



# Consumer Protection and Enforcement Division



## Monthly Activity Report May 2021

# Table of Contents

OVERVIEW .....	2
PASSENGER TRANSPORTATION .....	2
Key Activities .....	4
Citations/Fines/Refunds/Telephone Disconnects.....	4
Compliance with Ordering Paragraphs .....	11
Docket Activity .....	12
Outreach/Training/Other Activities .....	15
UTILITIES ENFORCEMENT BRANCH .....	15
Monthly Highlights .....	16
Key Activities .....	17
Citations/Fines/Reparation .....	18
Compliance with Ordering Paragraphs .....	20
UEB-Related Proceedings.....	21
Outreach/Training/Other Activities .....	22

## OVERVIEW

The Consumer Protection and Enforcement Division (CPED) implements California Public Utilities Commission (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/Telephone Disconnects, (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 two branches: The Transportation Enforcement Branch (TEB) which has three Units, the Airport Enforcement Unit (AEU), Compliance Enforcement Unit (CEU), and Field Enforcement Unit (FEU); 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 supports 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 on policy matters, and advises decision makers regarding for-hire carriers.

## **Transportation Call Center Statistics**

Beginning February 12, 2020, all Licensing staff became available to answer calls from applicants and carriers. The number of calls in 2020 averaged 198 calls/month. Through May 2021, TLAB has received a total of 844 telephone calls in 2021:

- 255 inquiries for pending application, suspension/revocation, reinstatements, and PUCTRA questions
- 185 inquiries for related to adding/deleting vehicles and changing account information
- 404 inquiries for general licensing requirements

## **Carrier Application and Permit Activity**

As of April 2021, TLAB's Licensing Section received 622 applications (New, Renewals, Refiles, and Transfer) and issued 521 permits. Currently, TLAB has completed 550 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).

Key Activities

**Table 1. TLAB Passenger Carrier Activity**

<b>Year-to-Date Passenger Carrier Activity</b>	<b>Total</b>
New Applications Docketed	167
Renewal Applications Docketed	550
Refile Applications Docketed	51
Transfer Applications Docketed	14
Authorities Issued	654
Authorities Suspended	1536
Authorities Revoked	372
Authorities Reinstated (Suspended/Revoked)	1179
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	193
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	134
Pending Reinstatement from Suspension and Revocation	65
Voluntary Suspensions	235
Voluntary Revocations	44
Vehicles added to Passenger Carrier Equipment Statements	912
Address and DBA Changes	578
Vehicle inspection requests sent to CHP	763

## Citations/Fines/Refunds/Telephone Disconnects

### Investigations

In May 2021, TEB closed 12 investigation cases and initiated 9 new cases.

**Table 2. TEB Enforcement Activity**

Rolling 12-Month Enforcement Activity	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	Totals
Open Investigations	140	116	96	89	94	96	87	81	61	61	73	70	N/A
New Investigations Initiated	4	6	11	19	20	0	6	0	6	14	9	9	104
Investigations Completed	28	26	18	14	18	9	12	20	6	2	12	12	177
Cease and Desist Notices	3	7	11	7	9	4	8	7	11	2	11	6	86
Official Notices	3	1	0	0	1	0	2	1	0	0	0	0	8
Telephone Disconnects	0	0	0	0	1	0	0	0	0	0	1	0	2
Citations	26	0	11	5	11	5	2	5	2	8	2	4	81
Citations Appealed	2	0	2	1	0	0	1	0	0	0	1	0	7

Consumer complaints increased by one complaint in May compared to the prior month. This month, the Consumer Intake Unit (CIU) received six complaints.

**Table 3. TEB CIU Complaints Received**

May 2021 CIU Complaint Activity	
Open complaints as of May 1, 2021	2
New complaints received during month	6
Complaints closed during month	3
Complaints Closed and Referred to Enforcement during month	4
Open CIU complaints as of May 31, 2021	1

**Table 4. CIU Complaints Referred to TEB**

	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021
<b>Open Investigations as of first day of month</b>	33	25	24	24	22	20	20	18	17	21	25	20
<b>New Investigations Initiated</b>	0	1	4	3	2	0	0	0	4	5	0	1
<b>Closed Investigations During Month</b>	8	2	4	5	4	0	2	1	0	1	5	4
<b>Open Investigations as of last day of month</b>	25	24	24	22	20	20	18	17	21	25	20	17
<b>Investigations open longer than 6 months</b>	7	6	12	15	11	14	10	9	12	15	10	8
<b>% of total open investigations</b>	28%	25%	50%	68%	55%	70%	56%	53%	57%	60%	50%	47%



**Table 5. TEB Fine Citations, Fines Paid, Consumer Refunds and PUCTRA Underpayment Fees**

TEB Fines/Refunds	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020	Nov 2020	Dec 2020	Jan 2021	Feb 2021	March 2021	April 2021	May 2021	Totals
<b>Fines Assessed</b>	\$68,000	\$0	\$31,000	\$16,000	\$33,000	\$12,000	\$25,000	\$31,000	\$10,000	\$36,000	\$11,000	\$4,000	\$277,000
<b>Fines Paid</b>	\$19,173	\$4,400	\$20,900	\$11,950	\$12,000	\$1,250	\$3,900	\$5,650	\$2,700	\$11,800	\$13,375	\$11,360	\$118,458
<b>Overcharge Refunds/ Settlements by TEB Consumer Unit</b>	\$41.50	\$0	\$0	\$724	\$48.50	\$0	\$0	\$0	\$114.76	\$0	\$0	\$0	\$928.76
<b>PUCTRA Underpayment Fees</b>	\$636.95	\$1,601	\$0.00	\$9,545	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$11,782.95

## Citations

All citations below were issued in May and some may be under appeal or awaiting a hearing before an Administrative Law Judge.

- T.21-05-003. Michael Clark Kerkezian, dba Finesse Limousine Service, Walnut Creek (TCP 9438). Case PSG-5361. Fine \$1,000. Violations: carrier 1) operated expiration of authority.
- T.21-05-004. Abiel Inc, Hercules, (TCP 38017). Case: PSG-5555. Fine: \$1,000 Violation: carrier operated as a charter-party carrier with a suspended authority.
- T.21-05-005. Kenneth Cook, dba KC Luxury Transportation, Stockton, (unlicensed). Case: PSG-5557. Fine: \$1,000 Violation: Operated as a charter-party carrier without authority.
- T.21-05-006. Gankhuyag Naranbaatar, dba Ngb Limo, Emeryville, (TCP 39239). Case: PSG-5558. Fine: \$1,000 Violation: carrier operated as a charter-party carrier with a denied authority.

## **Statewide Airport Enforcement Unit Surveillance Activities**

- TEB's conducted field activities and surveillance at major airports throughout California. Targeted airports included Los Angeles International, San Diego, Orange County, Long Beach, Hollywood Burbank, Palm Springs, San Francisco, Oakland, and San Jose airports. The main purpose of these activities was to monitor passenger transportation carriers' activities.

## Los Angeles Airport Citation Program

**Table 6. LAX Citations and Fines Collected**

Month	Citations issued by LAX	Citations issued by CPUC	Vehicles impounded	C&D letters issued by CPUC	Total fines collected
June 2020	0	0	0	0	\$0
July 2020	3	3	3	3	\$3,000
August 2020	1	1	1	1	\$1,000
September 2020	10	10	10	10	\$10,000
October 2020	0	0	0	0	\$0
November 2020	2	2	2	2	\$2,000
December 2020	0	0	0	0	\$0
January 2021	0	0	0	0	\$0
February 2021	1	0	0	5	\$0
March 2021	2	1	1	2	\$1,000
April 2021	1	1	1	1	\$1,000
May 2021	4	2	4	4	\$2,000
<b>Totals</b>	<b>24</b>	<b>20</b>	<b>22</b>	<b>28</b>	<b>\$20,000</b>

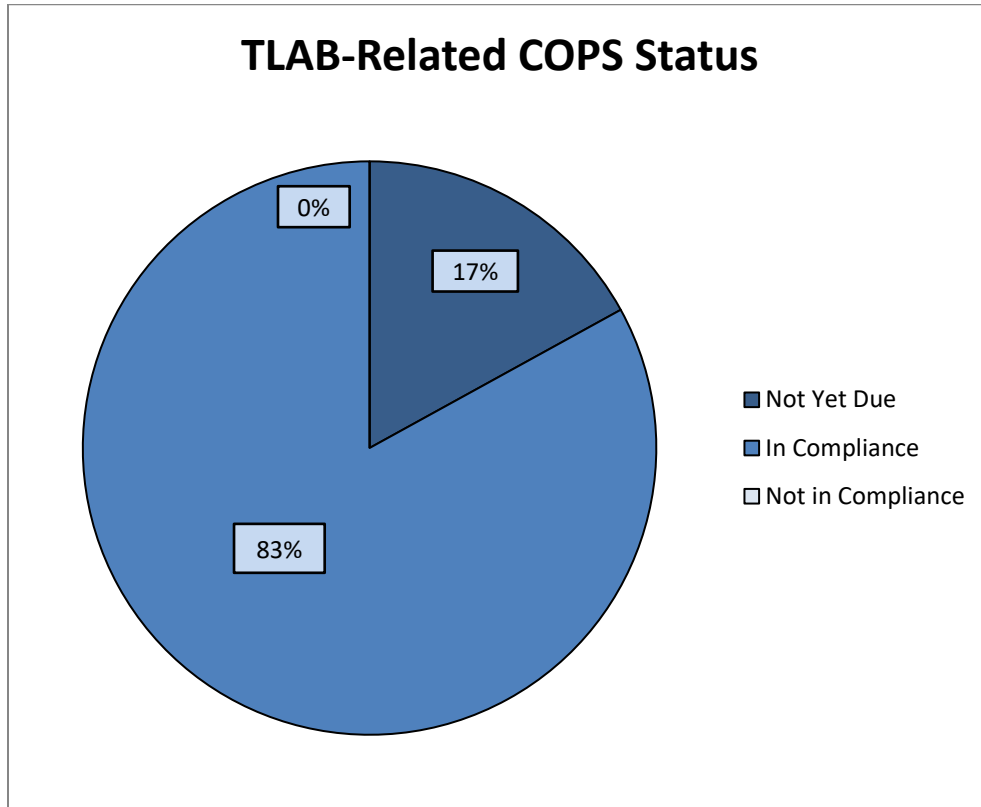
## Telephone Disconnects

- None to report

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## Compliance with Ordering Paragraphs

**Figure 1. Compliance with Ordering Paragraphs**



The Transportation Program is currently responsible for 649 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.

### Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.**
  - 1) 5/6/2021: D.21-05-017 Decision Modifying Certain Holdings of D.20-11-046 and Denying Rehearing of the Decision, As Modified. This decision was issued in response to the Application for Rehearing filed by San Francisco Municipal Transportation Agency and San Francisco County Transportation Authority on December 23, 2020.
  - 2) 5/28/2021: Appeal of Lyft, Inc. re: Ruling denying, in part, motions by Uber Technologies, Inc. and Lyft Inc. for confidential treatment of certain information in their 2020 Annual Reports. The original Ruling was issued by ALJ Mason on December 21, 2020.
- **R.19-02-012 / TNC Rulemaking / Chiv / Shiroma.**
  - 1) 5/3/2021: Ruling granting party status to Shasta Regional Transportation Authority.
  - 2) 5/6/2021: Ruling modifying Track 4 schedule.
  - 3) 5/27/2021: Revised Track 4 Proposals submitted by Uber, Lyft, San Francisco Taxi Workers Alliance, and San Francisco (SFMTA, SFCTA, and Mayor's Office on Disability).

### Formal Enforcement Proceedings

- **No Order Instituting Investigation (OII)**

### Citation Appeal Proceedings

- **K.19-09-015 / Jordan & Associates Investments, dba Sun Buggy Fun Rentals (TCP 38563-Z) Appeal / ALJ Kim.** On September 26, 2019, appeal was received and filed by ALJ Docket Office. On April 1, 2021 parties met for ALJ Status Conference. It was agreed that there is no factual dispute. The dispute remains on who the regulatory authority is for the towed trailer vehicles. Brief by Status Report was submitted to ALJ prior to the April 15, 2021 deadline. Waiting for ALJ's ruling.
- **K.20-06-003 / David Gorgoyan dba Celebrity Rides (TCP 35518) Appeal / assigned to Administrative Law Judge (ALJ) Sasha Goldberg.** On June 1, 2020, received defendant's appeal (Citation F-5663 imposing a \$20,000 fine). On June 10, 2020, appeal was filed by ALJ Docket Office. ALJ hearing scheduled on July 29, 2021.

- **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.
- **K.20-09-011 / Eskindir Ghebremedhin and Cristobal Javier Castro, dba Egg Ride Services, (TCP 26381-P) Appeal / assigned to Administrative Law Judge (ALJ) Susan Lee.** On September 18, 2020, received defendant's appeal and filed by ALJ Docket Office. On October 1, 2020, CPED filed a compliance filing for Citation # F-5707. A telephonic/WebEx status conference occurred on February 1, 2021. A telephonic/WebEx evidentiary hearing occurred on February 26, 2021. Assigned CPUC Attorney, Roderick Hill, provided a response to ALJ Susan Lee's request for additional briefings on March 23, 2021. Attorney for appellant, Jason Beahm resubmitted a response to ALJ Green's request for additional briefing on May 4, 2021. On May 25, 2021, ALJ Green ordered parties to file, by June 1, 2021, any writings, including but not limited to, the annual fee report, Form PL-708 and emails with attachments, documenting the 2018 revenue that the appellant, Egg Ride, reported to the California Public Utilities Commission. Additionally, the Transportation Enforcement Branch shall file a Response to ALJ Ruling, by May 28, 2021. On May 27, 2021, CPUC Attorney, Roderick Hill, provided a response to ALJ Susan Lee's order.
- **K.21-01-019. About Time Limousines LLC (TCP 21892). Appeal / ALJ Thomas J. Glegola.** On December 31, 2020, defendant filed appeal of Citation F-5694 imposing a fine of \$4,000. Docket Office accepted the appeal on January 4, 2021. On February 25, 2021, Docket Office informed defendant that his appeal was successfully and officially filed. Pre-hearing conference occurred on 04/02/2021. Waiting for ALJ ruling.
- **K.21-02-001 / Bogale Getu Abebe., Hayward (TCP 32714).** On January 11, 2021, received defendant's appeal and filed by ALJ Docket Office. Compliance Filing for Citation F-5729 was filed February 16, 2021. No hearing date set.
- **K.21-04-003 / Dawit Bekele, dba First Class Limo Services (TCP 38190-B) Appeal / assigned to Administrative Law Judge (ALJ) Patricia Miles.** On April 6, 2021, received defendant's Notice of Appeal and filed by ALJ Docket Office. On April 13, 2021, case was assigned to ALJ Patricia Miles. On April 20, 2021, CPED filed compliance filing. Hearing date conducted on May 26, 2021. ALJ Miles instructed CPED to verify insurance coverage during investigation period from November 23, 2019 thru December 31, 2019. This verification is due by June 25, 2021.

## 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 / **05/25/2021 Commissioners issued final order denying Transit Systems Unlimited, Inc's application for authority to operate as a self-insured charter-party carrier pursuant to General Order 115-G.**
- **A.19-05-0030** / Application of Tres Estrellas de Oro Inc. to amend its Certificate of Public Convenience and Necessity (CPCN) To Operate as a Scheduled Passenger Stage Corporation / **5/13/2021 CPED filed its Protest to the Tres Estrellas de Oro's application to amend its CPCN.**



### **Training for Managers, Supervisors, and Staff**

- Heat Illness Prevention Plan
- LinkedIn Learning – Holding Yourself Accountable
- TCP Portal Intermediate and Advanced Training

### **Joint Agencies**

- 5/21-5/23/2021 – Napa/St. Helena Joint Enforcement Operation – TEB staff worked with the Napa County District Attorney’s office and St. Helena Police Department to address complaints of unlicensed providers of for-hire passenger transportation. A total of 196 vehicles were observed, of which 1 suspended, 1 unlicensed, 1 expired, 1 denied, and 4 impounded.

## **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.

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## Monthly Highlights

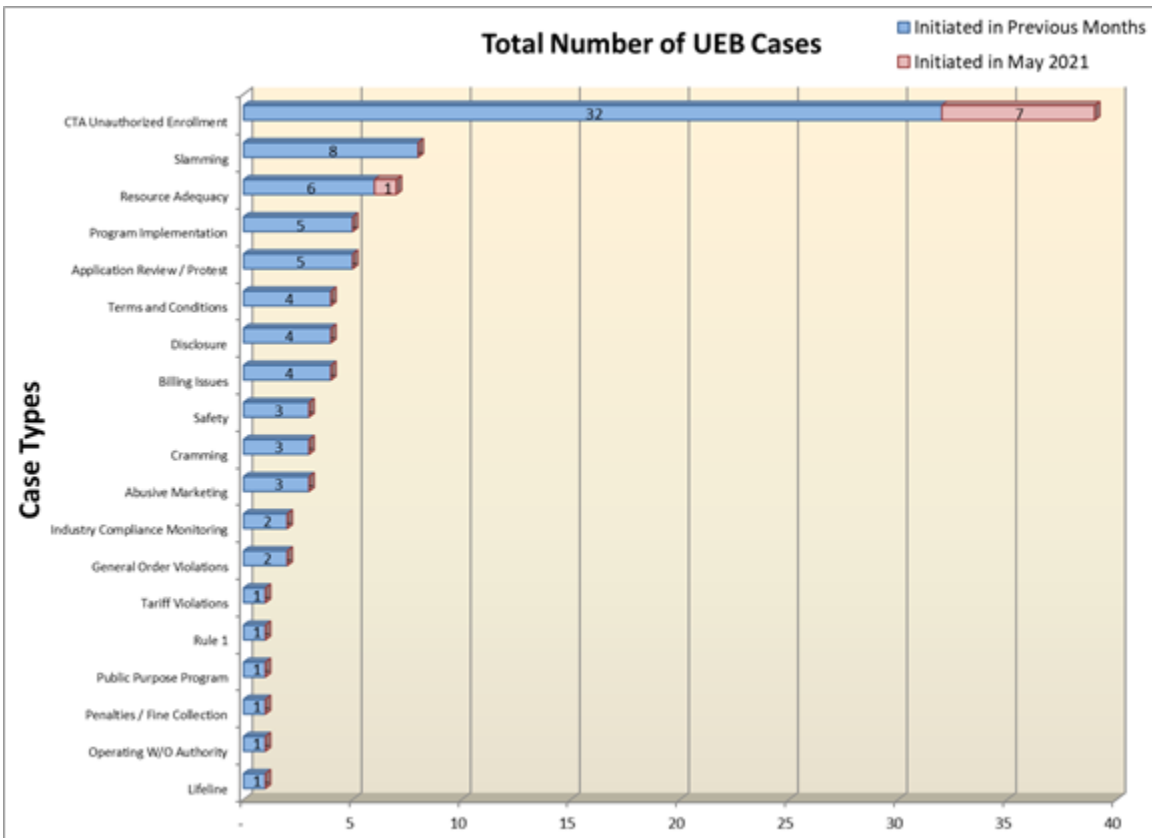
- **San Diego Community Power RA Citation Appeal (K.21-03-005):** CPED filed a response to ALJ Gubmans email ruling requesting all data requests and responses conducted throughout the course of discovery and a list of all solicitations by load serving entities for System RA occurring in 2020 that it is aware of. CPED also received three sets of data requests from SDCP and provided responses to the first two.
- **Western Community Energy RA Citation Appeal (K.21-03-006):** CPED issued a response to WCE Data Request #1 requesting information related to RA deficiencies by Load Serving Entities.

## Key Activities

UEB is working on a total of 95 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 May 31, 2021

Figure 1. UEB Total Number of Cases by Type Chart



## Citations/Fines/Reparation

UEB issued one CTA citation in the amount of \$1,000 during the month of May 2021. Cumulative 2021 fines, reparations and penalties imposed are shown below.

**Table 7. UEB Fines, Reparations, and Penalties**

Date	Citations/Fines/ Reparation
April 2021	\$1,000
Cumulative 2021	\$46,249,847

- **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, 14-06-050, 19-06-026, and 20-06-031. UEB received one case referral related to RA deficiencies in May 2021.
- **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 May, UEB reviewed 133 CTA-related complaints received by the Consumer Affairs Branch (CAB) in April 2021 and identified 33 needing investigation for potential unauthorized enrollment. UEB issued 7 data requests for proof of enrollment authorization for 31 customers. Two complaints did not contain enough information in CAB's Consumer Information Management System (CIMS) to be included in the data requests. At this time, UEB has received proof of enrollment authorization for all requested customers. Staff's investigation for April is ongoing due one consumer disputing the TPV AAA Natural Gas provided as proof of enrollment authorization.

On May 24, 2021, UEB received payment for four citations. Three of the citations were issued in April and one in May. Details of these citations can be found in the table below.

**Table 8. UEB CTA Citations**

<b>Payment of CTA Citations in May 2021</b>					
<b>Citation #</b>	<b>Date Issued</b>	<b>Company</b>	<b>Citation Amount</b>	<b>Date Due</b>	<b>Status</b>
UEB-003-0046	4/2/2021	Bolt Energy Services, LLC	\$1,000.00	5/3/2021	Payment received on 5/24/2021
UEB-003-0047 to 0049	4/7/2021	Bolt Energy Services, LLC	\$3,000.00	5/7/2021	Payment received on 5/24/2021
UEB-003-0050	4/7/2021	Bolt Energy Services, LLC	\$1,000.00	5/7/2021	Payment received on 5/24/2021
UEB-003-0051	5/14/2021	Bolt Energy Services, LLC	\$1,000.00	6/14/2021	Payment received on 5/24/2021
		<b>Total</b>	<b>\$6,000</b>		

**Table 9. UEB CTA-Related Complaints**

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total Reviewed	Unauthorized Enrollment				
May	133	33	7	Pending	Pending	0

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### Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of May. UEB was responsible for 41 separate Ordering Paragraphs. As of May 2021, 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**

<b>Docket No.</b>	<b>Title</b>	<b>ALJ</b>	<b>Commissioner</b>
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.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Gubman	N/A
K.20-03-006	Appeal of Western Community Energy to citation E-4195-99 issued on February 9, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
A.21-02-006	Protest of One-Ring's Certificate of Public Convenience and Necessity to Operate as a Competitive Local Exchange Carrier.	TBD	TBD

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## Outreach/Training/Other Activities

**State National Action Plan (SNAP):** On May 20, 2021, the FCC presented two items regarding the Rural Digital Opportunity Fund (RDOF) and the Emergency Broadband Benefit Program (EBBP).

Regarding the RDOF, the FCC is reviewing long form applications from the RDOF auction winners. Applicants must provide additional information to the FCC by June 7 as well as proof of ETC designation from the State it won the auction in. Waiver requests for non ETCs will also be considered.

Regarding the Emergency Broadband Benefit Program, the FCC indicated that this program is seeing immense popularity with nearly a million households signing up in a week. The program provides households a discount of up to \$50 per month towards broadband services and up to \$75 per month for households on qualifying Tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if they contribute more than \$10 and less than \$50 toward the purchase price. Customers can sign up through an existing carrier or file an EBBP application online <https://www.fcc.gov/broadbandbenefit>.