



CALIFORNIA PUBLIC UTILITIES COMMISSION

**CITATION FOR VIOLATIONS
OF THE CALIFORNIA PUBLIC UTILITIES CODE, CALIFORNIA
VEHICLE CODE, AND BUSINESS AND PROFESSIONS CODE**

To: Paul J. Fretheim, an individual
doing business as East Side Sierra Shuttle



File: TCP 35385-P
Citation #: T.23-07-001
Case #: PSG-5781
Date: July 31, 2023

VIOLATIONS

You are hereby cited for having violated section(s) of the Public Utilities (Pub. Util.) Code, Commission General Order (G.O.) 157-E, CA Vehicle (CVC) Code, and Business and Profession (B&P) Code as described below. These violations occurred during the period of July 1, 2022 to February 24, 2023, with a limited focus on the 2018 and 2021 renewal applications.

- (1) Failed to maintain fitness and provide safe dependable service which promotes public safety, in violation of Pub. Util. Code Sections 5352(a) and 5374(a)(1). [23 counts]
- (2) Failed to produce business records, in violation of Pub. Util. Code section 5389 and G.O. 157-E, Part 6.02. [8 counts]
- (3) Failed to enroll drivers in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (EPN), and/or obtain, sign and date current driver records in violation of Pub. Util. Code sections 5374(a)(1)(D), 5381, G.O. 157-E Part 5.02, and CVC section 1808.1. [8 counts]
- (4) Failed to enroll drivers in a Controlled Substance and Alcohol Testing Certification Program, in violation of Pub. Util. Code Section 5374(a)(1)(I), and G.O. 157-E, Part 10. [2 counts]
- (5) Engaged employee drivers without having Workers' Compensation Insurance in effect and on file with the Commission, in violation of Pub. Util. Code Section 5378.1. [8 counts]
- (6) Failed to maintain a current equipment statement and list all utilized vehicles on his equipment statement, in violation of Pub. Util. Code Section 5381 and G.O. 157-E Part 4.01. [1 count]

- (7) Operated outside the scope of his authority, in violation of Pub. Util. Code Section 5381 and G.O. 157-E Part 4.01. [5 counts]
- (8) Failed to utilize and/or fully complete waybills, in violation of Pub. Util. Code Section 5381.5 and G.O. 157-E, Part 3.01. [1 count]
- (9) Published untrue and misleading advertisements, in violation of Pub. Util. Code Section 5381, and B&P Code Sections 17200 and 17500. [2 counts]

STATEMENT OF FACTS

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

RESPONSE

TEB applied 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 August 26, 2023.

By way of such answer, you may either:

- (1) Pay a fine of **\$16,000** pursuant to Pub. Util. Code section 5378. (Submit a cashier's check or money order payable to California Public Utilities Commission using the provided *Citation Compliance 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 Enforcement Analyst to make payment arrangements, **or**
- (3) Contest this citation by filing an appeal. See the provided documents entitled
 - *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 August 26, 2023, 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.

Maria C. Solis

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INVESTIGATION REPORT

CARRIER: Paul J. Fretheim, an individual, dba East Side Sierra Shuttle

AUTHORITY: Charter-Party Carrier TCP 35385-P
Issued: August 26, 2015

ADDRESS: [REDACTED]

PHONE / EMAIL: [REDACTED] / [REDACTED]

VEHICLES: 5

EMPLOYEE DRIVERS: 2

PL&PD INSR: [REDACTED]
Policy #: [REDACTED]
Effective: 5/24/22 – 5/20/23. Coverage \$750,000

WKCP INSR: None

DRUG CO.: [REDACTED]
Enrollees: 1 - Mr. Fretheim

EPN: [REDACTED]
Enrollees: 1 - Mr. Fretheim

REVENUE:	<u>Year</u>	<u>Declared Revenue</u>	<u>Tax Revenue</u>
	2018	\$ [REDACTED]	Not Requested
	2019	\$ [REDACTED]	Not Provided
	2020	\$ [REDACTED]	Not Provided
	2021	\$ [REDACTED]	Not Provided
	2022	\$ [REDACTED]	Not Requested

NARRATIVE

On September 23, 2022, I was assigned to investigate the business operations and practices of Paul J. Fretheim, an individual, dba East Side Sierra Shuttle (hereinafter “Fretheim”) after the Consumer Intake Unit (CIU) of the Transportation Enforcement Branch (TEB) received its third 2022 complaint against Fretheim in three (3) months as outlined in **Table 1** below.

Table 1: Complaints which initiated this investigation PSG 5781

CIU Complaint # / Receipt Date	Complaint Issue
CIU#20220054 7/14/22	Seeking \$115 refund. Fretheim canceled night before arranged trip.
CIU#20220060 8/9/22	Seeking \$800 refund. Consumer canceled 20 days in advance after CPUC website noted that Fretheim’s authority was suspended.
CIU#20220076 9/30/22	Seeking \$200 refund. Fretheim was a “no show”.

PRIOR COMPLAINT AND ENFORCEMENT HISTORY

Prior complaint and enforcement history records revealed that the CIU received five (5) complaints prior to the three (3) complaints that initiated this investigation. Fretheim was issued operating authority on August 26, 2015, after an investigation revealed he was operating without authority. The prior complaints ranged from 2015 to 2021 as shown in **Table 2** below.

Table 2: Complaints from 2015 to 2021

CIU Complaint # / Receipt Date	Complaint Issue
CIU# 20150019 1/16/15	Operating without an authority. Resulted in PSG 3914, wherein Fretheim obtained a P permit and was issued written warning.
CIU# 20180246 9/21/18	Operating with an expired permit. Resulted in PSG 4861, wherein Fretheim went into voluntary suspension and the case was closed.
CIU# 20210053 6/30/21	Driver safety and health issues.
CIU# 20210070 8/20/21	Seeking \$495.00. Consumer canceled trip nine (9) days in advance and requested refund
CIU# 20210076 9/2/21	Seeking \$320.00. Fretheim did not provide transportation, citing a broken-down vehicle and not enough drivers.

VIOLATIONS

The investigation for the period of July 1, 2022 to February 24, 2023, with a limited focus on the 2018 and 2021 renewal applications, disclosed the following violations of the Public Utilities (Pub. Util.) Code, the Commission's General Order (G.O.) 157-E, the CA Vehicle (CVC) Code, and the Business and Profession (B&P) Code:

- **Failed to maintain fitness and provide safe dependable service which promotes public safety, in violation of Pub. Util. Code Sections 5352(a) and 5374(a)(1). [23 counts]**

The majority of Fretheim consumers are backpackers hiking the desolate areas of the Sierra, most notable the Inyo National Forest (hereinafter Inyo). Hikes are arranged by permit for specified dates and times and in remote areas making safe dependable transportation essential.

Complaints submitted to the California Public Utilities Commission (CPUC) and Inyo National Forest (hereinafter Inyo), and reviews posted on Yelp.com and Reddit.com, revealed that Fretheim has a history of consumer complaints alleging undependable unsafe service, and unprofessional unfit behavior [**Attachment 1**]. The reported behaviors include failing to conduct the scheduled transportation (no shows); cancelling or attempting to reschedule transportation within 12 to 24-hours of the scheduled pickup time, arriving hours late; arriving early and departing before the scheduled pickup time; (thereby stranding or potentially stranding hikers in the desolate areas of the Sierra); refusing to issue refunds for trips he failed to conduct; unprofessional aggressive behavior; sexually inappropriate comments; the use of profanity; and name calling.

Social media reviews also indicate that some failures to conduct transportation, rescheduling issues and cancellations were the result of vehicle fitness (out of service) and booking issues. Fretheim's responses to consumers, wherein he confesses he canceled due to vehicle issues confirm allegations of vehicle fitness issues. Fretheim's trip sheets confirm allegations of booking issues such as double bookings and trips with overlapping times wherein the same driver had a drop off time later than, or at the same time, as the next scheduled pickup time [**Table 4**]. Scheduling practices of having the same pickup and drop off times (double-booking), overlapping times, and a Yelp complainant alleging to witness Fretheim accept trips without consulting his calendar and my communications with consumers, support the social media reviews that Fretheim made multiple no shows, cancellations, and attempts to reschedule trip times due to careless or

intentional booking practices. Fretheim’s business practices, complaints regarding his failure to provide the scheduled transportation and issue refunds, and his unprofessional, unsafe behaviors, have resulted in his being denied a permit to operate within the Inyo National Forest, being removed from Inyo’s list of authorized providers, and being asked to remove language from his website which indicates he operates within Inyo under an Inyo permit **[Attachment 2]**.

My conversations with CPUC complainants revealed that many clients who hire Fretheim to conduct transportation obtain hiking permits by lottery and have only a short window to lawfully hike these wilderness areas. Fretheim’s failure to show or offers to provide transportation at alternate times such as in the evening of the scheduled day rather than in the morning as scheduled, is not feasible or appropriate as these hikes are time-sensitive and Internet connectivity in these remote areas is often spotty or unavailable.

Additionally, Fretheim does not offer refunds and has confessed to Inyo that he “*does not have the money to pay the money back*”. “*As a small business that operates on cash flow with high overhead we simply cannot offer refunds*”¹ **[Attachment 2]**. Therefore, in lieu of refunds Fretheim offers rain checks good for one year, which according to a June 14, 2022 Yelp review **[Attachment 1]**, he fails to make good on. Fretheim’s website does note, at the time of payment, that he issues rainchecks for cancellations, however, when he is the party responsible for the cancellation this refund policy should be null and void. Furthermore, given the nature of the scheduled trips, where hikes are based on a lottery and hikers are from out of state, the utilization of a raincheck, by a stranded consumer, would be exceptionally low, thereby making rain checks an unrealistic option.

Table 3 provides the dates the complaints were received by the CPUC and/or the dates negative and positive reviews were posted to social media. Most positive reviews were posted five (5) to nine (9) years ago. While there was a total of thirty-one (31) credible negative reviews and possible counts, this violation consists of only twenty-three (23) counts. Negative reviews which were interstate or based solely on refund and unprofessional behavior issues were not counted as violations.

¹ Form TL 706-F3 (Projected Profit and Loss) of all original applications, requires carriers to declare, under penalty of perjury they “will be financially able to operate safely.”

TABLE 3: Complaint and Review Receipt or Post Dates

Year - 2022	Year - 2021	Years - 2020-2016	Positive Reviews 2022-2014
12/16/22	09/01/21	07/27/20	02/09/22
10/10/22	09/02/21	10/20/18	12/19/21
09/29/22	08/27/21	09/16/18	07/27/21
09/28/22	08/21/21	10/03/17	08/16/18
09/11/22	08/20/21	08/29/17	10/11/17
09/08/22	08/14/21	07/11/16	10/01/17
08/11/22	08/08/21	01/16/15	03/05/17
07/28/22	08/06/21		07/29/16
07/22/22	08/04/21		09/28/14
07/13/22	06/30/21		
07/10/22	06/13/21		
06/14/22	02/18/21		
Total: 12	Total: 12	Total: 7	
Total Negative Reviews and Complaints: 31			Total Positive: 9
Total Violations: 23			

Table 4 below contains a small sample of trips with overlapping times that likely contribute to Fretheim’s no shows.

Table 4: Sample of overlapping trip times for a single vehicle and driver

Date	Time	Fare	Date	Time	Fare
7/03/22	12:30pm - 2pm		7/28/22	1pm – 3pm	
7/03/22	2pm - 5:15pm		7/28/22	3pm - 5:30pm	
			7/28/22	6pm - 7pm	
7/11/22	8am - 10:15am		8/08/22	7am - 9am	
7/11/22	10am - 7pm		8/08/22	9am - 11am	
7/20/22	11am - 1:30pm		8/14/22	8am - 10:45am	
7/20/22	1pm - 2:10pm		8/14/22	10:30am - 7:45pm	
7/21/22	11am - 1:15pm		9/11/22	7:30am - 10am	
7/21/22	1pm - 3:15pm		9/11/22	9:30am - 12:45am	
7/27/22	7am - 11am		9/12/22	5am - 6am	unknown
7/27/22	11am - 1pm		9/12/22	6am - 7am	
7/27/22	1pm - 4pm		9/18/22	11am - 12pm	
7/27/22	6:30pm - 9pm		9/18/22	12pm - 12:45am	

Additionally, Fretheim’s interactions with myself and Inyo staff [Attachment 2] have often been unprofessional and inappropriate, as demonstrated by the sample email and voicemail outtakes displayed below in Table 5. These sample responses support the multiple consumer complaints alleging Fretheim was unprofessional, unaware of at least one reservation, and verbally abusive.

TABLE 5: Inappropriate email responses to Data Request issued on 12/8/22, due on 12/29/22

Date	Email – Inappropriate Reponses to my Data Request
12/26/2022 10:48am	I just sat down Christmas and studied your email and realized you were demanding this in three weeks. This is not in any way standard. What is your problem? I am going to come up to Sacramento and get to the bottom of this.
12/26/2022 8:59pm	Expecting a response in three weeks is not an acceptable business arrangement. What is the matter with you? Your behavior is rude and unacceptable. When I can afford it I am going to come to Sacramento and find your supervisor and complain about your rude treatment. I will keep going until I am treated with respect. Three weeks I just rude.
12/27/2022 4:02am	I don't know how you can fine me. In my world only a judge has that authority.
12/27/2022 5:48am	I'm doing a good job here and damn the torpedoes you are going to learn to respect me. When you see how many shuttle rides we provide you better sit up and take notice...
12/27/2022 3:46pm	You are joking, right. I have been doingvth9s bus8ness for over a decade and never have had these records demanded in th8s manner.
1/27/23 10:47pm	Why don't you focus your enforcement efforts towards the "under the radar guys" and leave me alone.
Email – Inappropriate Reponses to My Follow-up Data Requests	
12/27/2022 5:48am	I'm working on printing my calendar...I may not have postage ... I am likely to run out of paper. I have to drive to ... get printer paper 100 miles. If I run out of toner all bets are off. ... Fortunately I have an electric car I can charge for free. <i>(DR and my phone conversation, directed him to send the records electronically)</i>
1/27/23 8:59am	I do not know what "13 items" you refer to. The records of our trips is the only request I recall.
1/27/23 10:47pm	I don't know what you are talking about. I have completed all the reports you gave asked for I do not know of any email or letter requesting 13 items
Date	Voicemails
12/26/22 9:45am	My deadline is in 3 days, I'm not sure. I can't figure out the due date the letter is foggy, the letter isn't terribly helpful.
12/26/22 9:47am	I know you are asking me for some stuff but I don't know what
12/27/22 8am	I don't know what you think you are accomplishing by making my life miserable

Attachment 1 contains a summary of the reviews listed in **Table 3**. All reviews can be viewed at [EAST SIDE SIERRA SHUTTLE - 29 Reviews - Independence, California - Transportation - Phone Number - Yelp](#) and at [Don't use East side Sierra Shuttle! : r/JMT \(reddit.com\)](#). **Attachment 2** contains Inyo's December 7, 2022 letter, excerpts from Inyo emails which support Fretheim's behaviors and failures to keep appointments, a sample of Form TL706-F3, and notes from Inyo staff.

- **Failed to produce business records, in violation of Pub. Util. Code section 5389 and G.O. 157-E, Part 6.02. [8 counts]**

Fretheim has, for the most part, failed to cooperate during the entirety of this investigation and does not appear to understand that he is required to comply with Commission-issued requests and directives. Despite a comprehensive 67-minute telephone conversation on December 8, 2022, regarding the contents and expectations of the December 8, 2022 data request, the only records provided were Google calendars, which serve as waybills, for May to October² In addition to my original data request, I sent a minimum of seven (7) follow-up requests for the missing data from December 27, 2022 to January 28, 2023, as shown in **Table 6** below. **Attachment 3** contains a copy of the initial Data Request and a summary of the seven (7) supporting emails.

Table 6: Attempts to collect records

Request Dates
12/08/22
12/29/22
12/30/22
01/05/23
01/09/23
01/10/23
01/27/23
01/27/23

- **Failed to enroll drivers in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (EPN), and/or obtain, sign and date current driver records in violation of Pub. Util. Code sections 5374(a)(1)(D), 5381, G.O. 157-E Part 5.02, and CVC section 1808.1. [2 counts]**

Google calendars provided in lieu of waybills for July 1, 2022 to September 28, 2022 revealed Fretheim utilized the two (2) employee drivers listed in **Table 7** below. Fretheim was asked to provide either evidence of EPN enrollment or a copy of the current signed driver reports; he failed to provide either. The EPN database shows Fretheim is the only EPN enrollee.

Attachment 4 contains the EPN enrollee data obtained from the DMV’s on-line database and two (2) sample Google calendar trips for each driver listed in **Table 7** below.

² The data request asked for waybills from July 1, 2022 to September 31, 2022

Table 7: Employee Drivers and Operation Dates - July 1, 2022 to September 28, 2022

Driver	Transportation Dates	Total Trips
██████████	July: 6, 8, 11, 13, 16-18, 21-26, 28-29, 31 Aug: 4, 7-10, 14-15, 20-22, 24-25 Sept: 1, 3, 8, 11, 14, 17, 20 Total Days Operated: 35	58
██████████	July: 2, 4, 8-9, 17 Aug: 6-7, 9-10, 12, 14 Total Days Operated: 11	11

- **Failed to enroll drivers in a Controlled Substance and Alcohol Testing Certification Program, in violation of Pub. Util. Code section 5374(a)(1)(I), and G.O. 157-E, Part 10. [2 counts]**

Drug consortium records, obtained from New Era Drug Testing, revealed that Fretheim pre-employment tested on May 11, 2021, the account was activated on May 13, 2021, and he is the only individual enrolled in the program [Attachment 5]. Google calendars [Attachment 4] revealed that the two (2) drivers listed in Table 7 above drove without being pre-employment tested and/or enrolled in the current drug program.

- **Engaged employee drivers without having Workers' Compensation Insurance (WKCP) in effect and on file with the Commission, in violation of Pub. Util. Code Section 5378.1. [8 counts]**

A review of the Commission's Transportation and Licensing Analysis Branch (TLAB) records revealed that Fretheim has not had workers' compensation insurance in effect and on file since obtaining authority in 2015 [Attachment 6]. Fretheim's Google calendars for July 1, 2022 to September 31, 2022, as shown in Table 7 above, reveal that Fretheim utilized two (2) driver employees without first procuring WKCP coverage [Attachment 4].

To avoid procuring WKCP coverage, Fretheim knowing and willfully falsified forms PL739A, TL706-K, PL664 and 664B of his 2018 and 2021 renewal applications as demonstrated below and in shown Attachments 6, 7 and 8.

Form PL739A - Driver Statement of Applicant: On September 1, 2018, as part of his CPUC renewal application, on Form PL739A Fretheim declared himself the sole driver. As an owner operator with zero employees Fretheim would not be required to procure WKCP coverage.

On May 11, 2021, as part of his CPUC renewal application, on Form PL739A Fretheim again declared himself the sole driver. However, fourteen (14) days earlier, before completing Form

PL739A, on April 27, 2021, when procuring his 2021-2022 commercial PLPD policy, Fretheim listed two (2) employee drivers, [REDACTED] and [REDACTED].

One year later, on his 2022-2023 commercial PLPD policy, procured on April 23, 2022, effective May 20, 2022, Fretheim continued to list [REDACTED] (hired in 2012) as a covered driver, but did not update Form PL739A.

Google calendars for trips from July 1, 2022 to September 31, 2022 show Fretheim utilized two (2) employee drivers, [REDACTED] and [REDACTED] [Attachment 4]. Falsifying Form PL739A allowed Fretheim to avoid procuring Workers' Compensation Insurance coverage and giving him an unfair financial economic advantage over other carriers for the last five or more years.

Form -TL706-K - Workers' Compensation Declaration: On August 5, 2018, as part of his CPUC renewal application for operating authority, on Form TL706-K Fretheim declared, under penalty of perjury, that he had no employees and did not require Workers' Compensation Insurance coverage.

On May 11, 2021, as part of his CPUC renewal application, on Form TL706-K Fretheim again declared that he had no employees and did not require Workers' Compensation Insurance coverage. Fourteen days earlier, on April 27, 2021, when procuring his 2021-2022 commercial PLPD policy, Fretheim listed [REDACTED] and [REDACTED] as covered employee drivers.

One year later, on his 2022-2023 commercial PLPD policy, procured on May 20, 2022, Fretheim continued to list [REDACTED] (hired in 2012) as a covered driver, but did not update Form 706-K or procure Workers' Compensation Insurance coverage.

Google calendars for trips from July 1, 2022 to September 31, 2022 show Fretheim utilized two (2) employee drivers, [REDACTED] and [REDACTED] [Attachment 4], without having procured Workers Compensation Insurance coverage.

Falsifying Form TL706-K allowed Fretheim to avoid procuring Workers' Compensation Insurance coverage, denying his employees coverage benefits, and giving him a financial economic advantage over other carriers for the last five years or more.

Forms PL664 and 664B - Passenger Carrier Equipment Statement: Deficiency letters, issued by TLAB, show that in 2018 as part of his CPUC renewal application, Fretheim declared a fleet of three (3) vehicles and was advised he needed workers compensation insurance. In response, Fretheim reduced his fleet to two (2) vehicles, license plate numbers [REDACTED] and [REDACTED].

On May 26, 2021, as part of his CPUC renewal application, Fretheim again listed a fleet of two (2) vehicles, license plate numbers [REDACTED] and [REDACTED]. However, one month earlier, on April 27, 2021, when procuring his 2021-2022 commercial PLPD policy, Fretheim secured commercial coverage for five (5) vehicles with an annual premium of \$ [REDACTED]. On June 29, 2022, he replaced one (1) Toyota Sienna for another on his PLPD policy but did not update his CPUC equipment list.

One year later, on his 2022-2023 commercial PLPD policy, procured on April 23, 2022, and effective May 20, 2022, Fretheim secured coverage for six (6) vehicles with an annual premium of \$ [REDACTED], while maintaining to the CPUC that his fleet consisted of two (2) vehicles. Additionally, Fretheim's website <https://eastsierrashuttle.com>, actively advertises six (6) to seven (7) vehicles not on file.

Listing more than two (2) vehicles as an individual owner operator, with zero employees would have alerted TLAB to question Fretheim on his use of multiple cars and zero drivers. Fretheim was aware of this requirement as early as 2018, when TLAB deficiency letters alerted him that as an individual owner he could not have more than two (2) vehicles unless he procured workers compensation insurance coverage.

Attachment 6 contains TLAB Insurance History, Forms PL739A, TL 706-K, P from Fretheim's 2018 and 2021 CPUC renewal applications, and a list of drivers covered by his 2021-2023 PLPD policies.

Attachment 7 contains the 2018 deficiency letters from Fretheim's renewal application and May 29, 2019 email from TLAB, Forms PL664 and 664B from Fretheim's 2018 and 2021 CPUC renewal applications, a list of vehicles covered on his 2021-2023 PLPD policies.

Attachment 8 contains the TLAB's vehicle list, a list of vehicles covered on his 2021-2023 PLPD policies and photos of the vehicles advertised on his website.

- **Failed to maintain a current equipment statement and list all utilized vehicles on his equipment statement, in violation of Pub. Util. Code Section 5381 and G.O. 157-E Part 4.01. [3 counts]**

As shown in **Tables 8** and **9** below, Fretheim has two (2) vehicles on file with TLAB, license plate numbers [REDACTED] and [REDACTED]. Fretheim's Google calendars show that from July 1, 2022 to September 31, 2022, he utilized two (2) vehicles, license plates [REDACTED] and [REDACTED] to conduct for-hire transportation [**Attachment 4**]. License Plate [REDACTED] is not on file with TLAB.

As demonstrated in the prior violation, Fretheim knowing and willfully falsified forms PL664 and 664B on his 2018 and 2021 renewal applications [Attachment 7]. A recap of this violation is located directly following Table 12 below.

Table 8: Vehicles currently on file with TLAB

VIN # / Vehicle Type	License Plate	Add Date
[REDACTED] / 2020 Chevrolet Bolt EV	[REDACTED]	05/26/21
[REDACTED] / 2005 Toyota Sienna	[REDACTED]	09/01/18

Table 9: Vehicle in use, not on file with TLAB

VIN # / Vehicle Type	License Plate	Delete Date
[REDACTED] / 2004 Toyota Sienna	[REDACTED]	5/26/21

As shown in Tables 10 and 11 below Fretheim’s PLPD records [Attachment 8] show he has, since at least 2021, insured multiple vehicles not on file with the CPUC.

Table 10: 2021-2022 - vehicles covered by PLPD policy and CPUC file status

VIN # / Vehicle Type	License Plate	Insured Dates	On File
[REDACTED] / 2020 Chevrolet Bolt EV	[REDACTED]	05/20/21 - 5/20/22	Yes
[REDACTED] / 2005 Toyota Sienna	[REDACTED]	05/20/21 - 5/20/22	Yes
[REDACTED] / 2017 Chevy Bolt EV	[REDACTED]	05/20/21 - 05/3/22	No
[REDACTED] / 2004 Land Rover	[REDACTED]	05/20/21 - 05/20/22	No
[REDACTED] / 2004 Toyota Sienna	[REDACTED]	05/20/21 – 06/29/21	No
[REDACTED] * / 2004 Toyota Sienna	[REDACTED]	06/29/21 – 05/20/22	No

*Deleted from TLAB fleet on 5/26/21

Table 11 2022-2023 vehicles covered by PLPD policy and CPUC file status

VIN # / Vehicle Type	License Plate	Insured Dates	On File
[REDACTED] / 2020 Chevrolet Bolt EV	[REDACTED]	05/20/22 - 11/17/22	Yes
[REDACTED] / 2005 Toyota Sienna	[REDACTED]	05/20/22 - 11/17/22	Yes
[REDACTED] * / 2004 Toyota Sienna	[REDACTED]	05/20/22 - 11/17/22	No
[REDACTED] / 2004 Land Rover	[REDACTED]	05/20/22 - 11/17/22	No
[REDACTED] / 2022 Chevy Bolt EUV	[REDACTED]	07/23/22 - 05/20/23	No
[REDACTED] / 2017 Chevy Bolt EV	[REDACTED]	05/20/22 - 05/20/22	No

*Deleted from TLAB fleet on 5/26/21

Fretheim also advertises multiple vehicles on his website that are not on file with the Commission [Table 12 and Attachment 7].

Table 12: The Six or Seven Vehicles advertised on Fretheim’s website

Vehicle / Website Description	License Plate
Chevy Bolt EV (Red) / East Side Sierra Shuttle Chevy Bolt EV below Independence Peak	unknown
Toyota Sienna XLE Limited (Blue/Grey) East Side Sierra Shuttle Sienna XLE Limited on the road to North Lake	[REDACTED]
Toyota 4 Runner (Red) / Classic East Side Sierra Shuttle Toyota 4Runner near Sawmill Pass trailhead	illegible
VW all electric MicroBus / Zero Carbon Shuttle! VW all electric Buzz microbus -coming soon	unknown
Toyota Sienna XLE (Silver) / East Side Sierra Shuttle Toyota Sienna XLE near Big Sur	[REDACTED]
Chevy Bolt EV (Silver?) / East Side Sierra Shuttle Bolt EV Onion Valley Road	unknown
Chevy Bolt EV (Blue?) / Blue Bolt Pinyon Creek (possibly the same Bolt as listed above)	unknown

Fretheim knowing and willfully falsified forms PL664 and 664B on his 2018 and 2021 renewal applications [**Attachment 7**] as summarized below.

On May 26, 2021, Fretheim listed two (2) vehicles on file. One month earlier, on April 27, 2021, Fretheim secured commercial PLPD coverage for five (5) vehicles with an annual premium of \$[REDACTED]. One year later, on his 2022-2023 commercial PLPD policy, he secured coverage for (6) vehicles with an annual premium of \$[REDACTED], while maintaining to the CPUC that his fleet consisted of two (2) vehicles. Additionally, Fretheim’s website <https://eastsidesierrashuttle.com>, [**Attachment 8**] advertises six (6) to seven (7) vehicles.

The Equipment Statement / CHP Terminal Inspection Request which Fretheim completed for his renewal clearly states: “VEHICLES NOT LISTED MAY NOT BE OPERATED UNDER THIS AUTHORITY. You must immediately notify this Commission of any changes to your equipment list. Failure to list all vehicles will be deemed reason for denial or later suspension and/or revocation of any issued authority.”

Insuring the two (2) vehicles on file with TLAB rather than the five (5) to six (6) vehicles covered by his PLPD policies and advertised on his website, would likely save Fretheim thousands of dollars in his annual premiums, making it probable that he had more than the two (2) vehicles and drivers revealed in the three-month 2022 review period (one repeat and loyal consumer stated he had a team of drivers) and that he used or intended to use the vehicles listed on his PLPD policies and advertised on his website.

Attachment 4 contains sample Google calendars for the vehicle utilized but not on file. **Attachment 7** contains the 2018 deficiency letters from Fretheim’s renewal application and

May 29, 2019 email from TLAB, Forms PL664 and 664B from Fretheim’s 2018 and 2021 CPUC renewal applications, a list of vehicles covered on his 2021-2023 PLPD policies.

Attachment 8 contains the TLAB’s vehicle list, the list of vehicles covered on his 2021-2023 PLPD policies and photos of the vehicles advertised on his website.

- **Operated outside the scope of his authority, in violation of Pub. Util. Code Section 5381 and G.O. 157-E Part 4.01. [5 counts]**

Fretheim has a P Permit which allows him to conduct charter party carrier of passenger services wherein the chartering party has complete use and control of the vehicle. As documented in **Table 13** below, Fretheim has unlawfully combined multiple chartering parties in one (1) vehicle. Fretheim’s Google calendars, which show multiple trips for the same date, time and driver indicate that this may be a reoccurring event on a very large scale.

To corroborate this violation, I contacted forty-five (45) consumers whose trips, according to the Google calendars, overlapped in a manner that strongly indicated multiple parties would be combined in one (1) vehicle. Twenty-five (25) consumers responded. Four (4) consumers responded that there were other passengers in the vehicle. One (1) consumer responded that after being five (5) hours late, Fretheim advised them he had other passengers to pick up, they firmly objected and avoided taking a longer route to accommodate another chartering party. One (1) consumer responded that Fretheim picked up a random hiker along the trail, the consumer did not think it was prearranged. Combining multiple charters into one (1) vehicle and one (1) trip is not only a regulatory violation, it also is a means to generate an inflated amount of revenue for a single trip.

Table 13: Trips outside scope of P Permit

Count	Approximate Date
1	June 2021
	July 2022*
2	July 2022
3	July 2022
4	August 2022
5	Sept 2022

*Interstate, not counted as a violation but displayed to illustrate the issue of safety and out of scope operations.

Attachment 9 contains emails, for the trips shown in **Table 13** above. Pursuant to privacy concerns consumer names and full trip dates have been withheld.

- **Failed to utilize and/or fully complete waybills, in violation of Pub. Util. Code Section 5381.5 and G.O. 157-E, Part 3.01. [1 count]**

During our December 8, 2022, telephone conversation Fretheim advised me he does not utilize waybills but would provide copies of his “Google calendars”. Fretheim’s calendars [Attachment 4] lacked the items shown in Table 14 below. Fretheim was subsequently asked to provide the vehicle license plate and driver name, which he added after the fact. A portion of the trips do not appear to be rearranged and have zero passenger data other than name, number of passengers and contact information [Attachment 10].

Table 14: Missing waybill information

All Calendars Were Missing:	Some Calendars Were Missing
Name of carrier and TCP number	Address of person requesting or arranging the charter
Vehicle license plate number	Time and date when charter was arranged
Driver's name	Whether the transportation was arranged by telephone, written contract, or electronic communication

- **Published untrue and misleading advertisements, in violation of Pub. Util. Code Section 5381, and the Business & Professions Code Sections 17200 and 17500. [2 counts]**

Fretheim’s website falsely advertises that he operates within Inyo National Forest under a lawful permit from Inyo National Forest. While Fretheim previously held authority to operate within Inyo, on August 27, 2021, Inyo removed Fretheim from its list of authorized providers and on December 7, 2022 issued Fretheim a letter advising him that he is “*not permitted to operate on the Inyo National Forest and are immediately requested to remove any advertising of your services on Inyo National Forest lands.*” [Attachment 2]. As of the time of this writing, Fretheim has not removed the advertising and continues to falsely advertise and mislead consumers and undermine competitors, that his services for the routes advertised on his website and located within Inyo are authorized, endorsed, or permitted by Inyo [Attachment 11].

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 as to those matters, I believe to be true.

Executed on July 31, 2023
in Sacramento, California

Melanie Balfour

Melanie Balfour
Public Utilities Regulatory Analyst II

INDEX OF ATTACHMENTS

1	Summary of Complaints and Social Media Reviews
2	Correspondence, notes and emails from Inyo staff
3	Data Request and Issuing Email, table of eight (8) attempts to secure records
4	EPN data and supporting Google calendars
5	Drug Consortium Records
6	2018 and 2021 PL739A and TL 706-K, drivers on 2021-2023 PLPD policies
7	<u>TLAB vehicles list, 2018 deficiency letters, TLAB email, Forms PL664 and 664B, list of vehicles covered on his 2021-2023 PLPD policies</u>
8	<u>TLAB vehicle list, vehicles covered on his 2021-2023 PLPD policies, photos of website vehicles</u>
9	Emails for out-of-scope transportation
10	Sample waybill that appears not to be prearranged
11	Website claiming Inyo permit and displaying unlawful routes

Attachment 1

Yelp reviews and CPUC complaints.

Items in blue are CPUC complaints. Reviews alleging refund and unprofessional conduct issues and interstate issues were not counted as violations.

-	+	Post Date	Review/Complainant	Main Issues
1		12/16/22	Tyler J	hour late - double booked - waited 1 hour for Fretheim and 45 min for his alternate driver
2		10/10/22	Jasper K	no show (paid in full) - no calls returned - no refund
3		09/29/22	Robert S - Yelp & CIU#20220076	no show - double booked - no refund
4		09/28/22	Michael S	late by 1 hour - unsafe driving - unprofessional/inappropriate behavior - disclosed sexual, business, and employee details, coughed phlegm onto windshield
5		09/11/22	Todd D	unaware of trip booked – client had to find alternate trans the day before the trip
6		09/08/22	Alexander R - Yelp & CIU#20220060	failure to provide refund for service cancelled 20 days out
7		08/11/22	Bary L	No show - no calls returned - no refund
8		07/28/22	JD D	trail accident – client canceled 4 days in advance - no refund - Fretheim could not keep track of the day/time/and pickup location
9		07/22/22	Brian J	no show - no calls returned
10		07/13/22	Phil W - Yelp & CIU#20220054	Fretheim canceled within 24 hours. Calls ignore - when finally reached met with profanity and told to "grow up" prior to hanging up on client. No refund
11		07/10/22	Sat D	Fretheim did not provide transportation - Fretheim had no idea who the client was and that they had scheduled and paid for \$100 for the trip - no refund.
12		06/14/22	Linda W	Client canceled - got raincheck which was not honored. Called for ride - mentioned raincheck - carrier went silent - had to find alt trans.
	1	02/09/22	Brian P	Nice guy - provided parking suggestions
	2	12/19/21	Duncan F	Honest - generous -drove five hundred miles to pick up my son and take him to Los Angeles Airport
13		09/02/21	Benjamin B	Fretheim changed trip details the night before - EV 1/2 charged, had to charge twice for 300 mile trip - inappropriate stories of forgetting clients, women, insulin, etc.
14		09/01/21	Robert A	No show - paid trip
15		08/27/21	Mike I	Did not refund as promised (review doesn't note who canceled trip)

16		08/21/21	Frank S	Accepted reservation for trailhead he no longer goes to - would have left client stranded - gave a refund
17		08/20/21	Janice W. PUC only CIU# 20210070	refund issue – client canceled 9 days in advance
18		08/14/21	JW	No show - double booked -client pressured him to do the pickup and observed unprofessional behavior - EV had to be charged during trip, Fretheim disclosures he is diabetic and does not travel with his insulin or check glucose levels
19		08/08/21	Gwen A.	Fretheim canceled trip within 24 hours. Refund request was met with profanity and aggressive behavior, cussing, calling names, and telling consumer to "F*** O***"
20		08/06/21	Logan A. Yelp, Inyo & CIU# 20210076 (9/2/21)	Fretheim cancelled day before for trip - vehicle broke down/not enough drivers - client requested refund and was met with profanity - "Drop dead you insane peick. Fyck you I have zero time or tolerance for you insane harrassment. PayPal has not show any monies you sent me I have not refunded Fuck y leave me alone. I won't be reading any further writings from your deranged mind. Drop dead."
21		08/04/21	Jacob E.	client's bus to p/u location was 15 mins late - notified carrier, carrier refused to wait - did not respond to calls/texts - gave no refund
	3	07/27/21	Wayne S.	Used many years - reliable service
22		06/30/21	PUC only CIU# 20210053	Unprofessional/erratic behavior. Diabetic
23		06/13/21	Jason G.	Client charged double negotiated price - complained and carrier called him names – after much effort got a refund
24		02/18/21	Pam W.	No show for a confirmed rescheduled pickup
25		07/27/20	Joe H.	Paid in full – consumer cancelled for Covid - no refund
26		10/20/18	Ben T.	Consumer forced to cancel trip due to wildfires - paid in full - no refund
27		09/16/18	James L- Yelp & CIU# 20180246	Fretheim canceled the day before the scheduled shuttle - and told them to "f... off".
	4	08/16/18	Petter N -	Flexible - good conversation -good recommendations
	5	10/11/17	Richard C	Driver punctual -friendly - knowledgeable
28		10/03/17	Irvin L	Fretheim brought large dog on the 2-hour trip - unprofessional dress and behavior -
	6	10/01/17	Steve R	Responsive - accommodating

29		08/29/17	Todd M	client canceled 13 days in advance - no refund - notified and awoken a 1am
	7	03/05/17	Dan G	Awesome - helpful
	8	07/29/16	Pete A	on time - gave evacuation discount
30		07/11/16	Jeff W	Extremely rude – canceled weeks in advance - no refund
31		01/16/15	PUC only CIU# 20150019 -	Operating within Yosemite without a permit
	9	09/28/14	Mike M	prompt - professional
Total Reviews/Complaints: 40				
Negative Complaints/Reviews: 31				Total Violations: 23
Positive Reviews: 9				

Attachment 2

File Code: 2720

Date: December 7, 2022

Paul Froehsim
East Side Sierra Shuttle
paul@siyopro.com

Mr. Froehsim,

It has come to my attention that you are conducting business as East Side Sierra Shuttle on the Inyo National Forest.

You have been granted neither a special use permit, nor a permit waiver, on the Inyo National Forest since 2021 and have not been authorized to provide shuttle services since that time. There is evidence of your continued operation in the many complaints that have been alleged regarding your service, amongst these are behavior unacceptable of an individual offering services on National Forest System lands. The allegations state that you have accepted payment, not provided the shuttle services, and refused refunds. Furthermore, your webpage, <https://www.eastsidesierrashuttle.com/index.html>, indicates that you are permitted to operate on Inyo National Forest which is inaccurate. You are not permitted to operate on the Inyo National Forest and are immediately requested to remove any advertising of your services on Inyo National Forest lands. The advertisement is attached to this letter.

Commercial outfitting and guiding on the National Forest requires a special-use permit (36 CFR 251). Conducting these activities without a permit is a violation of federal law (36 CFR 261.10C). As of this date we have no record of your intent to obtain a permit for this activity for the years 2022 or 2023.

Commercial activity is defined as any use or activity on National Forest System lands (a) where an entry or participation fee is charged or (b) where the primary purpose is the sale of a good or service and, in either case, regardless of whether the use or activity is intended you produce a profit (36 CFR 251.51).

Guiding is defined as providing services or assistance (such as supervision, protection, education, training, packing, touring, subsistence, transporting people, or interpretation) for pecuniary remuneration or other gain to individuals or groups on National Forest System lands. The term "guide" includes the holder's employees and agents (36 CFR 251.51).

If you have any questions please reach out to permit administrator [REDACTED] at [REDACTED]

Sincerely,

[REDACTED]



East Side Sierra Shuttle

Phone Call Documentation

[REDACTED]

Phone Call with Paul Fretheim

Around 12:30 PM on December 15th, 2022 I spoke with Paul Fretheim on the phone. Paul was audibly upset about the cease and desist letter received on December 9th, 2022. Paul went on to talk about the negative reviews and complaints received by the Forest Service and posted on YELP. Paul went on to explain:

- That his recent vehicle accident, in which Paul was the driver, and subsequent injury was his reason for not providing services to paying clients in 2022.
- He tried to provide services to clients that had paid reservations but was unable to do so because of his vehicle accident injury.
- He said that he was unable to provide refunds to clients who did not receive services because he "did not have the money to pay the money back".
- He went on to say he could not refund clients that did not receive service because he was at risk of defaulting on his mortgage and having his car repossessed.
- He discusses with me that he almost got in a physical altercation with a client, "If it was not a brand new car I would have taken his head and made a few more dents in the car".
- "Not more than 3-5 people that I did not get a car there", referring to clients that had paid reservations, and were expecting pick-up.

In our conversation Paul admitted to the complaints that stated he had failed to provide a service and failed to provide a refund. He also discussed dangerous driving behavior that led to his accident; and discussed a near physical altercation with a client. Paul operates at remote trailheads where the failure to provide a service could create dangerous situations to weary backpackers.

I recommended that Paul send a written letter responding to the complaints and the Forest Service letter dated December 7th, 2022 and signed by [REDACTED]. Paul stated that he would do so in the next few weeks.

[REDACTED]

12/15/2022

1:00 PM

Inyo Email to Fretheim:

[REDACTED]

Paul,

The District Ranger and I missed you yesterday at our scheduled phone call. We are very concerned with some complaints from clients and certain reviews of you taking clients' money without providing a service. Link to some complaints: EAST SIDE SIERRA SHUTTLE - 13 Reviews - Transportation - Independence, CA - Phone Number (yelp.com)

[REDACTED]

We've also had some complaints come through our email system.

We are taking your business off the list of authorized shuttle providers on the website until further notice.

Please reach out,

[REDACTED]

Forest Service
Inyo National Forest, White Mountain Ranger District

[REDACTED]

798 N Main St
Bishop, CA 93514

Fretheim's response to Inyo – complaint details redacted - highlights are mine.

From: Paul Fretheim <paul@inyopro.com>

Sent: Saturday, August 28, 2021 6:55 PM

[REDACTED]

Subject: Re: Meeting Yesterday

Dear [REDACTED]

I did not receive a call. I waited at the agreed upon time in good coverage with my phone on and well charged. Please give me a chance to respond to the accusations made against me. They are either completely false or a misunderstanding.

....

I have been driving hundreds of passengers safely for many years. These accusations are false.

...

....

It is made clear at my web site that payments are non-refundable. It's just like buying a non-refundable airline ticket. When you click to pay it states that by clicking you confirm that you have read the non-refundable policy and that you agree to it.

...

I am an honest, hard working businessman who should be defended against these mixed up people by your office. I have run East Side Sierra Shuttle dependably, honestly, safely, and well for more than a decade. These people who expect me to process their reservations and have my vehicles and drivers ready to provide them service and then expect me to do all that for free when they cancel are sick individuals and I am being victimized by them.

I don't appreciate that I did not get a call from you on the 26th at 3:30 p.m. as we agreed upon. I realized when I did not receive a call I should have insisted on getting a phone number to call if I did not receive a call as agreed upon. Please call me at your earliest convenience or email me a number you would like me to call you back on.

I am a good person and would not consider running a dishonest business. These accusations are coming from sick people. Give me a fair chance to defend myself. I'm too busy to have time to initiate defamation lawsuits against them but I will if I have to.

Paul Fretheim

Inyo Email to Fretheim:

On Aug 30, 2021, at 9:34 AM, [REDACTED] wrote:
Hey Paul,

I just lost your phone call. Sounds like you may have gone out of service.

District Ranger [REDACTED] and I called the number twice around 3:00 PM on Thursday August 26th. It is the same number below and the number you called me on this weekend.

Your shuttle service is still currently permitted. If the authorized officer decides otherwise you are going to receive a formal letter.

Please send us a formal letter, addressed to Forest Supervisor [REDACTED] explaining your businesses operation on the Inyo NF since 2014, and explaining how you will address the complaints about consumer service, issuing refunds to consumers, and the use of profanity.

Thank you. Feel free to call me back today.

[REDACTED]

CONFIDENTIAL

CPUC Use Only
PSG/MTR _____

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
PROJECTED PROFIT AND LOSS STATEMENT**

For a time period of (check one): 90 Days 120 Days 180 Days One year

Line No.	ITEM	AMOUNT
PART I INCOME		
1.	Estimate Revenues	\$ _____
PART II EXPENSES		
2.	Preventive Maintenance _____	
3.	Repairs _____	
4.	Tires & Tubes _____	
5.	Safety Education and Training Program _____	
6.	Mechanics Wages _____	
7.	Driver and Helper Wages _____	
8.	Drivers, Helper and Mechanic Welfare and Pensions _____	
9.	Fuel & Oil Expenses _____	
10.	Vehicle Leases _____	
11.	Other Transportation Expenses _____	
12.	Rent _____	
13.	Office Wages and Benefits _____	
14.	Other Office Expenses _____	
15.	Legal and Accounting _____	
16.	Insurance, PL & PD _____	
17.	Insurance, Workers' Compensation _____	
18.	Insurance, Cargo _____	
19.	Depreciation _____	
20.	Payroll Taxes _____	
21.	Fuel & Oil Taxes _____	
22.	Vehicle Registrations _____	
23.	P.U.C. Fees & Taxes _____	
24.	Other Taxes & Licenses _____	
25.	Interest _____	
26.	Total Expenses (Add Lines 2 through 25)	\$ _____
27.	NET PROFIT (OR LOSS)* (Line 1 minus Line 26)	\$ _____

* If a net loss is shown, please explain how the loss will be paid. If the loss is to be paid out of funds currently available, please complete the verification form.

CERTIFICATION

I (WE) CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THE PROPOSED SERVICE WILL BE FINANCIALLY ABLE TO OPERATE SAFELY.

Signature of Individual Applicant, or authorized officer, managing member, or LLP/PL partner

Title

Print Name

Date

Attachment 3

From: Balfour_Melanie
To: Paul@fretheim.com
Subject: REVISED NOTICE TO PRODUCE RECORDS FOR TCP 35385. Due COB December 29, 2022
Date: Thursday, December 8, 2022 11:31:00 AM
Attachments: G.O. 157-E (TCP).pdf
VEH 1808.1.pdf
REVISED Data Request East Side Sierra Shuttle TCP35385 P50-5791.pdf
Importance: High

Dear Mr. Fretheim

Based on our conversation moments ago, attached is a revised Data Request, please disregard the email and document sent today at 7:32am and us this revised version.

Also pursuant to our telephone conversation, please see the attached G.O 157-E regarding waybills, drivers, etc. Please do not amend your waybills (calendars) to confirm to the G.O. requirements but make sure to incorporate the required items into your calendar asap and no later than January 1, 2022. The G.O. is a very important document, written in layman's terms, which you should review periodically to ensure you are in compliance with our regulations. It does not cover all your responsibilities, but it is a good guideline.

I have also attached the CA Vehicle Code Section 1808.1 referred to in item #6 of the Data Request and provided the following two website links for you to research the benefits of placing your authority into voluntary suspension on a yearly basis from October/November to April/May. I will contact TLAB on some of the issues raised in our conversation. [Passenger Carrier FAQs](#) [Help - FAQs](#) (ca.gov)

As noted in my earlier email pursuant to Public Utilities (Pub. Util.) Code Section 5389, the Transportation Enforcement Branch of the California Public Utilities Commission is requesting charter-party carrier of passenger records for Paul Fretheim dba East Side Sierra Shuttle, TCP 35385. **The requested records are listed in the attached data request.**

Pub. Util. Code Section 5389 mandates the commission and its staff 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 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. Such records shall be maintained for a minimum period of three years.

Please scan and email the documents to Melanie Balfour at melanie.balfour@cpuc.ca.gov by **COB Wednesday by December 29, 2022**. If you do not have the ability to scan and email the records, please make copies and send them to Melanie Balfour, 300 Capitol Mall, Suite 400, Sacramento, CA 95814.

Please feel free to contact me at the number below or by email if you have any questions regarding this Notice.

Sincerely,

Melanie Balfour – Public Utilities Regulatory Analyst
CPUC - Transportation Enforcement Branch
300 Capitol Mall, Suite 400, Sacramento, CA 95814
☎ (916) 467-5057
✉ melanie.balfour@cpuc.ca.gov

PUBLIC UTILITIES COMMISSION
Consumer Protection and Enforcement Division
300 Capitol Mall, Suite 400
SACRAMENTO, CA 95817



December 8, 2022

TCP: 35385 - Active
Case: PSG-5781

SENT VIA EMAIL ONLY TO: Paul@inyopro.com

Paul J. Fretheim
dba East Side Sierra Shuttle
219 West Main Street
Independence, CA 93526

REVISED NOTICE TO PRODUCE DOCUMENTS - DR No. 01

DUE DATE: DECEMBER 29, 2022 -COB

Dear Mr. Fretheim:

This letter is to inform you that the Transportation Enforcement Section of the California Public Utilities Commission is conducting a review of your business operations.

The review is pursuant to Public Utilities Code Section 5389 which mandates that the commission and its staff shall 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 and General Order 157-E, Part 6.01 which requires that business records be maintained for a minimum period of three years.

Please provide the following documents in electronic form and be prepared to provide additional records if requested. Please scan and email the documents to Melanie Balfour at melanie.balfour@cpuc.ca.gov by **COB Wednesday by December 29, 2022**.

If you do not have the ability to scan and email the records, please make copies and send them to Melanie Balfour, 300 Capital Mall, Suite 400, Sacramento, CA 95814.

1. **Waybills** (trip sheets) for all transportation performed from July 1, 2022 to September 30, 2022.
2. **Sub-Carrier Records, Waybills and Contracts** for transportation conducted by or for your company for January 1, 2022 to present.

Carriers that use the services of another carrier or affiliate (sub-carrier) shall have an agreement for the utilization of the second carrier's vehicle(s) and driver(s) and shall be evidenced by a written document which shall contain the carrier's names, TCP Numbers of the Carrier and sub-carrier, and the services to be provided.

3. **Vehicle Registrations and List of all Vehicles**, (owned, leased, or rented) used for charter-party transportation, please include seating capacities and license plate numbers.

4. **Evidence of Public Liability and Property Damage Insurance** for all vehicles owned or leased for 2021 and 2022.
5. **List of all Drivers** with the full name, driver's license number, hire and termination dates for the period of January 1, 2021 to present
6. **DMV Driver Records**. These are either records showing enrollment in the DMV Employer Pull Notice Program or copies of the driver's current public record if the driver is not yet enrolled or not required to be enrolled in the Pull Notice Program. Please refer to CA Vehicle Code Section 1808.1 for further information (attached to email).
7. **Evidence of Workers Compensation Insurance** for 2021 and 2022
8. **Drug Consortium Records** including contract, list of services, employees enrolled with dates of enrollment, termination, random drug testing dates and drug test results for January 1, 2021 to present.
9. **Income Tax Returns** (Federal and State) including schedules for 2019, 2020, and 2021. Provide complete returns. If a filing extension was requested provide evidence of request and response.
10. **Yosemite CUA Permit #YOSE-22-200** provide the below data for December 1, 2021 to present:
 - a. Monthly Summary Report for each month the service occurs in the park;
 - b. Annual Report for all trips conducted and revenue earned at the park that year;
 - c. Evidence of PL&PD insurance with coverage with the USF named as an additional insured.
11. **Inyo National Forest** provide all documents related to your request and NFS authorization letter regarding transportation within the area
12. **All Consumer Complaints and Dispositions**, including but not limited to, complaints received by the CPUC Consumer Intake Unit of the Transportation Enforcement Branch.
13. **Fictitious Business Name Statement**, if applicable, for Silver VIP Service.

Please contact me at the number below or by email if you have any questions regarding this Notice.

Sincerely,

Melanie Balfour

Melanie Balfour
Public Utilities Regulatory Analyst
Consumer Protection and Enforcement Division
Tel. (916) 467-5057
melanie.balfour@cpuc.ca.gov

Seven (7) attempts to secure records from Fretheim

#	Date	Attempt
1	12/8/22 11:31am	Amended Data Request (DR) – based on phone conversation
2	12/29/22 1:06pm	Did the mailing include the other 12 requested items?
3	12/30/22 9:49am	It is unclear to me what you are mailing and what you stated used an entire ream of paper to print. Did the mailing include the 12 non-waybill items requested in the Notice to Produce Documents/data request?
4	1/5/23 11:01am	Please provide the completed trip documents with the vehicle license plate number and the driver's name...
5	1/9/23 8:17am	I received 8 emails of completed trips. As noted in an earlier email, I am tracking your mailed documents, which I presume contain documents for remaining requested items. Thirteen items were requested
6	1/10/23 10:21am	Your mailed responses have been located...I presume contains documents for remaining requested items. Thirteen items were requested,...
7	1/27/23 7:48am	Although my December 8, 2022 data request asked for 13 items, and my repeated follow-up requests asked if the package would contain all the requested data, the package only included reservation sheets.
Fretheim	1/27/23 8:11am	So do you have all the requested records? I think you do. If not I have them. Please request any I may be deficient on.
8	1/27/23 8:36am	I am not going to continue to repeatedly ask you for the records requested on December 8, 2022 and multiple times thereafter. I requested thirteen items, you provided one. Hence, knowing the repercussions, you have repeatedly, knowingly and willingly, chosen to violate our codes.

Attachment 4

EPN Account Data for EC571

PAUL FRETHEIM

REQUESTER CODE: [REDACTED] DBA NAME: [REDACTED]
CONTACT PERSON: PAUL FRETHEIM ADDRESS: [REDACTED]
PHONE NUMBER: [REDACTED] RC STATUS: A
EMAIL: [REDACTED] CLASS/DESC: G / 0
EFFECTIVE: 09/25/2017 EXPIRES: 01/01/2040
REASON CLOSED: CUTOFF:
RESTORE: TOTAL DRIVERS: 1

Close


FRETHEIM PAUL JONATHAN


REQUESTER CODE: [REDACTED] DL NUMBER: [REDACTED]
EMPLOYER NAME: PAUL FRETHEIM ADDRESS: [REDACTED]
DBA NAME: EAST SIDE SIERRA SHUTTLE
DELETION DATE:
PENDING DATE:
ADD DATE: 09/25/2017
PURGE DATE: 09/07/2019 [REDACTED]
PURGE CODE: [REDACTED] 08/29/2020 [REDACTED]
CONDITION CODE: [REDACTED] 08/21/2021 [REDACTED]
REASON CODE: [REDACTED] 12/27/2021 [REDACTED]

-----NOTICE INFORMATION-----
---DATE--- ---REASON----- TYPE/USR

Close

paultreheim@gmail.com

 **Whitney to Fresno Airport - [REDACTED]**
1 - Owes \$3000
Created by: Paul Treheim



Time
8am - 7pm (Pacific Time - Los Angeles)

Date
Sat Jul 16, 2022

Description
fare \$850 paid \$35 owes \$300

[REDACTED]

- > Date order placed: Mon May 02 18:22:27 2022
- > Order Number: 5036
- >
- > ShopSite Transaction ID: 13938-1651530145
- >
- >
- > Billing Address:
- > [REDACTED]

Paul

[REDACTED]

Licence Number ca [REDACTED]

paulfeinberg@gmail.com



Whitney Portal to Onion Valley - [REDACTED] - Paid in Full

Created by: Paul Feinberg

Time

12pm - 3pm (Pacific Time - Los Angeles)

Date

Sun Aug 7, 2022

Description

fare \$105 paid \$105 paid in full



Paul

[REDACTED]
Licence Number ca [REDACTED]

[REDACTED]
> Date order placed: Wed Mar 23 12:49:59 2022

> Order Number: 4988

>

> ShopSite Transaction ID: 13885-1648054198

>

>

>

> Billing Address:

> _____

> Customer name [REDACTED]

[REDACTED]

paulrethelm@gmail.com



Dow Villa to Lyell Canyon - [REDACTED]
[REDACTED] Owes \$165

Created by: Paul Reithelm



Time
5am - 9:30am (Pacific Time - Los Angeles)

Date
Sat Jul 9, 2022

Description
fare \$330 paid \$165 owes \$165

Paul
Driver [REDACTED]
Licence Number ca [REDACTED]



- > Date order placed: Mon May 23 19:23:59 2022
- > Order Number: 5070
- >
- > ShopSite Transaction ID: 13971-1653348238
- >
- >
- >
- > Billing Address:



paufr@rethelm@gmail.com



Dow Villa to Mammoth [REDACTED] [REDACTED] - Paid in Full

Created by: Paul Frethem

Time
10am - 2pm (Pacific Time - Los Angeles)



Paul

Driver [REDACTED]

Licence Number ca [REDACTED]

Date
Fri Aug 12, 2022

Description
fare \$220 paid \$220 paid in full



- > Date order placed: Tue Feb 15 18:40:23 2022
- > Order Number: 4047
- >
- > ShopSite Transaction ID: 13842-1644908422
- >
- >
- >
- > Billing Address:
- > [REDACTED]



- > Shipping Address:
- > [REDACTED]

Attachment 5

[REDACTED]

Certification of United States Department of Transportation
Anti-Drug and Alcohol Misuse Prevention Program Compliance

East Side Sierra Shuttle

East Side Sierra Shuttle

Client No. [REDACTED]

- A. Drug and Alcohol Program Manager Paul J Fretheim
- B. Start Date of Anti-Drug Program May 13, 2021
- C. Date of Certification December 9, 2022
- D. Date of Certification Expiration May 13, 2023

To Whom it May Concern:

This Company is Participating in an Anti-Drug Testing Program and Alcohol Misuse Prevention Program to meet the requirements of Department of Transportation Section 49CFR Part 382 & 40

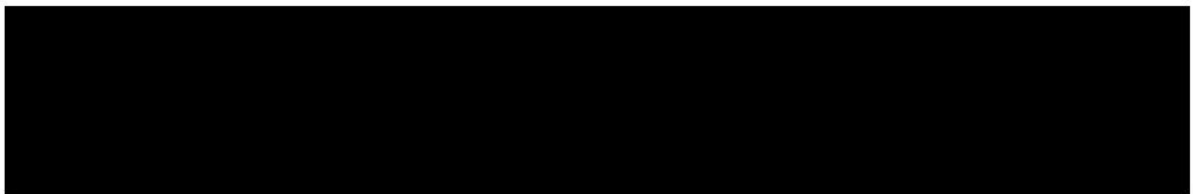
Danny Yagyby

NEW ERA DRUG TESTING

I Certify that I am authorized to represent this company in this matter, that the information in this document is correct to of my knowledge and belief, and that the company I represent will comply with the provisions of the Federal Department of Transportation Anti-Drug and Alcohol Misuse Prevention Program regulations.

Paul J Fretheim
Drug and Alcohol Program Manager

Fretheim is and always has been the only enrollee



Paul J Fretheim

Date: 12/09/2022

List of Active Employees In Random Pool

Employee #	First Name	Last Name	Primary ID	DOB	Division Name	Authority	Last Test Date
[REDACTED]	Paul	Fretheim	B8831293	0000-00-00		NON - NIDA	05/13/2021

Attachment 6

TLAB all insurance on file since 2015

Accounts > PAUL J FRETHEIM
Insurances (Carrier)

9 items • Sorted by Policy Effective Date • Updated 2 minutes ago

<input type="checkbox"/> Policy#	Policy Amount	Policy Type	Policy Sub Type	Policy Effective ...	Policy Cancel Date	Policy Status
		Stand Alone Policy	PL/PD Policy	5/20/2022	7/20/2023	Cancelled
		Stand Alone Policy	PL/PD Policy	5/20/2021	5/20/2022	Cancelled
		Stand Alone Policy	PL/PD Policy	5/20/2020	5/21/2021	Cancelled
		Stand Alone Policy	PL/PD Policy	5/21/2019	5/20/2020	Cancelled
		Stand Alone Policy	PL/PD Policy	6/26/2018	12/24/2018	Cancelled
		Stand Alone Policy	PL/PD Policy	6/26/2017	6/26/2018	Cancelled
		Stand Alone Policy	PL/PD Policy	6/26/2016	6/26/2017	Cancelled
		Stand Alone Policy	PL/PD Policy	6/26/2015	6/26/2016	Cancelled
		Stand Alone Policy	PL/PD Policy	5/11/2015	6/26/2015	Cancelled

2021 Form PL739-A

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
DRIVER STATEMENT OF APPLICANT

TCP- 35385

NAME OF APPLICANT: PAUL JONATHAN FRETHERM

DOING BUSINESS AS (DBA): EAST SIDE STERRA SHUTTLE

BUSINESS ADDRESS: [REDACTED]

PHONE: [REDACTED] City County State REQUESTER CODE NUMBER: EC571 Zip Code

OFFICIAL ENTITY EMAIL ADDRESS: [REDACTED]

APPLICANT PROPOSES TO EMPLOY THE FOLLOWING DRIVERS (INCLUDING APPLICANT IF APPLICABLE), PROVIDING EACH DRIVER IS ELIGIBLE FOR A DRIVING CERTIFICATE. THIS LIST MUST BE A COMPLETE LIST OF ALL DRIVERS EMPLOYED BY YOUR COMPANY.

FOR CPUC
USE ONLY

CALIFORNIA DRIVER LICENSE NO.	BIRTH DATE MO/Y	FULL NAME OF DRIVER	% OF OWNERSHIP MEMBER / OFFICER	CLASS OF LICENSE	STATUS
[REDACTED]	[REDACTED]	PAUL JONATHAN FRETHERM	100	[REDACTED]	Valid

5-19-2021

CONTINUE ON BACK IF NECESSARY

Date: 05/11/2021

Paul Frettherm
Signature of Applicant(s)

If applicant is a corporation:
Signature of Corporate Officer

Title of Corporate Officer

PL739-A (Rev. 2/17)

2018 Form TL706-K

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
WORKERS' COMPENSATION DECLARATION FORM

This space for CFUC use only

YOUR FILE NUMBER
PSL 0055305
or
MTR _____

When you fill out this form, remember that the term "employee" includes clerical persons as well as drivers and any other persons employed in your carrier operations.

If your business is an OUT OF STATE CORPORATION, please note that you are not subject to the workers' compensation laws of California unless you have employees who reside in California. If you have employees who reside in California, check "B" below; if not check "A".

If you employ persons in your carrier operations in any manner that makes you subject to the workers' compensation laws of California, have your insurance company submit proof of insurance via PUC Insurance E-Filing or a certificate of consent to self-insure issued by the Director of Industrial Relations.

Check one of the following (read both before choosing):

- A. I DO NOT HAVE ANY EMPLOYEES. If I hire employees in the future, I will submit an amended workers compensation Declaration Form to the Commission and contact my insurance company at once and have the required certificate of coverage mailed to the Commission. **NOTE TO HOUSEHOLD GOODS APPLICANTS: If you check this box, you must attach a written explanation of how you will conduct operations without employees.**
- B. I DO have employees. (This box also applies to applicants for a permit or certificate who do not now have employees, but will employ workers upon commencement of operations.) I will contact my insurance company and have the required certificate of coverage mailed to the Commission. I understand that the Commission will not issue or reinstate a permit or certificate until it receives my certificate of coverage.

CERTIFICATION

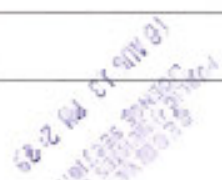
I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement regarding workers' compensation and that I (we) am (are) able to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: 08/05/2018

[Signature]
Signature of Applicant(s)

Signature of Corporate Officer

Title of Corporate Officer



2021 Form TL706-K

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
WORKERS' COMPENSATION DECLARATION FORM

<p>Carrier Name: <u>PAUL JONATHAN FRETHERM</u> <u>DBA: EAST SIDE SIERRA SHUTTLE</u></p>	<p>YOUR FILE NUMBER PSG#: <u>35385</u></p>
---	--

When you fill out this form, remember that the term "employee" includes clerical persons as well as drivers and any other persons employed in your carrier operations.

If your business is an OUT OF STATE CORPORATION, please note that you are not subject to the workers' compensation laws of California unless you have employees who reside in California. If you have employees who reside in California, check "B" below; if not check "A"

If you employ persons in your carrier operations in any manner that makes you subject to the workers' compensation laws of California, have your insurance company submit proof of insurance via PUC Insurance E-Filing or a certificate of consent to self-insure issued by the Director of Industrial Relations.

Check one of the following (read both before choosing):

- A. **I DO NOT HAVE ANY EMPLOYEES.** If I hire employees in the future, I will submit an amended Workers' compensation Declaration Form to the Commission and contact my insurance company at once and have the required certificate of coverage mailed to the Commission.
- B. **I DO HAVE EMPLOYEES.** (This box also applies to applicants for a permit or certificate who do not now have employees, but will employ workers upon commencement of operations.) I will contact my insurance company and have the required certificate of coverage mailed to the Commission. I understand that the Commission will not issue or reinstate a permit or certificate until it receives my certificate of coverage.

CERTIFICATION

I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement regarding workers' compensation and that I (we) am (are) able to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: 05/11/2021

Paul Jonathan Fretthem
Print Name of Applicant(s)
[Signature]
Signature of Applicant(s)

Signature of Corporate Officer

Title of Corporate Officer

Drivers listed on 21/22 PLPD

AGENCY CUSTOMER ID: _____

BUSINESS AUTO SECTION		DATE (MM/DD/YYYY) 04/27/2021
POLICY NUMBER	EFFECTIVE DATE 05/20/2021	CARRIER NAIC CODE
NAMED INSURED(S) FRETHEIM PAUL JONATHAN DBA: EAST SIDE SIERRA SHUTTLE		

COVERAGES / LIMITS
USE ACORD 137 FOR YOUR STATE TO PROVIDE COVERAGES / LIMITS INFORMATION

DRIVER INFORMATION		ACORD 163 attached for additional drivers											
LIST ALL DRIVERS, INCLUDING FAMILY MEMBERS THAT DRIVE COMPANY VEHICLES, AND EMPLOYEES WHO DRIVE OWN VEHICLES ON COMPANY BUSINESS.													
DRIVER #	NAME CITY, STATE AND ZIP CODE	SEX	MAR STAT	DATE OF BIRTH	YRS EXP	YEAR LIC	DRIVERS LICENSE NUMBER/ SOCIAL SECURITY NUMBER	STATE LIC	DATE HIRF	BROADEN IND./FAULT	DOC	USE VEH #	% USE
1													
2													
3													

Drivers listed on 22/23 PLPD

AGENCY CUSTOMER ID: _____

BUSINESS AUTO SECTION		DATE (MM/DD/YYYY) 04/23/2022
POLICY NUMBER	EFFECTIVE DATE 05/20/2022	CARRIER NAIC CODE
NAMED INSURED(S) FRETHEIM PAUL JONATHAN DBA: EAST SIDE SIERRA SHUTTLE		

COVERAGES / LIMITS
USE ACORD 137 FOR YOUR STATE TO PROVIDE COVERAGES / LIMITS INFORMATION

DRIVER INFORMATION		ACORD 163 attached for additional drivers											
LIST ALL DRIVERS, INCLUDING FAMILY MEMBERS THAT DRIVE COMPANY VEHICLES, AND EMPLOYEES WHO DRIVE OWN VEHICLES ON COMPANY BUSINESS.													
DRIVER #	NAME CITY, STATE AND ZIP CODE	SEX	MAR STAT	DATE OF BIRTH	YRS EXP	YEAR LIC	DRIVERS LICENSE NUMBER/ SOCIAL SECURITY NUMBER	STATE LIC	DATE HIRF	BROADEN IND./FAULT	DOC	USE VEH #	% USE
1													
2													

Attachment 7

2018 Renewal Application Data

2018 Deficiency letter #1 [emphasis added]

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco, CA 94102-3298



DEFICIENCY LETTER #1

FILE NUMBER : 100000005

EAST SIDE SIERRA SHUTTLE
ATTN : PAUL JONATHAN FRETHEIM



Date: June 18, 2018

PLEASE INCLUDE THE ABOVE FILE NUMBER ON ALL CORRESPONDENCE

The application for authority, transfer of authority or request for reinstatement has been received and analyzed for processing on May 31, 2018.

TCP-P

Before the application can be further processed, it will be necessary that the following documents be completed or furnished, and filed with this office with the above file number as a reference on all documents. Failure to respond or furnish the necessary documents or information may result in denial of this application.

CODE# : REMARKS -- Confirm terminal address & telephone number on the "Equipment Statement/ CHP Inspection" form.

CODE# : 7390 -- Modified Limousine Inspection Fee Statement

CODE# : REMARKS -- Please read and initial Form PL740 where indicated.

CODE# : REMARKS -- The name of the consultant you included on Form PL 706-J is not an approved consultant. Select a consultant from the approved List of Drug and Alcohol Testing Consultants enclosed.

CODE# : REMARKS -- You are an individual owner and individual owners can only have and maintain two vehicles; unless, you provide Workers' Compensation insurance coverage. Remove one of vehicles and provide a copy of the vehicle registration for Commercial use for the vehicle you will be adding to your equipment list.

CODE# : REMARKS -- You must select a box on Form TL706-K Workers' Compensation Declaration which most accurately describes your current situation. The form you sent with inserting your own hand written text is not acceptable.

CODE# : REMARKS --

Please note that every time you renew your permit, all forms sent to your must be completed and submitted to CPUC.

CODE# : DRUG01 -- Have your Drug Consultant provide a list of services directly to the PUJ.

CODE# : DRUG02 -- Have your Drug Consultant provide drug test results or driver applicants only directly to the PUC.

CODE# : REQ CANC -- Your Current Requestor Code is Canceled/Closed. Provide a new active signed copy of your Pull Notice Agreement (Form INF 1105).

CODE# : REMARKS -- You must include on Form PL 739-A the name of the driver who will be driver the vehicle listed on your equipment. Permit cannot be issued if you do not list a driver.

Page 1 of 2

2018 Deficiency letter #2 [emphasis added]

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
905 Van Ness Avenue
San Francisco, CA 94102-3298

EDMUND G. BROWN JR., Governor



DEFICIENCY LETTER #2

FILE NUMBER : PSG0035385

EAST SIDE SIERRA SHUTTLE
ATTN : PAUL JONATHAN FRETHEIM

Date: July 18, 2018

PLEASE INCLUDE THE ABOVE FILE NUMBER ON ALL CORRESPONDENCE

The application for authority, transfer of authority or request for reinstatement has been received and analyzed for processing on May 31, 2018.

TCP-P

Before the application can be further processed, it will be necessary that the following documents be completed or furnished, and filed with this office with the above file number as a reference on all documents. Failure to respond or furnish the necessary documents or information may result in denial of this application.

CODE# : REMARKS -- Confirm terminal address & telephone number on the "Equipment Statement/ CHP Inspection" form.

CODE# : 739C -- Modified Limousine Inspection Fee Statement

CODE# : REMARKS -- Please read and initial Form PL740 where indicated.

CODE# : REMARKS -- The name of the consultant you included on Form PL 706-J is not an approved consultant. Select a consultant from the approved List of Drug and Alcohol Testing Consultants enclosed.

CODE# : REMARKS -- You are an individual owner and individual owners can only have and maintain two vehicles; unless, you provide Workers' Compensation insurance coverage. Remove one of vehicles and provide a copy of the vehicle registration for Commercial use for the vehicle you will be adding to your equipment list.

CODE# : REMARKS -- You must select a box on Form TL706-K Workers' Compensation Declaration which most accurately describes your current situation. The form you sent with inserting your own hand written text is not acceptable.

CODE# : REMARKS -- Please note that every time you renew your permit, all forms sent to your must be completed and submitted to CPUC.

CODE# : DRUG1 -- Have your Drug Consultant provide a list of services directly to the PUC.

CODE# : DRUG2 -- Have your Drug Consultant provide drug test results of driver applicants only directly to the PUC.

CODE# : REQ CANC -- Your Current Requestor Code is Canceled/Closed. Provide a new active signed copy of your Pull Notice Agreement (Form INF 1105).

CODE# : REMARKS -- You must include on Form PL 739-A the name of the driver who will be driver the vehicle listed on your equipment. Permit cannot be issued if you do not list a driver.

2018 Deficiency letter #3 – Final [emphasis added]

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco, CA 94102-3298

EDMUND G. BROWN JR., Governor



DEFICIENCY FINAL NOTICE

FILE NUMBER : PSG0035385

EAST SIDE SIERRA SHUTTLE
ATTN : PAUL JONATHAN FRETHEIM

Date: August 17, 2018

PLEASE INCLUDE THE ABOVE FILE NUMBER ON ALL CORRESPONDENCE

This refers to our letter of July 18, 2018 in which a request was made to furnish this Commission with the following documents.

If the requested document(s) or a reply is not received within 20 days from the date of this letter, consideration will be given to denial of the application.

CODE# : REMARKS -- Please read and initial Form PL740 where indicated.

CODE# : REMARKS -- The name of the consultant you included on Form PL 706-J is not an approved consultant; furthermore, it is not the consultant who performed your drug tests. Complete the new PL 706-J form, take a look at the drug test results

CODE# : REMARKS -- The answer you provided on your equipment list is not clear. Please complete Form PL864 requesting to add the vehicle you wish to add. Keep in mind that you are an individual owner and individual owners can only have and maintain two vehicles; unless, you provide Workers' Compensation insurance coverage. Provide a copy of the vehicle registration for Commercial use for the vehicle you will be adding to your equipment list.

CODE# : REMARKS -- Please note that every time you renew your permit, all forms sent to your must be completed and submitted to CPUC.

CODE# : DRUG1 -- Have your Drug Consultant provide a list of services directly to the PUC. List of services must be sent by the drug consultant; documents send by carrier will not be accepted.

CODE# : DRUG2 -- Have your Drug Consultant provide drug test results of driver applicants only directly to the PUC. Test results must be sent by the drug consultant; documents send by carrier will not be accepted.

CODE# : REQ CANC -- Your Current Requester Code was issued to East Side Sierra Shuttle; however, it should have been issued to Fretheim Paul Jonathan (Paul Jonathan Fretheim). Please contact the DMV and request to change the business name to your carrier name, Fretheim Paul Jonathan.

CODE# : REMARKS -- You must include on Form PL 739-A the name of the driver or drivers who will operate the vehicle listed on your equipment. Permit cannot be issued if you do not list a driver.

Magaña, Lucia

From: Paul Fretheim [REDACTED]
Sent: Wednesday, May 29, 2019 9:22 AM
To: Magaña, Lucia
Subject: Re: Request to reinstate PSG 0035385

Hi Lucia,

We will probably be adding two more vans and two W2 drivers with Workers Comp Insurance in place around July 1. I am already working with LA West Commercial Insurance on getting the Workers Comp in place.

For now, until the season picks up, and the snow is deep this year, I will be the only driver and, of course, can only drive one van.

The commercial livery insurance is very expensive and I am holding off putting my other two vans on until I get my W2 drivers in place.

Thank you.

Paul Fretheim

On 5/29/2019 9:00 AM, Magaña, Lucia wrote:

> Paul,
>
> To confirm, you will only operate one vehicle, correct?
>
> Sincerely,
>
>
>
>
> Lucia Magaña
> Public Utilities Regulatory Analyst I
> Consumer Protection & Enforcement Division California Public Utilities
> Commission State of California
> 505 Van Ness Avenue | San Francisco, CA 94102
> \$ Lucia.magana@cpuc.ca.gov | www.cpuc.ca.gov
>
>
>
> -----Original Message-----
> From: Paul Fretheim <paul@inyopro.com>
> Sent: Tuesday, May 28, 2019 6:46 PM
> To: Magaña, Lucia <Lucia.Magana@cpuc.ca.gov>
> Subject: Re: Request to reinstate PSG 0035385
>
> Hi Lucia,
>



511
PSG0035385
May 1, 2018
RENEWAL

EQUIPMENT STATEMENT / CHP INSPECTION REQUEST

Name: FRETHEIM PAUL JONATHAN
DBA: EAST SIDE SIERRA SHUTTLE
ATTN: PAUL JONATHAN FRETHEIM

Physical Address: [REDACTED]
Mailing Address: [REDACTED]

COMPLETE TERMINAL ADDRESS AND PHONE NUMBER(S):

Terminal Address [REDACTED]

Street City County Zip Code

Telephones: BUS: ([REDACTED]) TERM: (____) _____

Applicant proposes to operate the following motor vehicle equipment:

SEE ATTACHMENT

VEHICLES NOT LISTED MAY NOT BE OPERATED UNDER THIS AUTHORITY.

You must immediately notify this Commission of any changes to your equipment list. Failure to list all vehicles will be deemed reason for denial or later suspension and/or revocation of any issued authority.

An inspection fee of \$15.00 per vehicle with a seating capacity of more than ten, including driver, must accompany this form and/or application.

Total submitted \$ _____ (0 vehicles X \$15.00). Maximum amount is \$6,500.

East Side Sierra Shuttle

Equipment list.
RENEWAL

PSG0035385

TERMINAL ADDRESS STATE LICENSE#	VEHICLE IDENTIFICATION NUMBER	SEAT CAP *	BODY TYPE	MODEL YEAR	MOD LIMO	INCHES	AUTO/ NOMOUS	H.A. **
INDEPENDENCE CA	CA 93526 [REDACTED]	7	VAN	2004				No

* Seating Capacity includes driver. ** Handicap Accessible.
If any additional pages are needed, use the same format to list equipment.

FOR CHP USE ONLY CHP RECOMMENDATION
Approval [] Denial [] Other [] Remarks _____

SIGNATURE

DATE

DIVISION

**CALIFORNIA PUBLIC UTILITIES COMMISSION
PASSENGER CARRIER EQUIPMENT STATEMENT (Form PL-664)**

SECTION 1 - CARRIER INFORMATION			
PROCTOR# 0035385	CARRIER NAME Paul Fretheim	FICTITIOUS BUSINESS NAME / DBA (IF ANY) East Side Sierra Shuttle	
BUSINESS ADDRESS	CITY	STATE	ZIP CODE
E-MAIL ADDRESS			CAR

SECTION 2 - EQUIPMENT
 NEW APPLICATION RENEWAL APPLICATION REFILE APPLICATION UPDATE (Add/Delete/Change)

NOTE: In "SEATS" indicate the seating capacity (i.e., number of seats), including the driver.

<input checked="" type="checkbox"/> ADD <input type="checkbox"/> DELETE <input type="checkbox"/> CHANGE	[REDACTED]							AUTONOMOUS VEHICLE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
SEATS 7	BODY TYPE minivan	YEAR 2005	GVWR (LB) 4420	CHASSIS STRETCH (INCHES)	HANDICAPPED ACCESSIBLE <input type="checkbox"/> Yes <input type="checkbox"/> No	MODIFIED LIMOUSINE <input type="checkbox"/> Yes <input type="checkbox"/> No	# of FIRE EXTINGUISHERS	# of EMERGENCY EXITS
TERMINAL ADDRESS							PHONE	

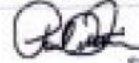
ADDRESS							[REDACTED]		
LICENSE PLATE		STATE	VEHICLE IDENTIFICATION NUMBER (VIN)				AUTONOMOUS VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No		
<input type="checkbox"/> ADD <input type="checkbox"/> DELETE <input type="checkbox"/> CHANGE	[REDACTED]							[REDACTED]	
SEATS	BODY TYPE	YEAR	GVWR (LB)	CHASSIS STRETCH (INCHES)	HANDICAPPED ACCESSIBLE <input type="checkbox"/> Yes <input type="checkbox"/> No	MODIFIED LIMOUSINE <input type="checkbox"/> Yes <input type="checkbox"/> No	# of FIRE EXTINGUISHERS	# of EMERGENCY EXITS	
TERMINAL ADDRESS							PHONE		

ADDRESS							[REDACTED]		
LICENSE PLATE		STATE	VEHICLE IDENTIFICATION NUMBER (VIN)				AUTONOMOUS VEHICLE <input type="checkbox"/> Yes <input type="checkbox"/> No		
<input type="checkbox"/> ADD <input type="checkbox"/> DELETE <input type="checkbox"/> CHANGE	[REDACTED]							[REDACTED]	
SEATS	BODY TYPE	YEAR	GVWR (LB)	CHASSIS STRETCH (INCHES)	HANDICAPPED ACCESSIBLE <input type="checkbox"/> Yes <input type="checkbox"/> No	MODIFIED LIMOUSINE <input type="checkbox"/> Yes <input type="checkbox"/> No	# of FIRE EXTINGUISHERS	# of EMERGENCY EXITS	
TERMINAL ADDRESS							PHONE		

SECTION 3 - CERTIFICATION

I certify that the above information is accurate and that each vehicle listed is covered by an automobile liability insurance policy, which provides at least the following minimum amount of coverage based on vehicle seating capacity (not including the driver):

7 passengers or less - \$750,000 • 8 through 15 passengers - \$1.5 million • 16 passengers or more - \$5 million
 Note: Any vehicles operated under a TCP "C" Certificate only requires \$750,000

 Signature Paul Fretheim Print Name 09.01.2018 Date

CALIFORNIA HIGHWAY PATROL RECOMMENDATION (FOR CHP USE ONLY)

Signature _____ Date _____ Remarks: Approval Denial Other

Division _____

PLEASE ALLOW 7-10 BUSINESS DAYS FOR PROCESSING
 PL-664 (Rev. 10/17)

2021 Renewal Application Data

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102-3298



511
PSG0035385
May 4, 2021
RENEWAL

EQUIPMENT STATEMENT / CHP INSPECTION REQUEST

Name: FRETHEIM PAUL JONATHAN
DBA: EAST SIDE SIERRA SHUTTLE
ATTN: PAUL JONATHAN FRETHEIM

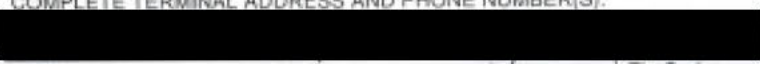
Physical Address:

Mailing Address:



COMPLETE TERMINAL ADDRESS AND PHONE NUMBER(S):

Terminal Address:



Street	City	County	Zip Code
--------	------	--------	----------

Telephone: RIIS:



Applicant proposes to operate the following motor vehicle equipment:

SEE ATTACHMENT

VEHICLES NOT LISTED MAY NOT BE OPERATED UNDER THIS AUTHORITY.

You must immediately notify this Commission of any changes to your equipment list. Failure to list all vehicles will be deemed reason for denial or later suspension and/or revocation of any issued authority.

An inspection fee of \$15.00 per vehicle with a seating capacity of more than ten, including driver, must accompany this form and/or application.

Total submitted \$ 0 (0 vehicles X \$15.00). Maximum amount is \$6,500.

Attachment 8

Vehicles on file with TLAB

Accounts (/lightning/o/Account/home) > PAUL J FRETHEIM (/lightning/r/001t00000Cg83ZKAAV/view)

Assets

4 items • Sorted by Status • Updated a few seconds ago

	Asset Name	Status	Seats	License Plate	VIN Number	Make
1		Active	7			TOYT
2		Active	5			CHEV
3		Inactive	7			TOYT
4		Inactive	7			NONE

Vehicles listed on 2021-2023 PLPD policies

May 20, 2021-May 20, 2022 - Annual premium - \$12,096.80

Eff Date	Exp. Date	Vin	Year	Make	Model
5/20/2021	5/3/2022		2017	CHEVROLET	BOLT EV
5/20/2021	5/20/2022		2020	CHEVROLET	BOLT EV
6/29/2021	5/20/2022		2004	TOYOTA	SIENNA
5/20/2021	6/29/2021		2004	TOYOTA	SIENNA
5/20/2021	5/20/2022		2005	TOYOTA	SIENNA
5/20/2021	5/20/2022		2004	LAND ROVER	RANGE ROVER

May 20, 2022-May 20, 2023 - Annual premium - \$13,249.80

Eff Date	Exp. Date	Vin	Year	Make	Model
5/20/2022	5/20/2022		2017	CHEVROLET	BOLT EV
5/20/2022	11/17/2022		2020	CHEVROLET	BOLT EV
7/23/2022	5/20/2023		2022	CHEVROLET	BOLT EUV
5/20/2022	11/17/2022		2004	TOYOTA	SIENNA
5/20/2022	11/17/2022		2005	TOYOTA	SIENNA
5/20/2022	11/17/2022		2004	LAND ROVER	RANGE ROVER

Vehicles on website



East Side Sierra Shuttle Chevy
Bolt EV below Independence Peak



East Side Sierra Shuttle
Sienna XLE Limited
on the road to North Lake



Classic East Side Sierra Shuttle
Toyota 4Runner near Sawmill Pass trailhead



Coming soon - Zero Carbon Shuttle!
VW all electric Buzz microbus



East Side Sierra Shuttle Toyota Sienna XLE near Big Sur



East Side Sierra Shuttle Bolt EV
Onion Valley Road



Blue Bolt Pinyon Creek

Attachment 9

Emails with out-of-scope language and other issues – I made the highlights.

On Jul 11, 2021, at 4:43 AM, Paul Fretheim <paul@inyopro.com> wrote:

I can't make any changes to your pick up because I have s scheduled your trip to be combined with some orthers to Tuolumne that day.

Pick up is at 8:00 a.m. at Whitney Portal this coming Wednesday, July 14.

I had a careless driver ruin one of my Toyota Sienna vans by driving it with no oil in the engine. I had to let him go and we are down a van and a driver, which makes it nearly impossible to meet our obligations even without changing our schedule.

I'm doing the best I can under difficult circumstances.

Paul Fretheim
East Side Sierra Shuttle

Hi Melanie,

Grateful to receive your email and see that you all are preventing business conmen from taking advantage of consumers. Our experience with Paul Fretheim was horrendous.

1. **Did East Side Sierra Shuttle conduct the trip, or did you have to find alternate transportation?**

Yes, East Side Sierra Shuttle conducted the trip, horribly but the job was done.

1. **If East Side Sierra Shuttle did conduct the trip, was your party the only party in the vehicle or did you share a vehicle with other unknown passengers?**

We were the only passengers in the vehicle. When we finally got picked up 5 hours late, we were told that we would need to pick up other passengers and would need to take a longer route in order to do so. We objected firmly to this plan and Paul apparently called someone else who worked for him to get the passengers...? So, in the end it was just us.

1. **If East Side Sierra Shuttle did conduct the trip, were you asked to reschedule your trip to an alternate date and/or time?**

Yes, Paul was over 5 hours late to picking us up from the airport and asked us to walk over a mile away from the airport to get us. He did suggest that maybe we should reschedule the pick-up but we had to get to the trailhead that day due to backcountry permits.

1. **Was your experience positive or negative?**

It was negative, very negative. The car was filthy and smelled of human urine as did Paul. Paul verbally sexually harassed me as soon as I entered the car. He spoke about his 20 something girlfriend who was my age and about how he used her and she used him. He would not stop talking to me about how I looked.

1. Is there anything else you would like to share?

Once he did finally pick us up he drove an electric car that required us to stop for it to be charged for 1 hour every 2-3 hours which meant our 6 hour drive turned into a 9 hour drive. A nightmare....

Best,

Hi,

My answers in red

1. **Did East Side Sierra Shuttle conduct the trip, or did you have to find alternate transportation?** East Side Sierra Shuttle conducted the trip
2. **If East Side Sierra Shuttle did conduct the trip, was your party the only party in the vehicle or did you share a vehicle with other unknown passengers?** We were going to take on another passenger but they were not there when we went to pick them up.
3. **If East Side Sierra Shuttle did conduct the trip, were you asked to reschedule your trip to an alternate date and/or time?** N/A
4. **Was your experience positive or negative?** Overall it was positive except for the overlap and miscommunication with the other passengers. We waited quite a long time and were not sure that we had a ride since communication is difficult. It worked out in the end, and our driver was great. He was fun to talk to and very knowledgeable about the area.
5. **Is there anything else you would like to share?** We were a little surprised that the drive did not have hands free ability for the phone. It was a little concerning at times given the nature of the roads. He was taking calls and texting while driving and despite our assurance that it would be okay with us if he needed to pull over but he did not choose to. Otherwise he was great.

Hi Melanie,

Yes, my daughter and I used East Side Sierra Shuttle last summer. There were several other people (4?) riding with us, who I did not know. Paul, the driver, did not ask us to reschedule the trip, which took place on July 31st. The trip was largely positive, except that I thought my daughter and I would be the only people in the van. I have used Paul several times in previous years and have never had other customers in the van with us.

I hope that helps,

Happy to comply with the request.

1. Yes, the trip was conducted.
2. We were not the only party. We shared the vehicle with unknown passengers.
3. We were not asked to modify.
4. Positive. I had used East Side Sierra on a previously several years prior.
5. No.

Hope this is helpful.

Hello,

East Side Sierra Shuttle conducted the trip. They didn't ask me to reschedule it. I was the only passenger in the shuttle initially, but then we picked up another hiker on the road whose car was parked at the same place I was being shuttled. The driver asked my permission to do this. I was very much satisfied with this shuttle.

Let me know if you have any other questions.

My follow-up:

When you say “we picked up another hiker on the road whose car was parked at the same place I was being shuttled”, was the hiker picked at the location you were dropped off, so your trip was completed and theirs was just beginning? Or did you both end up shuttling together for a period of time?

Consumer’s response:

The shuttle took me from South lake where I left my car to North Lake where I was starting my trip.. We picked her up half way along the road. I don't think it was prearranged: She was just hiking the road with her backpack to complete the same loop. Her car was at North Lake where we both left the shuttle. Does this help?

ATTACHMENT 10

Sample of a trip that does not appear to be prearranged.

paulfrethem@gmail.com



Whitney Portal to Horseshoe Meadow
- [REDACTED] - Owes in full

Created by: Paul Frethem

Time
8am - 11am (Pacific Time - Los Angeles)

Date
Sun Jul 3, 2022

My Notes



fido 8:42 AM

Frethem

ca [REDACTED]

Attachment 11



East Side Sierra Shuttle

*East Side Sierra Shuttle operates under permits from the California Public Utilities Commission, Inyo National Forest, and Yosemite National Park.
CPUC #0035385*

Sample Rates for 2023

Independence to Onion Valley

\$50 first passenger,
\$20 each additional.

Lone Pine to Whitney Portal

\$80 first passenger,
\$25 each additional.

Onion Valley to Whitney Portal

\$130 first passenger,
\$30 each additional.

Whitney Portal to Horseshoe Meadow

\$140 first passenger,
\$40 each additional.

Onion Valley to Horseshoe Meadow

\$140 first passenger,
\$40 each additional.

Lone Pine to Horseshoe Meadow

\$85 first passenger,
\$30 each additional.

Onion Valley to South Lake or North Lake

\$260 first 2 passengers,
\$50 each additional.

John Muir Trail Special #1
Whitney Portal to Tuolumne Meadows
\$320 first 2 persons \$60 for each additional passenger.

John Muir Trail Special #2
Whitney Portal to Happy Isles (Yosemite Valley)
\$600 first 2 persons \$80 for each additional passenger.

John Muir Trail via Mammoth Airport Special
Mammoth to Happy Isles
to start your trek
and then Whitney Portal to Mammoth at the end of your trek.
package deal - \$800 first 2 persons \$80 for each additional passenger.

High Sierra Trail
Whitney Portal to Crescent Meadow or Lodgepole
\$800 for up to 5 persons \$80 for the 6th passenger.

Email from Inyo confirming which of the above routes go through Inyo

The below highlighted areas are on National Forest System lands and are not permitted. We have told him multiple times to remove us from his website, at this point we may have to get out law enforcement involved.

1. Independence to **Onion Valley**
2. Lone Pine to **Whitney Portal**
3. **Onion Valley** to Whitney Portal
4. **Whitney Portal to Horseshoe Meadow**
5. **Onion Valley to Horseshoe Meadow**
6. Lone Pine to **Horseshoe Meadow**
7. **Onion Valley to South Lake or North Lake**

8. John Muir Trail Special #1 - **Whitney Portal** to Tuolumne Meadows
9. John Muir Trail Special #2 - **Whitney Portal** to Happy Isles (Yosemite Valley)
10. John Muir Trail via Mammoth Airport Special - Mammoth to Happy Isles to start your trek and then Whitney Portal to Mammoth at the end of your trek.
11. High Sierra Trail - **Whitney Portal** to Crescent Meadow or Lodgepole

Depending on where he is picking up and dropping off in Mammoth that may also be on National Forest System lands.