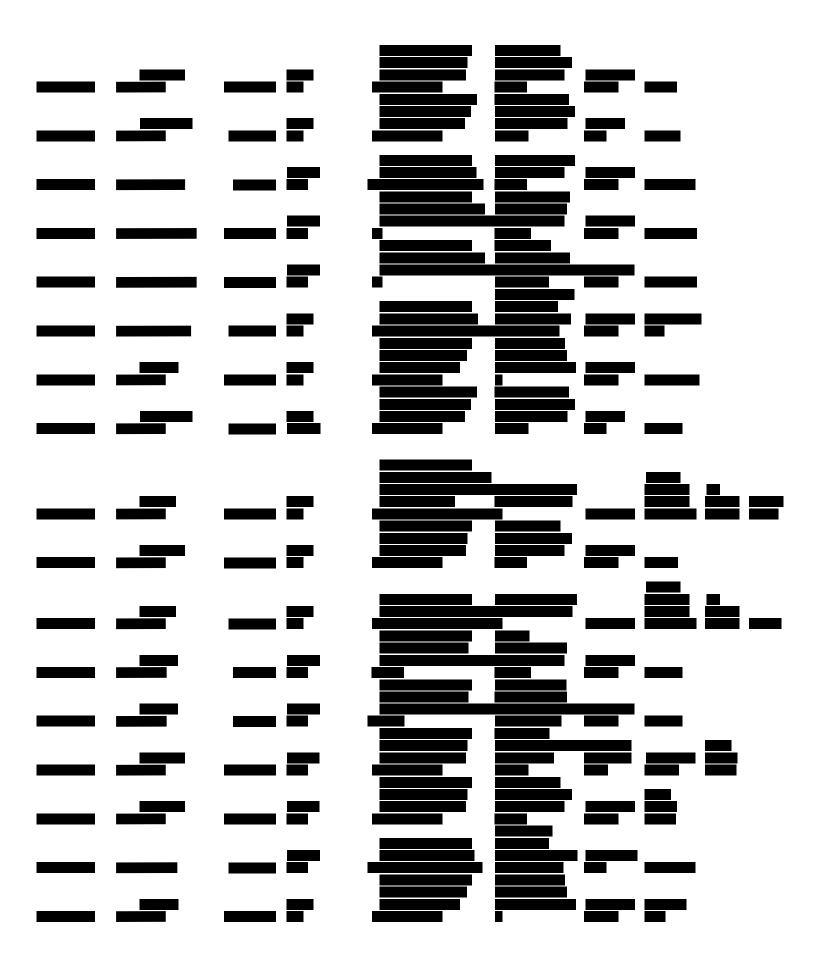
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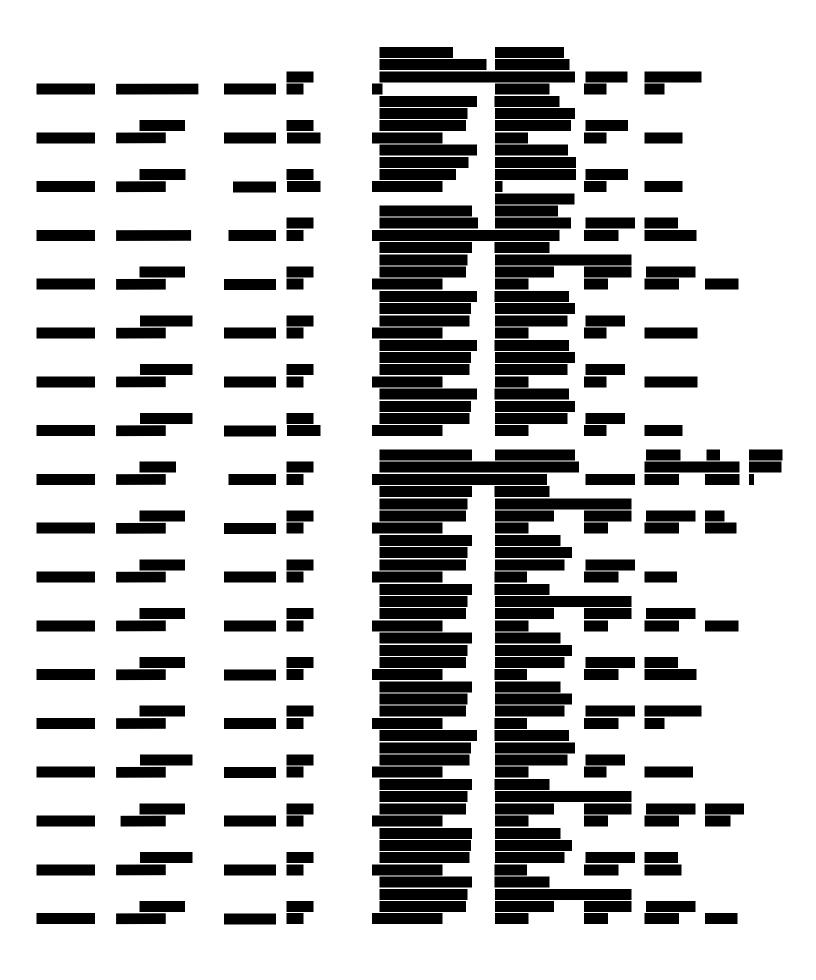
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			22/2018		Enrolled
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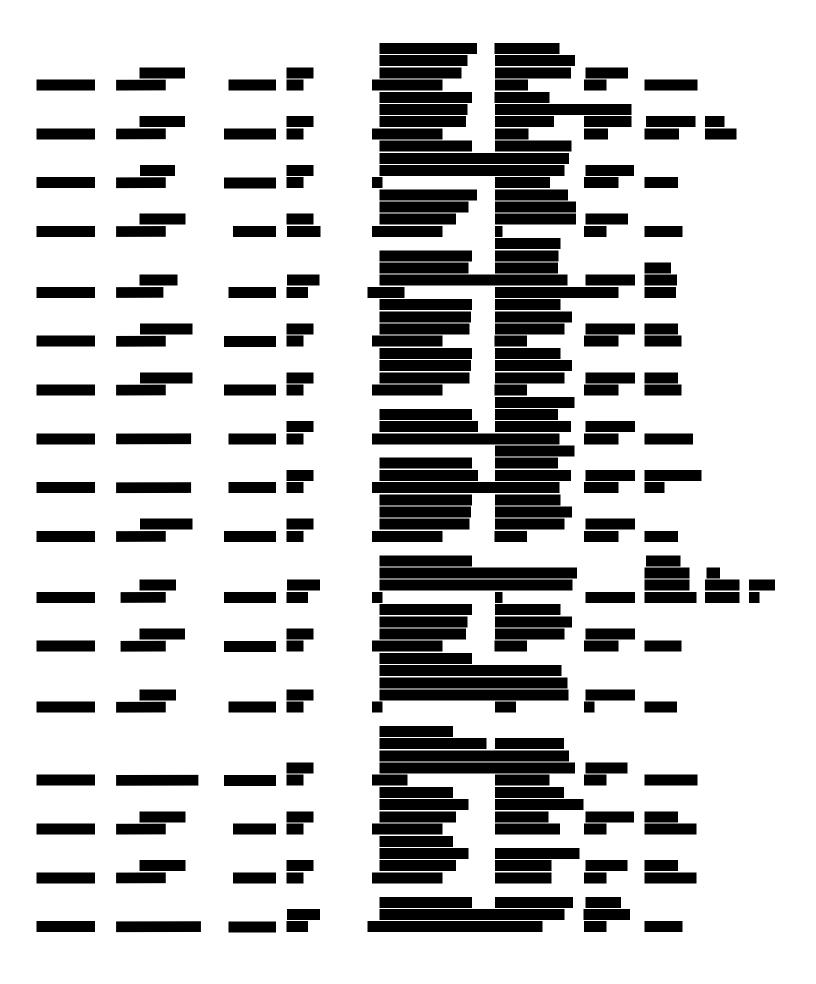
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	07/28/20:	22 01/13/2023	Deleted
	05/30/20	8 12/17/2021	Deleted
	06/07/20	7 01/22/2024	Deleted
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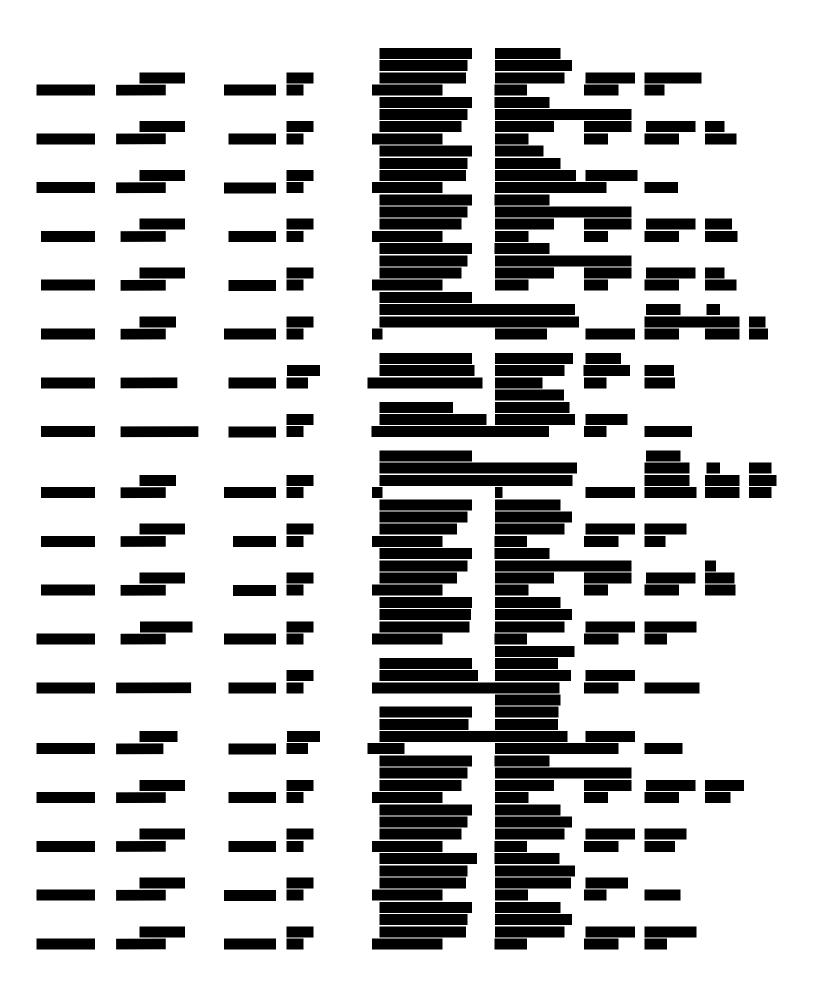
Sch. Pick-Act. Flight Time up Time Airline Flight # Status Vehicle # Passengers Pick-up Drop-off Driver Name

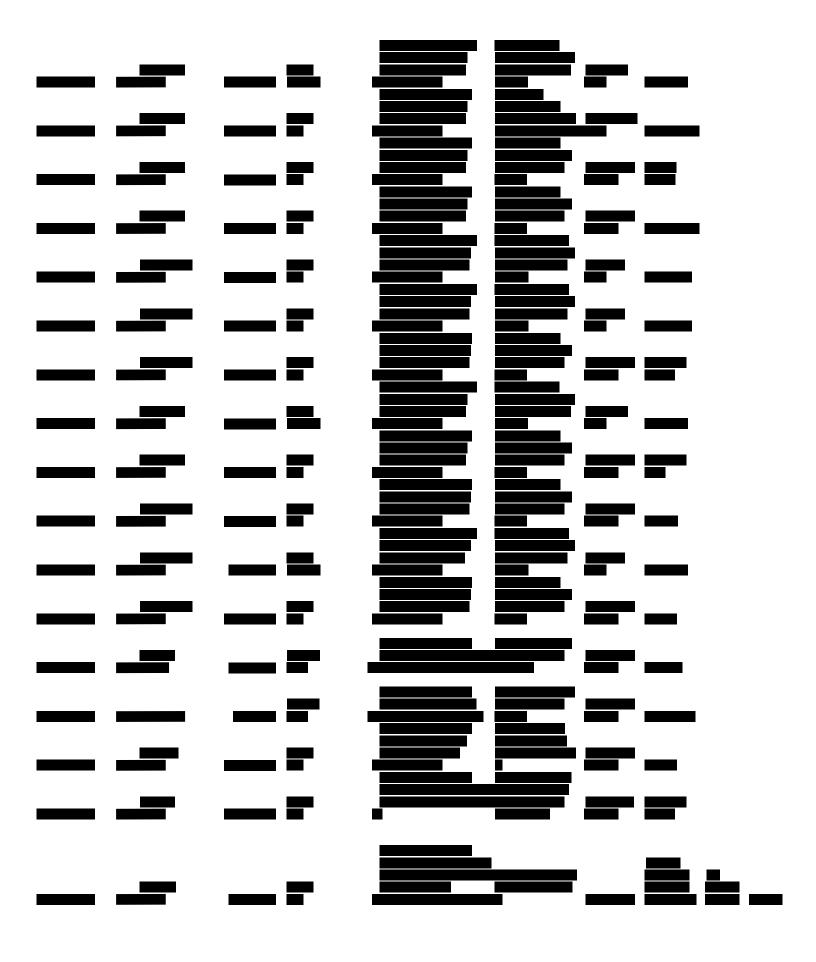


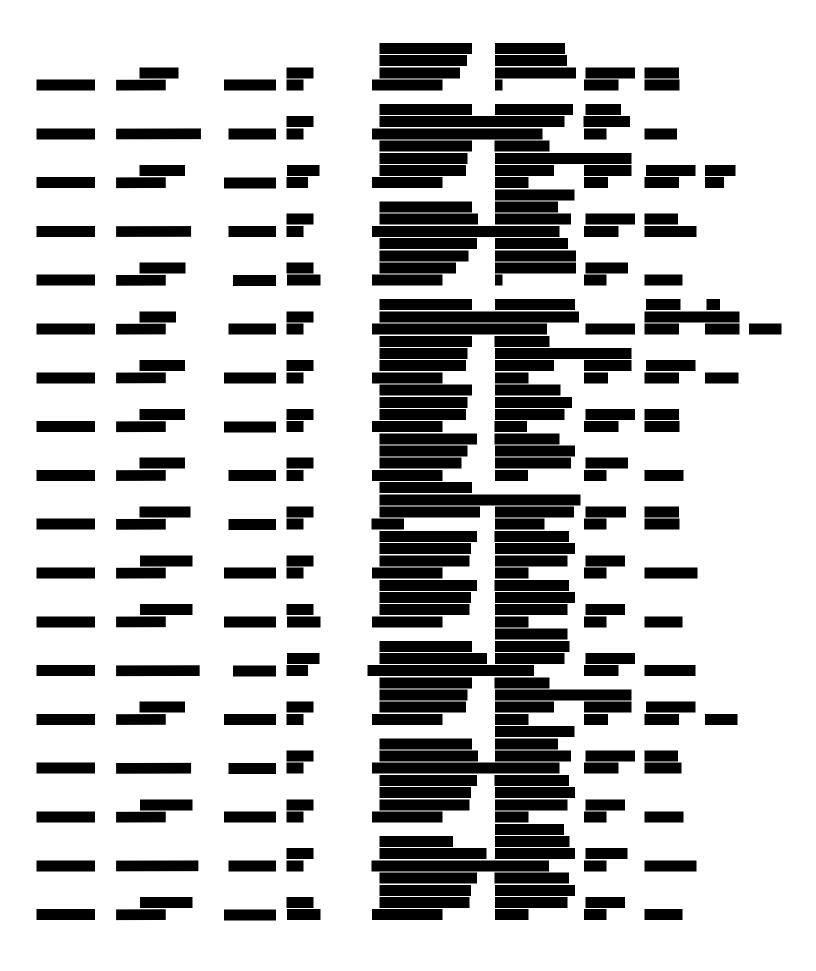


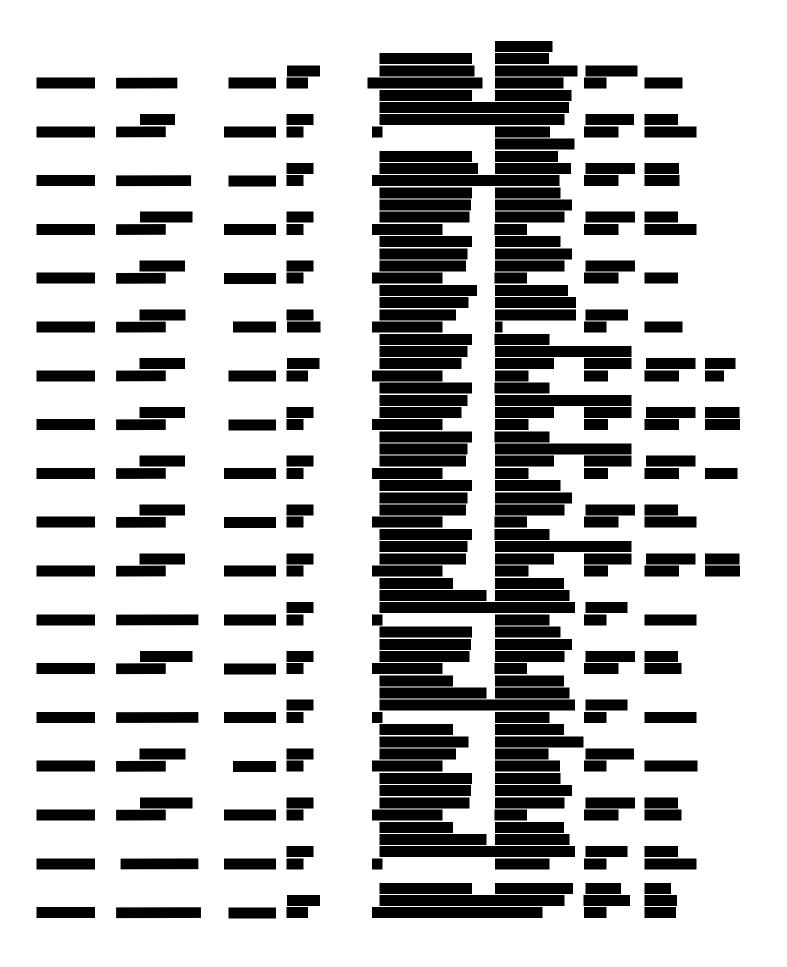




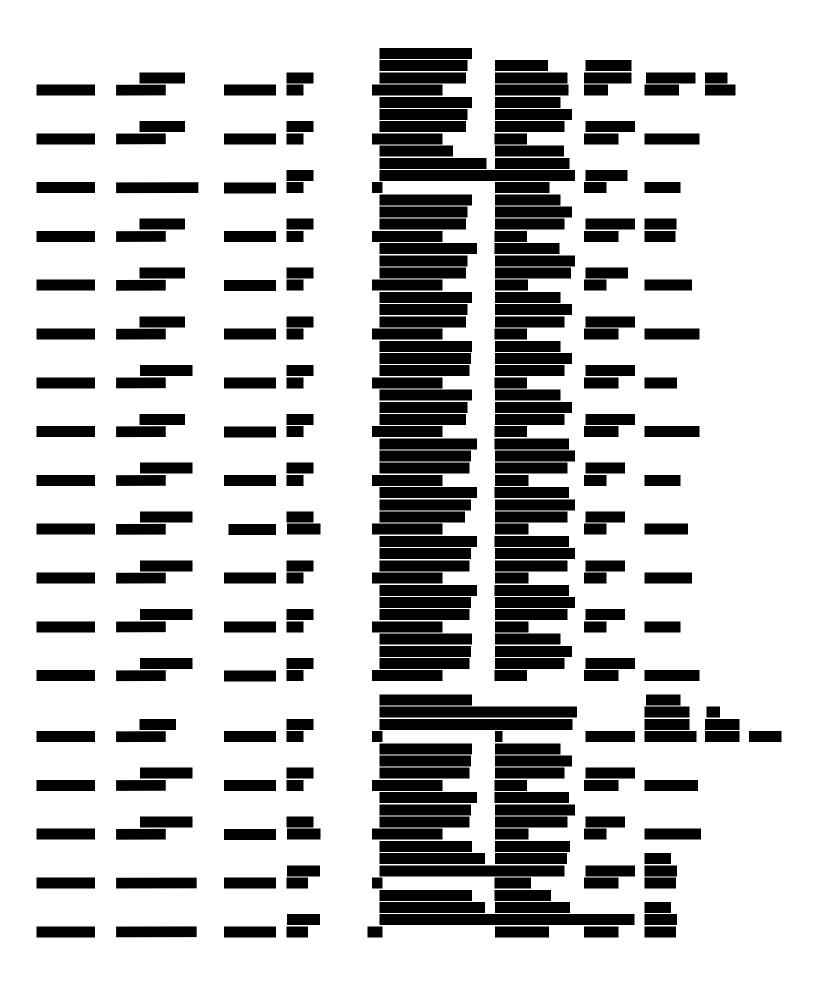












ATTACHMENT 8

STATE OF CALIFORNIA GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



June 28,2024 File: TCP 37160 B Case: CSE000135

HireRight, Inc. VIA EMAIL:

United States

The Commission's records show HireRight, Inc. as the controlled substances and alcohol testing certification program for Jeremiah Phillips LLC.

Please provide the following information from your records relating to Jeremiah Phillips LLC (DBA Airline Coach Service).

- List of all drivers enrolled under this carrier's contract and enrollment date for driver(s) from April 22, 2024, to May 7, 2024.
- Any drivers that have been removed from the consortium since April 22, 2024, to the
 present.
- Status of this carrier's contract.
- If the contract is no longer active, please state the reasons(s) why.

Please provide the documents requested above in electronic form and email a copy to <u>yueting.sun@epuc.ca.gov</u> by July 3, 2024.

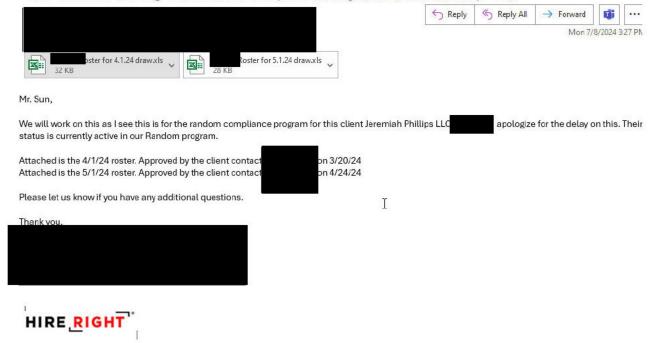
If you have any questions regarding this letter, I can be reached at (213) 718-0612. I appreciate your assistance in this matter.

Sincerely,

Yueting Sun
Public Utilities Regulatory Analyst
Consumer Protection and Enforcement Division
Transportation Enforcement Branch

ATTACHMENT 9

Case# 16531651 RE: Drug Consortium Data Request - HireRight, Inc. (Jeremiah Phillips LLC)



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