

# Consumer Protection and Enforcement Division

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MONTHLY ACTIVITY REPORT

February 2023



**California Public  
Utilities Commission**

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## TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)

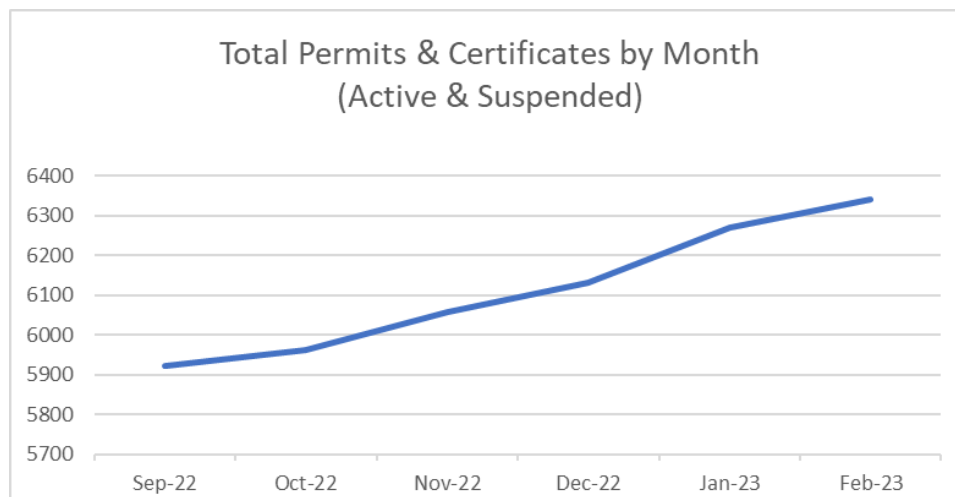
**TLAB's Licensing Section** analyzes applications from carriers, issues permits and certificates to carriers that meet state requirements, writes proposed decisions to approve or deny carriers' CPCN applications, manages changes to carrier operations, communicates with carriers, and tracks carrier compliance 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 6,300 carriers throughout California. Items processed in February 2023 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.



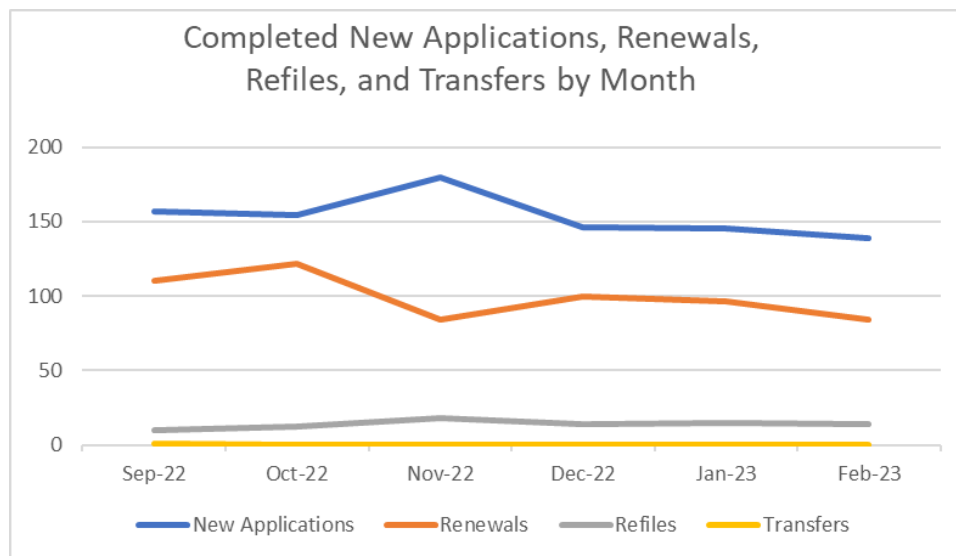
**Table 1. Permits and Certificates by Category**

**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	6191
Passenger Stage Corporation	108
Vessel Common Carrier	17
Transportation Network Company	17
Autonomous Vehicle	7

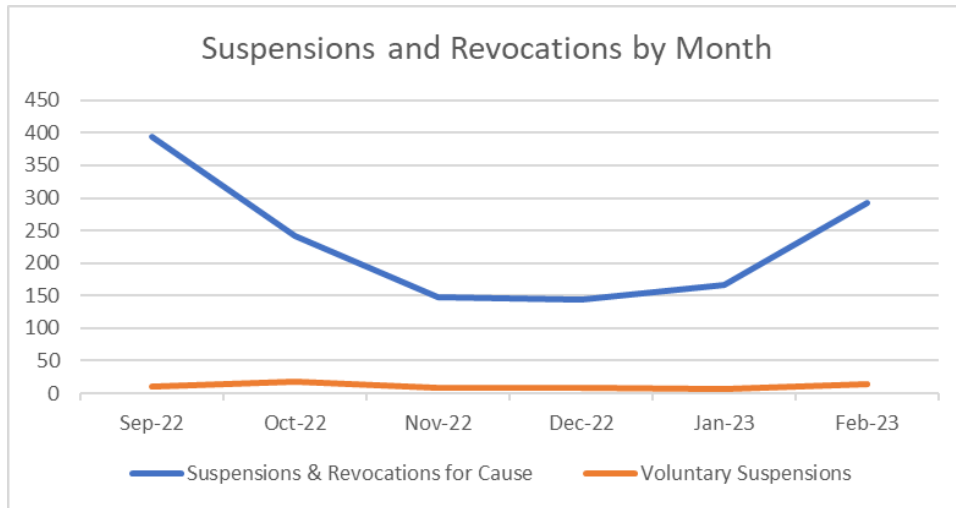
**Figure 2. Monthly Completions of Permit Categories**

**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

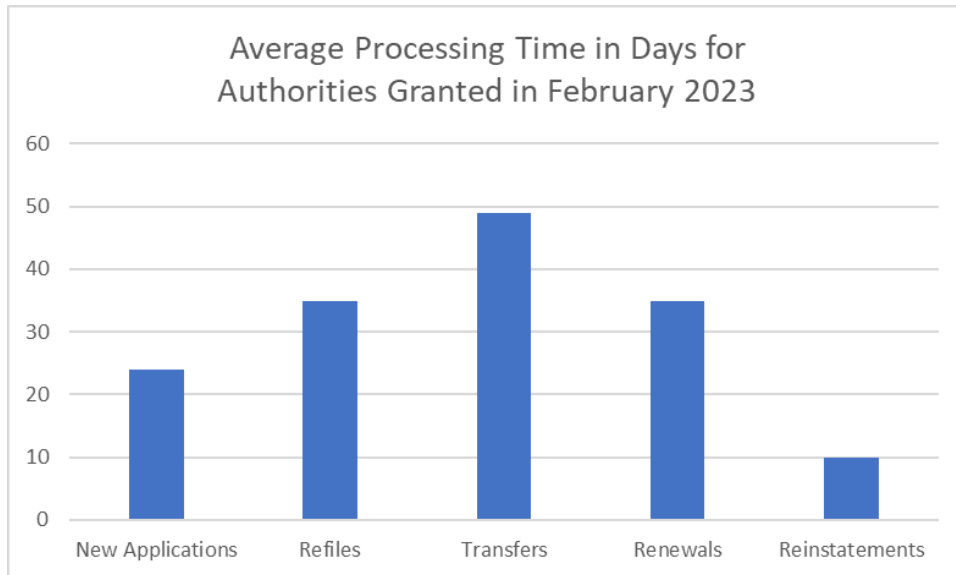
**Suspensions and Revocations.** Carriers can be suspended or revoked for various reasons such as failing to maintain active insurance. Carriers may also voluntarily suspend operations. Figure 3 shows both types of suspensions/revocations by month.



### Figure 4. Average Processing Times

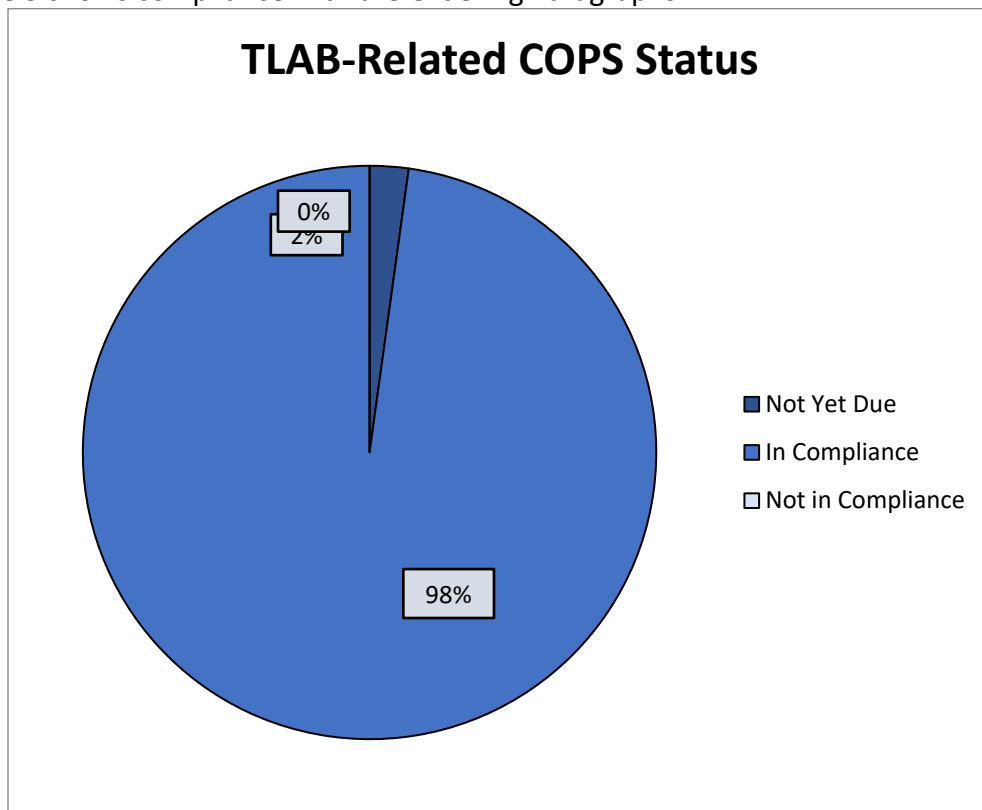
**Average Processing Times.** The total time to process an application, from initial receipt to issuance or denial of a permit or certificate, depends on internal processing time and on the time for external entities to provide necessary information. Upon receipt of applications application, CPUC staff 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. D.23-02-041 (February 23) denies rehearing and affirmed ALJ Mason's Ruling on Uber Technologies, Inc.'s and Lyft's Motion for Confidential Treatment of Certain Information in Their 2020 Annual Reports, requiring more public data to be disclosed.

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

1. Decision on Track 5 Issues issued on February 23.

**R.21-11-014 / Clean Miles Standard / Wang / Shiroma**

1. Reply comments on Staff Proposal submitted on February 27.

**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 / 02/10/2023 Proposed Decision approving application filed.**
- **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 / 02/09/2023 Commissioner's Scoping Memo and Ruling issued.**



- **A.22-10-013** / In the Matter of the Application of PACIFIC MARITIME GROUP, Inc., a California corporation, doing business as PACIFIC TUGBOATS (VCC-88), For Authorization To Increase Rates on its Vessel Common Carrier Service Operated Out of Los Angeles, Long Beach and Redondo Beach Harbors and Connecting to Avalon, Two Harbors and the Isthmus on Santa Catalina Island and all the Camps and Beaches That Surround Santa Catalina Island. / **02/03/2023 Prehearing Conference cancelled.**
- **A.22-10-014** / Application of Mexicoach, Inc. for Authority to Operate as a Scheduled Passenger Stage Carrier between San Diego County, Riverside County, Orange County, Los Angeles County and San Bernardino County, for interim authority and to establish a zone of rate Freedom (ZORF), fare structure. / **02/06/2023 Motion to withdraw application was granted.**
- **A.22-10-019** / Application of Bill's Bus Inc. (PSC18345) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone of Rate Freedom (ZORF) fares for its existing route and for permission to abandon San Diego Route from San Diego State to Pacific Beach due to lack of staff and financial viability. / **02/27/2023 Prehearing Conference held.**
- **A.23-01-019** / Application of Bill's Bus Inc. (PSC18345) to Amend its Certificate of Public Convenience and Necessity to Increase its Zone of Rate (ZORF) fares for its existing route. / **02/09/2023 Motion to withdraw application was granted.**
- **A.23-01-012** / Application of ANGEL ISLAND-TIBURON FERRY, INC. (VCC-82) for a General Fare Increase Pursuant to Public Utilities Code Section 454 and for Authority to Establish a Zone of Rate Freedom. / **02/17/2023 New application filed.**
- **A.23-02-014** / Application of CATALINA CHANNEL EXPRESS, INC. (VCC-52), a California Corporation, to increase the baseline rates for its vessel common carrier service and to retain its existing Zone of Rate Freedom. / **02/24/2023 New application filed.**

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## Joint Agency Collaboration/Outreach/Training

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

- Bi-monthly TLAB Staff and CARB Staff coordination meeting on the Clean Miles Standard
- Monthly TLAB and Department of Motor Vehicles Autonomous Vehicles meeting
- Meeting w/ CHP re: Coachella, Stagecoach Festivals

**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 attended an meeting with autonomous vehicle company Zoox at their manufacturing facilities.
- 2/21/23: TLAB management presented at a meeting of the Greater California Livery Association (GCLA), an industry trade association

**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. For example:

- Hot Weather Heat training
- New Employee Training
- TCT Phase 1-training
- Ethics 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 Directives<sup>1</sup> and Enforcement Policy<sup>2</sup>, 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 February 2023, for the following program elements.

1. **Transportation Safety Assurance** – Assuring that 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.

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<sup>1</sup> [CPUCs Strategic Directives \(ca.gov\)](https://www.cpuc.ca.gov/strategic-directives)

<sup>2</sup> [CPUC Adopts Enforcement Policy to Promote Maximum Compliance, Transparency, and Public Safety](#)  
CPED Monthly Activity Report / February 2023

➤ **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. Supplemental testimony filed February 21, 2023.

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

- Compiled and reviewed electronic data collected in the field.

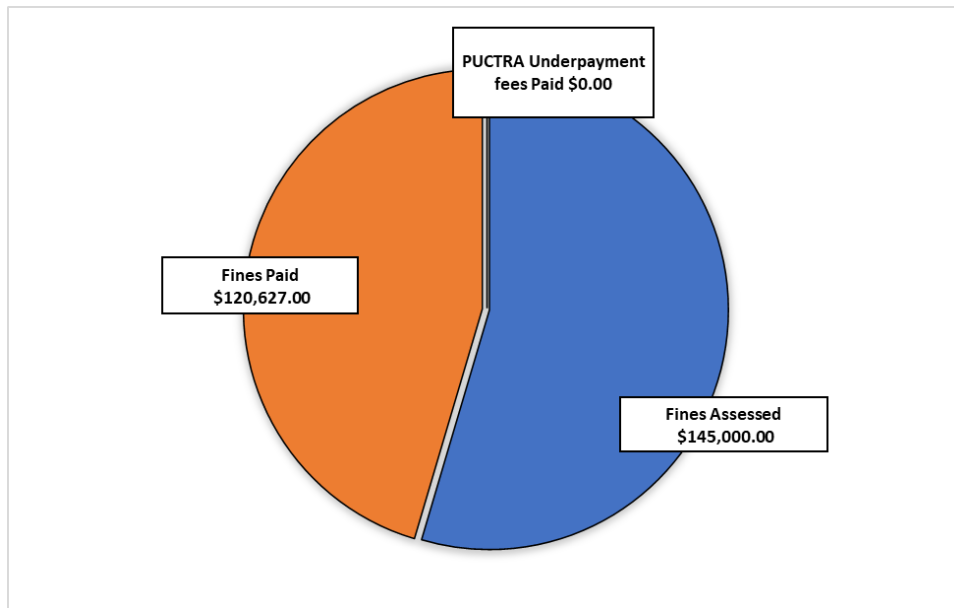
**3. Transportation Safety Promotion** – Supporting efforts to assure that the public and regulated transportation entities can make informed choices and know how to respond to unsafe situations. For TEB, this includes Training and Education, Outreach Efforts with Industry and Law Enforcement, and Commission Engagement.

- Training and Safety Inspection conducted at the following locations:
  - ◇ Palm Springs International Airport
  - ◇ Greater California Livery Association (GCLA) Spring Conference
  - ◇ California Highway Patrol (CHP) and Motor Carrier Specialist (MCS) Enforcement Training

**Table 2. TEB Enforcement Activities**

12 Month Enforcement Activity	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Total
Open Investigations	48	66	82	98	90	72	64	80	77	74	76	70	N/A
New Investigations	33	8	7	24	7	3	11	27	8	7	13	10	158
Investigations Completed	15	14	3	7	10	16	24	9	11	12	9	15	145
Investigations Open Longer than 6 Months	23	25	24	27	35	23	32	21	25	25	23	37	N/A
% Of investigations Open Longer than 6 Months	48%	38%	29%	28%	39%	32%	50%	26%	32%	32%	30%	52%	N/A
Cease and Desist Notices	16	14	10	17	12	16	12	20	13	2	4	5	141
Warning Letters	5	6	2	3	4	1	2	2	0	0	1	1	27
Telephone Disconnects	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	1	6	1	5	2	1	0	4	7	1	2	4	34
Civil Compromise Actions	5	7	3	5	12	10	22	13	5	0	1	0	83
Vehicle Impounds	11	6	9	7	9	14	19	13	9	1	0	1	99

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations  
March 2022 – February 2023**



**Table 3. Consumer Intake Unit (CIU) Statistics**

CIU Statistics	
Open complaints as of February 1, 2023	1
New complaints received during month	8
Subtotal	9
Less: Complaints closed by CIU directly	1
Complaints Referred to Enforcement during month	6
Open CIU complaints as of February 28, 2023	2

**Table 4. Citation Appeal Proceedings**

Docket No.	Entity	Status
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 reassigned to ALJ Jacob Rambo for ADR. The case is still pending.
K.23-01-021	Ali B Zanjani dba Royalty Limousine (TCP 16194)	On 2/1/23, the Acceptance of Appeal Notice from the Docket Office (Appeal File Date: 1/25/23; Citation T.23-01-001 imposing a \$5,000 fine). A Virtual Evidentiary Hearing took place on 2/28/2023 @ 10AM.

**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
Feb 2023	26	10	69	19	0	0
Jan 2023	144	32	110	85	0	0
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



**Table 6. Joint Operations with Law Enforcement Agencies**

Agency	Operation
Oakland International Airport (OAK)	TCP/TNC/PSC Passenger carrier inspection at OAK Airport.
Los Angeles Police Department (LAPD) Hollywood Division	TCP/TNC Passenger carrier inspection in Hollywood.

## 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.

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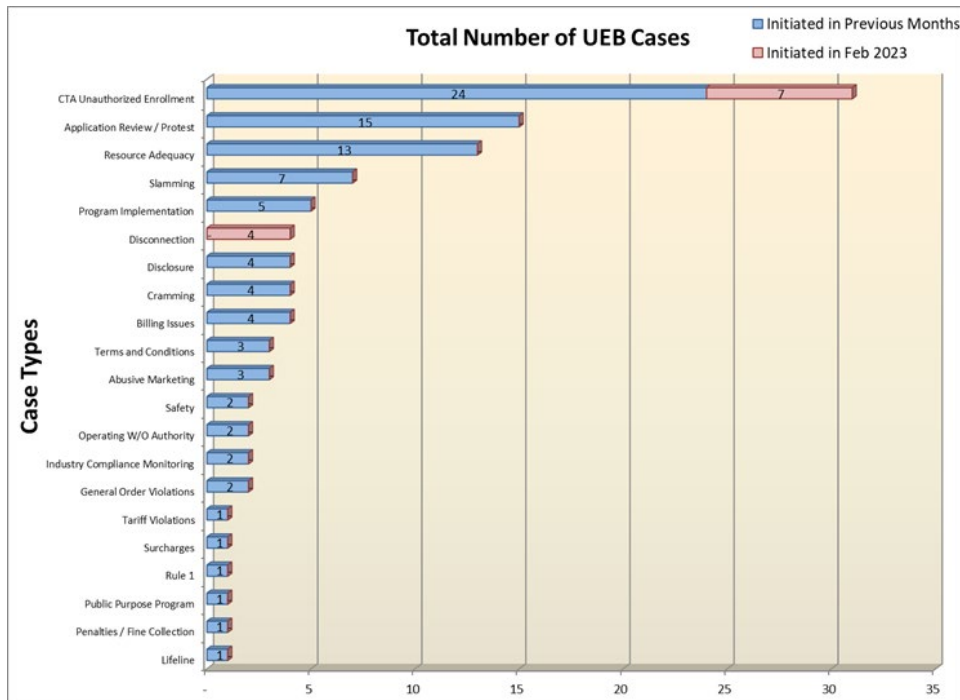
### Monthly Highlights

- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-10-024):** On February 13, 2023, UEB provided its response to OCPA Data Request 1.
- **Digital Future (A.22-10-005):** On February 14, 2023, ALJ Kieuuchinh Tran scheduled a prehearing conference (PHC) for March 1, 2023, to discuss the status of the Motion to Amend the Original Application and the status of the Applicant's response to the ALJ's ruling seeking additional information. CPED protested the application of Digital Future alleging that the applicant violated Rule 1.1 for its failure to disclose a bankruptcy filing.
- **San Diego Community Power (SDCP) RA Citation Appeal (K.21-11-001):** On February 23, 2023, SDCP filed comments on draft resolution ALJ-432, denying the appeal of citation E-4195-0107 by SDCP because SDCP has not met its burden of rebutting CPED's demonstration that the violation occurred and failed to meet its burden of persuasion that the citation should be reduced or excused. SDCP argues that the Commission failed to consider market conditions in its determination. SDCP also requested a clarification on whether CPED has authority to enter into settlement discussions on RA-related matters.
- **TC Telephone OII (I.22-10-007):** On February 24, 2023, CPED and TC Telephone filed PHC statements as ordered by ALJ Robert Mason to provide responses to issues identified by the ALJ in the proceeding, including the scope, schedule, material issues of disputed facts that require evidentiary hearings, the need for oral argument, and categorization of the investigation. On February 28, 2023, CPED and TC Telephone participated in the PHC scheduled by ALJ Mason to discuss the issues in the proceeding. On October 7, 2022, the Commission instituted a formal investigation to determine whether TC Telephone violated any regulations and laws pertaining to its overstatement and overcollection of \$8.1 million in Lifeline reimbursement claims.

## Key Activities

UEB is working on a total of 107 cases. Investigations center primarily on CTA Unauthorized Enrollment, Application Review/Protest 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 February 28, 2023**



## Citations/Fines/Reparation

UEB did not issue any fines, penalties, or citations during the month of February 2023.

Cumulative 2023 fines, reparations and penalties imposed are shown below.

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

Date	Citations/Fines/ Reparation
Cumulative 2023	\$1,000
February 2023	\$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. UEB issued one warning letter to Central Coast Community Energy (3CE) for failure to comply with RA filing requirements in February 2023. No RA citations were issued in February 2023.
- **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 February, UEB reviewed 113 CTA-related complaints received by the Consumer Affairs Branch (CAB) in January 2023 and identified 21 needing investigation for potential unauthorized enrollment. Staff issued seven data requests for proof of enrollment authorization. UEB received proof of enrollment authorization for 17 customers; one customer was a duplicate entry from December 2022; two customers were not enrolled with the subject CTA; and one customer was enrolled prior to Resolution UEB-003. UEB is currently awaiting customer declarations. As such, staff's investigation for January remains ongoing. The CTA investigations from July, August, September, October, November, and December also remain ongoing.

On February 27, 2023, Fiscal received and processed payment for Citation No. UEB-003-0183 that was issued to Spark Energy on January 26, 2023.

**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				
January	113	21	7	17	0	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 January. UEB was responsible for 41 separate Ordering Paragraphs. As of January 2023, 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**

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
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 Constellation New 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.	Tran	Shiroma
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.	Wilson	Shiroma

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## Outreach/Training/Other Activities

**State National Action Plan (SNAP):** On February 16, 2023, the FCC met to discuss the Infrastructure Investment Jobs Act, which is a \$65 billion investment to expand affordable and reliable high-speed Internet across the United States. The FCC also developed a webinar discussing the key terms and technologies of the Internet and history of broadband deployment in the United States.