



Consumer Protection and Enforcement Division



Monthly Activity Report May 2020

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OVERVIEW

The Consumer Protection and Enforcement Division (CPED) serves as the first line of defense for California utility and transportation customers. CPED implements Commission regulations, policies and licensing for transportation carriers, investigates and enforces against passenger carrier misconduct, and investigates allegations of utility waste, fraud, and abuse. CPED is comprised of two separate programs: Passenger Transportation and Utilities Enforcement.

This report contains information reflecting the month's performance within each CPED program. Information about each program is collected in seven different sections: (1) Key Activities, (2) Citations/Fines/Refunds, (3) Compliance with Ordering Paragraphs, (4) Docket Activity, (5) Outreach/Training/Other Events, and (6) Legislation of Interest.

PASSENGER TRANSPORTATION

The Commission's Transportation Program oversees for-hire passenger carriers (limousines, airport shuttles, chartered and scheduled bus operators, transportation network companies and ferries). The Program consists of three branches: the Transportation Enforcement Branch-North (TEB-N), TEB-South (TEB-S) and the Transportation Licensing and Analysis Branch (TLAB).

TEB investigates alleged violations, conducts joint inspections, issues warning notices and citations, prosecutes enforcement cases before the Commission and supports civil and criminal cases brought by local prosecutors, such as a district or city attorney. TEB also staffs a consumer complaint 800 phone line and conducts outreach activities to educate consumers, carriers, and state and local law enforcement and prosecutors on consumer protection statutes, regulations and policies that affect passenger transportation.

TLAB's Licensing Section analyzes applications from carriers, writes proposed decisions to approve or deny a carrier's CPCN application, issues permits and certificates, and tracks carrier compliance with permit requirements while TLAB's Analysis Section functions as the Commission's subject matter expert and advises decision makers regarding for-hire carriers.

KEY ACTIVITIES

Investigations

In May 2020, TEB closed 24 investigation cases and initiated 18 new cases.

2020 Enforcement Activity	Jan	Feb	Mar	April	May	YTD
Open Investigations as of 5/1/2020	111	117	125	113	128	
New Investigations Initiated	46	16	30	34	18	144
Investigations Completed	18	26	25	22	24	115
Cease and Desist Notices	28	19	17	12	25	101
Official Notices	3	7	5	4	4	23
Telephone Disconnects	2	3	0	0	0	5
Citations	6	8	11	3	14	42
Citations Appealed	0	0	2	1	0	3

Complaints

Consumer complaints remain low, with a total of 5 in May 2020. Of these, three were referred to enforcement for additional investigation.

Complaint Activity	Jan	Feb	Mar	April	May	YTD 2020
Open complaints as of first day of current month	3	3	1	1	0	
New complaints, by source:	17	12	6	4	5	44
Consumer	13	12	5	4	5	39
Competitor	4	0	1	0	0	5
Complaints referred to Enforcement	9	8	4	2	3	26

Carrier Application and Permit Activity

As of May 2020, TLAB’s Licensing Section has received **950** applications (New, Renewals, Refiles, and Transfer) and issued **950** permits. Currently, TLAB has completed **379** additional applications but cannot approve them until the California Highway Patrol (CHP) completes bus terminal inspections (CHP requires 60 days) and/or the carrier provides proof of insurance or enrollment in a drug testing program (up to 7 days). **One** new TNC application is currently under review.

Year-to-Date Passenger Carrier Activity	Total
New Applications Docketed	184
Renewal Applications Docketed	700
Refile Applications Docketed	51
Transfer Applications Docketed	15
Authorities Issued	950
Authorities Suspended	2942
Authorities Revoked	484
Authorities Reinstated (Suspended/Revoked)	1368
New Applications waiting for CHP inspection or carrier action (drug test results, insurance).	138
Renewal Applications waiting CHP inspection or carrier action (drug test results, insurance, or other renewal documents).	45
Pending Reinstatement from Suspension and Revocation	29
Total Active/Suspended TCP and PSC Authorities as of 04/30/2020	5265
Total Active/Suspended TNC Authorities as of 04/30/2020	9
Voluntary Suspensions	672
Voluntary Revocations	74
Vehicles added to Passenger Carrier Equipment Statements	1997
Address and DBA Changes	1071
Vehicle inspection requests sent to CHP	1297
Returned Applications (incomplete package)	183

Transportation Call Center Statistics

Beginning February 12, 2020, all Licensing staff are available to answer calls from applicants and carriers inquiring about pending applications, addition of vehicles (equipment updates), or general inquiries. The statistics below show a breakdown of calls handled during the past three months since the implementation of the Transportation Call Center. The number of calls has been increasing because of COVID-19 and the Licensing section’s efforts to direct applicants and carriers to our phone lines.

Unit (Number of Employees)	Week Ending 1-May	Week Ending 8-May	Week Ending 15-May	Week Ending 22-May	Week Ending 29-May	Month Ending May
Equipment (4)	9	18	22	19	24	92
Licensing (7)	11	22	14	15	14	76
General Inquiries (1)	11	27	30	22	24	114
Total Calls	31	67	66	56	62	282

CITATIONS/FINES/REFUNDS

TEB Fines/Refunds	January	February	March	April	May	YTD
Fines Assessed	\$34,500	\$21,000	\$30,500	\$26,000	\$66,000	\$178,000.00
Fines Paid	\$13,590	\$14,040	\$37,233.33	\$11,190	\$3,002.09	\$79,055.33
Overcharge Refunds/Settlements by TEB Consumer Unit	\$1,496	\$559	\$2,269.06	0	\$522	\$4,846.06

Citations

- F-5656. Kaur Rajinder Dba SWS Express Limousine, San Jose (TCP 34269). Case: PSG-5179. Fine: \$4,000. Violations: carrier 1) Operated after suspension; 2) advertised without authority; and 3) operated without PL&PD insurance. Carrier also failed to include the required information on waybills, failed to display TCP number on the front and rear bumpers, operated at an airport without authority, and failed to follow airport rules and regulations.
- F-5657. After Hours Limousines, LLC, Hayward (TCP 18583). Case: PSG-5115. Fine: \$3,000. Violations: carrier 1) Operated after suspension; 2) failed to enroll

drivers in the DMV EPN Program; and 3) failed to enroll drivers in a drug program. Carrier also failed to include the required information on waybills, engaged drivers who did not possess the proper driver's license, and underreported gross revenue and underpaid PUCTRA fees.

- F-5669. GLS, Inc. CAL DBA Best Way Limo, Alameda (TCP 20815). Case: PSG-5229. Fine: \$20,000. Violations: carrier 1) Operated after revocation; 2) operated without PL&PD insurance; and 3) failed to have WKCP insurance. Carrier also failed to enroll driver in the DMV EPN Program, failed to produce records, and failed to update equipment statement.
- F-5658. James David Wortham, San Jose (TCP 17722). Case: PSG-5202. Fine: \$3,000. Violations: carrier 1) Operated after expiration; 2) failed to produce records; and 3) failed to maintain records.
- F-5670. Galaxy Limo Inc., San Pablo (TCP 38359). Case: PSG-5171. Fine: \$2,000. Violations: carrier 1) operated during suspension; and 2) operated without PL&PD insurance.
- F-5671. Y & D Limousine, Inc. dba Y & D Limousine, San Mateo (TCP 30958). Case: PSG- 5205. Fine: \$2,000. Violations: carrier 1) operated during suspension; and 2) operated without PL&PD insurance.
- F-5641. Joshua Stephen Armel dba Painted Ladies Tour Company, Mill Valley (TCP 34808). Fine: \$3,000. Violations: carrier 1) used contract employees; 2) failed to enroll drivers in a drug program; and 3) failed to enroll drivers in the DMV Pull Notice program. Carrier also failed to update Equipment Statement, and to include the required information on waybills.
- F-5659. Sun Up Ride Exchange LLC dba Newport Knights, Costa Mesa, TCP 26292. Case: PSG-5211. Fine: \$1,000. Violation: carrier 1) failed to remove TCP identification number for the permit displayed on rear bumper of vehicles after expiration of its operating authority.
- F-5665. Vanity Limousine, Inc., Corona, TCP 22817. Case: PSG-5070. Fine: \$1,000. Violations: carrier 1) operated as a charter-party carrier without authority, and 2) failed to include pertinent information on waybills.

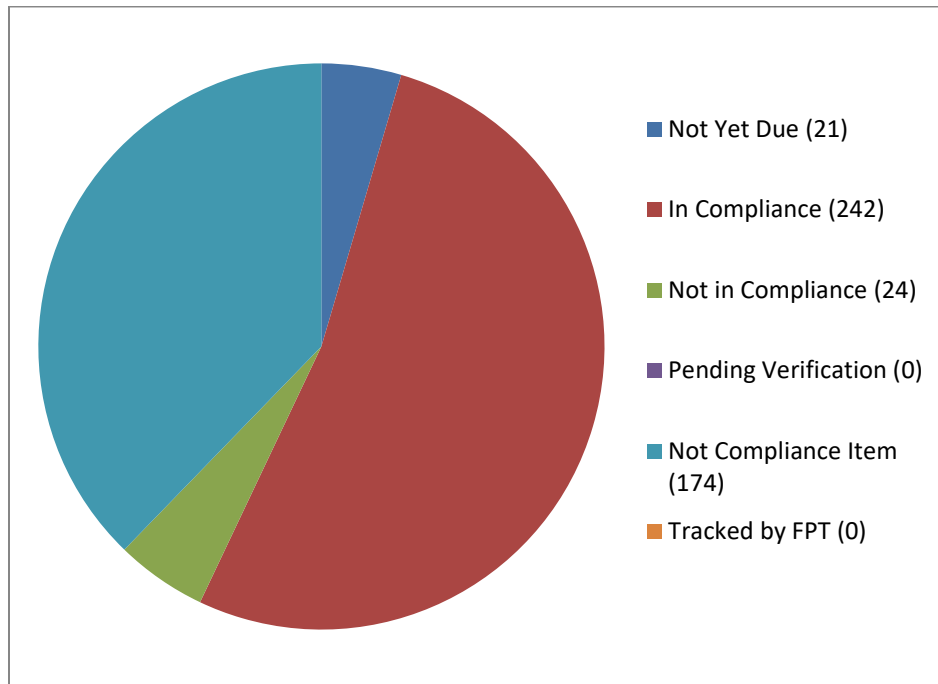
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- F-5667. Gitibin and Associates dba Go Chauffeured, Newport Beach, TCP 36084. Case: PSG-5239. Fine: \$1,000. Violation: carrier 1) advertised as a charter-party carrier after expiration.
- F-5668. Airport Direct, Inc., Chino Hills, TCP 27327. Case: PSG-5240. Fine: \$1,000. Violation: carrier 1) advertised as a charter-party carrier after expiration.
- F-5660. All Access Limo Service, Murrieta, TCP 31413. Case: PSG-4846. Fine: \$2,000. Violations: carrier 1) failed to maintain current equipment list, 2) failed to include TCP number and vehicle license number on waybills, and 3) advertised charter-party services without valid authority.
- F-5663. David Gorgoyan dba Celebrity Rides, North Hollywood, TCP 35518. Case: PSG-5146. Fine: \$20,000. Violations: carrier 1) operated without PL&PD, 2) failed to obtain workers' compensation insurance, 3) failed to enroll drivers in DMV EPN program. Carrier also failed to drug test drivers and failed to produce and provide access to records.
- F-5674. Apex International Transportation Inc., Studio City, TCP 39293. Case: PSG-5220. Fine: \$3,000. Violations: 1) operated as a charter-party carrier without authority, 2) failed to enroll drivers in DMV/EPN program, 3) failed to drug test drivers, and 3) failed to execute twenty-five sub-carrier agreements as to services provided.

Los Angeles Airport Citation Program

Month	Citations issued by LAX	Citations issued by CPUC	Vehicles impounded	C&D letters issued by TEB-S	Total fines collected
January	16	8	15	16	\$8,000
February	19	11	15	16	\$10,250
March	2	0	2	2	\$0
April	0	0	0	0	\$0
May	2	1	1	2	\$1,000
Year to date	39	20	33	36	\$19,250

COMPLIANCE WITH ORDERING PARAGRAPHS



The Transportation Program is currently responsible for 461 separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and DMV pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. OPs also introduce new reporting requirements and transportation policies.

DOCKET ACTIVITY

Policy Proceedings

- **R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma.** No update.
- **R.19-02-012 / TNC Access for Persons with Disabilities / Mason & Chiv / Shiroma.** No update.

Enforcement Proceedings

- No OIIs or OSCs.

Citation Appeal Proceedings

- **K.19-12-004/ Superior Enterprises, LLC (TCP 35089) Appeal / ALJ Goldberg.**
Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing scheduled for May 4, 2020 by the ALJ.
On May 13, 2020, signed settlement agreement sent to ALJ, \$2,000 fine due by September 10, 2020
- **K.19-12-005/ D and D Limo, Inc. (TCP 36542) Appeal / ALJ Goldberg.**
Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing scheduled for May 4, 2020 by the ALJ.
On May 13, 2020, signed settlement agreement sent to ALJ, \$2,000 fine due by September 10, 2020.
- **K.19-12-006/On Time Coach Executive, LLC. (TCP 38149) Appeal / ALJ Goldberg.**
Appeal was received on December 7, 2019 and filed by ALJ Docket Office on December 9, 2019. Hearing scheduled for May 4, 2020 by ALJ. On May 13, 2020, signed settlement agreement sent to ALJ, \$2,000 fine due by September 10, 2020.
- **K.19-10-009 / Migan C. Murray, dba Rite Time Transport (TCP 37559-A) Appeal / ALJ Yacknin.**
On October 18, 2019, appeal was received and filed by ALJ Docket Office. Hearing scheduled on February 13, 2020 by the ALJ. On February 11, 2020, parties entered into a settlement agreement. We (Appellant and CPED), filed a joint motion with ALJ to enter the settlement into the record and formally withdraw the appeal. Awaiting ALJ decision on settlement Agreement and Commission approval.
- **K.19-09-015 / Jordan & Associates Investments, dba Sun Buggie Fun Rentals (TCP 38563-Z) Appeal / ALJ Kim**
On September 26, 2019, appeal was received and filed by ALJ Docket Office. April 2020, no hearing date scheduled by the ALJ. May 2020, no hearing date scheduled by ALJ.
- **K.20-03-012 / Belmont Village Calabasas, LLC. (TCP - Unlicensed) Appeal / ALJ Kline**
On March 16, 2020, appeal was received and filed by the ALJ Docket Office. No hearing date scheduled by the ALJ. On April 20, 2020, ALJ ordered TEB to suspend any and all further efforts to enforce its cease and desist order against Belmont until the citation appeal proceedings is resolved by Commission resolution.

In addition, parties are reminded that all ex parte communications are prohibited in citation appeal proceedings. On May 22, 2020, Counsel working on opening brief

- **K.20-03-013 / Steadfast Carpinteria, LLC. (TCP – Unlicensed) Appeal / ALJ Kline**
On April 10, 2020, received defendant’s appeal. On April 17, 2020, appeal was discussed by both parties during a telephonic Status Conference. Motion to accept filing of the Parties’ Settlement Agreement set for Commission Docket for May 7, 2020. Settlement agreement was accepted. Carrier has 30 days to sign and submit.

Carrier Application Proceedings

- **A.19-10-006 / Application of Prodigy Children’s Shuttle Service, LLC for a Certificate of Public Convenience and Necessity under Section 1031, et seq., of the Public Utilities Code, to operate as an on-call, door-to-door, Passenger Stage Company throughout Elk Grove, California, on weekdays, exclusively for children and teens and throughout Sacramento County California for the General Public on weekends; and to establish a Zone of Rate Freedom / 05/13/2020 Decision 20-05-028 issued.**
- **A.20-01-003 / Application of ANYTIME AIRPORT SHUTTLE, LLC to operate as both a Scheduled and On-Call Passenger Stage Corporation between points in Chico California and the Sacramento International Airport, the Oakland International Airport and the San Francisco International Airport; and to establish a Zone of Rate Freedom / 05/15/2020 Decision 20-05-030 issued.**

OUTREACH/TRAINING/OTHER FIELD ACTIVITIES

- **California Air Resources Board (CARB) Clean Miles Standard Public Workshop.**
On May 15, 2020, TLAB staff and management attended a public workshop to discuss issues related to implementation of SB 1014 (Skinner, 2018) on TNCs and greenhouse gas emissions reductions.

Special Projects TEB

- Contacted 17 Southern California carriers who were suspended and revoked for inadequate insurance via telephone and sent them cease and desist notices informing them of their permit status. Provided carriers with assistance and/or information to contact the license

section and/or go online for licensing information and forms (Voluntary Suspension/Revocation/Reinstatement/Change of Information).

UTILITIES ENFORCEMENT BRANCH

UEB protects California utility consumers from fraud and abuse by developing enforcement mechanisms and ensuring service providers comply with consumer protection laws and regulations. UEB investigates alleged violations by utilities, including communications (both wireline and wireless), energy (both electric and gas), and water companies. When sufficient evidence of violation is uncovered, UEB brings cases before the CPUC to seek appropriate penalties and remedies for consumers.

MONTHLY HIGHLIGHTS

- **Net Energy Metering (NEM) Citation Program (UEB-004):** CPED proposed a resolution to establish a NEM citation program to enforce compliance with the consumer protection measures authorized by the Commission in Decisions (D.)16-01-044, D.18-09-044 and D.20-02-011. Parties filed opening and reply comments.
- **One Million New Internet User Coalition (NIU) (I.18-07-009) (Commissioner Rechtschaffen/ALJ KIM):** CPED and NIU attended a case management conference with the assigned ALJ to address scheduling issues in the proceeding. CPED filed a motion with two members of NIU, Sea Charter School and Black Business Association, dismissing both parties from the proceedings as their involvement with NIU was limited. In addition, as a result of delays by NIU submitting its opening testimony and data request, CPED filed two motions requesting for extension of time to submit CPED's supplemental report and reply testimony.
- **Cox California Telecom (A.19-04-014) (Commissioner Shiroma/ALJ Kline):** The Commission adopted Resolution T-17685 affirming Cox's obligation to remit Public Programs surcharges associated with directory listing service revenues, as set forth in the 2012-2015 Commission audit. Cox filed an Amended Application in A.19-01-014 requesting that the Commission not require Cox to pay said surcharge amounts. CPED filed a protest to Cox's Amended Application.
- **Frontier Communications (I.19-12-009) (Commissioner Randolph/ALJ Zhang):** The assigned ALJ issued a Ruling requesting more information regarding the proposed settlement. As a result, CPED and Frontier filed a joint response to the

ALJ's Ruling addressing the request made by the ALJ regarding the proposed settlement.

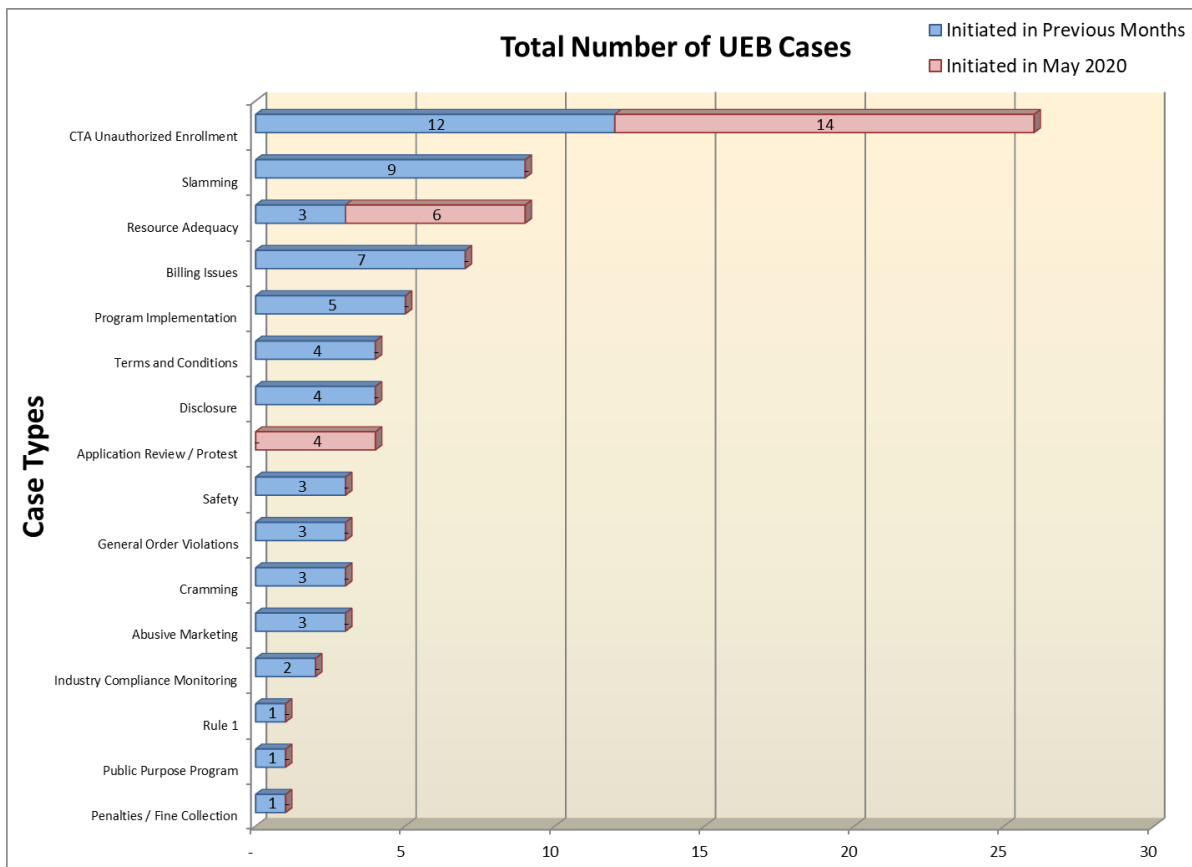
- **Clean Power Alliance of Southern California (K.20-05-006) (ALJ Yacknin):** Clean Power Alliance of Southern California filed a Notice of Appeal to citation E-4195-82 issued on April 15, 2020 by CPED. CPED filed a Compliance Filing in accordance with Resolution ALJ-299.

- **San Jose Clean Energy (K.19-03-024) (ALJ Yacknin):** San Jose Clean Energy filed a motion for reconsideration of ALJ's Ruling on threshold issues. CPED filed a response to the motion of San Jose Clean Energy for reconsideration of ALJ's Ruling on threshold issues.

KEY ACTIVITIES

UEB is working on a total of 85 cases. Investigations center primarily on CTA Unauthorized Enrollment, Slamming, and Resource Adequacy. UEB’s cases come from a variety of sources, with Inter-Division referrals and UEB’s own scanning activities playing key roles.

Cases by Type as of May 31, 2020



CITATIONS/FINES/REPARATION

UEB did not issue any citations and the Commission did not order any penalties during the month of May 2020. Cumulative January through May 2020 fines, reparations and penalties imposed are shown below.

Date	Citations/Fines/ Reparation
May 2020	\$0
Cumulative 2020	\$9,332,990

- Resource Adequacy (RA) Citation Program:** UEB issues citations and levies fines to enforce Load Serving Entities' (LSE) compliance with system, local, and flexible resource adequacy requirements pursuant to Resolution E-4195, as modified by Decisions 10-06-036, 11-06-022 and 14-06-050. See below May 2020 status update of RA citations issued in April.

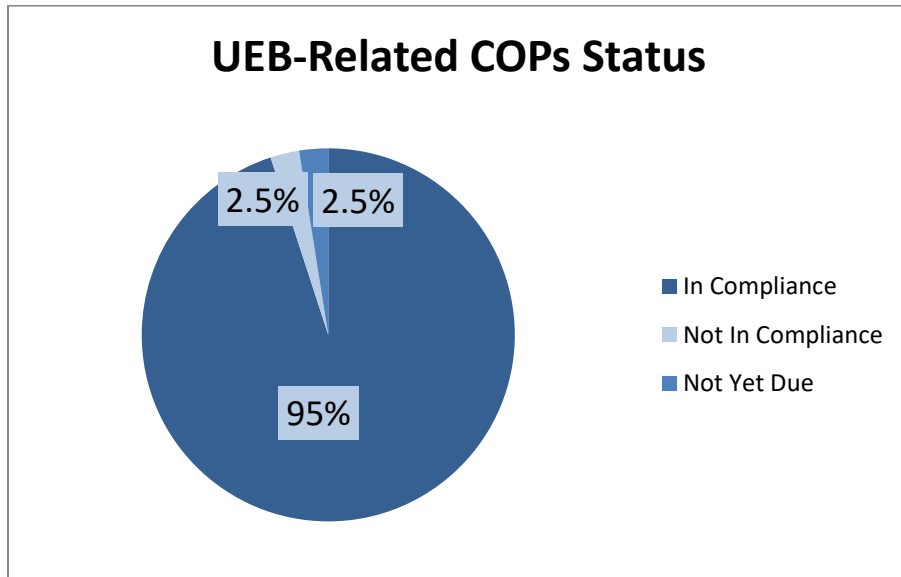
RESOURCE ADEQUACY CITATIONS 2020					
Energy Citation #	Date Issued	Company	Citation Amount	Date Due	Status
Revised ELE-4195-73	4/29/2020	Just Energy Solutions	\$30,441.20	5/29/2020	Payment received 5/28/2020
ELE-4195-81	4/20/2020	Just Energy Solutions	\$35,864.10	5/20/2020	Requested extension until 6/20/2020
ELE-4195-82	4/15/2020	Clean Power Alliance	\$10,000.00	5/15/2020	Appealed on 5/14/2020
ELE-4195-83	4/20/2020	Commercial Energy	\$7,495.00	5/20/2020	Payment received 5/21/2020
ELE-4195-80	4/14/2020	Tiger Natural Gas	\$1,500.00	5/15/2020	Payment received 5/18/2020
ELE-4195-84	4/21/2020	Commercial Energy	\$7,495.00	5/21/2020	Payment received 5/22/2020
		TOTAL	\$62,354		

- **Core Transport Agent (CTA):** UEB reviews CTA-related complaints received by the Commission to enforce compliance with the standards for verification of change in provider requirements in D. 18-02-002, and to identify acts constituting grounds for suspension or revocation of registration pursuant to PU Code Section 983.5.
 - In May, UEB reviewed 75 CTA-related complaints received by the Consumer Affairs Branch (CAB) in April 2020 and identified 23 needing investigation. UEB issued 7 data requests for proof of enrollment authorization for 19 customers. Four of the complaints did not contain enough information in CAB’s Consumer Information Management Systems database (CIMS) to be included in the data requests. UEB received 13 TPVs and 6 signed contracts as proof of customer authorization. Staff reviewed all data request responses and recommends no further investigation.

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total	Unauthorized Enrollment				
April	75	23	7	13 TPVs, 6 Signed Agreements	0	0

Citation #	Date Issued	Company	Citation Amount	Date Due	Payment Status
UEB-003-#037 to 039	4/21/2020	Smart One Energy	\$3,000.00	05/21/2020	Payment received 5/19/2020

COMPLIANCE WITH ORDERING PARAGRAPHS



There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of May. UEB was responsible for 39 separate Ordering Paragraphs. As of May, 2020, 37 (representing 95%) have been complied with, one is not yet due and one is not in compliance (both representing 2.5%, respectively).

Ordering Paragraphs related to UEB’s work are attributable to the imposition of fines, adoption of settlements, ordering of consumer refunds or reparation and other remedies and corrective actions, including reporting requirements, resulting from UEB’s investigations of violations of law and wrongdoing against consumers.

The numbers reported above tracks compliance with ordering paragraphs assigned to UEB and do not include tracking for compliance with payment of fines, penalties, surcharges or the like, which are assigned to Fiscal Office under the COPs system. However, UEB staff also tracks such payments separately in our case management system.

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UEB-RELATED PROCEEDINGS

Docket No.	Title	ALJ	Commissioner
A.19-04-014	Application of Cox California Telecom, LLC (U-5684-C) Requesting the Commission Not Require Cox to Pay Disputed Surcharge Amounts Identified in Audit Report.	Kline	Shiroma
R.18-12-005	Ruling directs Pacific Gas and Electric Company to show cause why it should not be sanctioned for violation of Public Utilities Code § 451 and Commission statutes by failing to properly communicate with its customers, and coordinate with local governments and Public Safety Partners during the Public Safety Power Shutoff (PSPS) events during October 9 - November 1, 2019, resulting in a risk to public safety.	Semcer	Batjer
I.17-04-021	Order Instituting Investigation on the Commission’s Own Motion into the Billing Practices of Southern California Gas Company (U904G); and Order to Show Cause Why the Commission Should not Revise Rule No. 14, Impose Penalties and/or Other Remedies for Extending Billing Periods and Issuing Untimely Monthly Bills.	Ayoade	Rechtschaffen
I.18-07-009	Order Instituting Investigation on the Commission’s Own Motion into the California’s One Million New Internet Users Coalition’s Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds.	Zhang	Aceves
I.19-12-009	Order Instituting Investigation on the Commission's Own Motion into the Operations, Practices, and Conduct of Frontier Communications to Determine Whether Frontier Violated Laws, Rules and Regulations through Service Outages and Interruptions and Disclosing and Publishing Customer Addresses.	Zhang	Randolph
K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A
K.20-04-004	Appeal of American PowerNet Management (APN) to citation E-4195-73 issued on March 6, 2020 (revised on April 29) by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-04-005	Appeal of San Jose Clean Energy to citation E-4195-74 issued on April 10, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-04-006	Appeal of East Bay Community Energy to citation E-4195-77 issued on April 9, 2020 by Consumer Protection & Enforcement Division.	Yacknin	N/A
K.20-05-006	Appeal of Clean Power Alliance of Southern California to citation E-4195-82 issued on April 9, 2020 by Consumer	Yacknin	N/A

	Protection & Enforcement Division.		
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OUTREACH/TRAINING/OTHER ACTIVITIES

SNAP: The FCC gave an overview of its role in disaster management, actions supporting hurricane and wildfire responses, and how routine response activities have been and/or will be impacted by COVID-19. The presentation emphasized the need for more active engagement and coordination between the FCC and public safety, national security, and law enforcement partnerships and how the FCC currently manages that responsibility.