

Consumer Protection and Enforcement Division

MONTHLY ACTIVITY REPORT

August 2023



**California Public
Utilities Commission**

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TRANSPORTATION LICENSING AND ANALYSIS BRANCH (TLAB)

TLAB's Licensing Section analyzes applications from carriers, issues permits and certificates to carriers that meet state requirements, writes proposed decisions to approve or deny carriers' CPCN applications, manages changes to carrier operations, communicates with carriers, and tracks carrier compliance with permit requirements. **TLAB's Analysis Section** functions as the Commission's subject matter expert on policy matters, providing technical and advisory support to commissioners, administrative law judges, and all levels of agency management on transportation matters.

Processing Carrier Applications

TLAB's Transportation Licensing Section is processing and managing applications for over 7,000 carriers throughout California. Items processed in August 2023 include applications, vehicle and driver updates, vehicle safety inspection results, and other requests. This work is accomplished through the CPUC Transportation Carrier Portal (TCPortal), an online system that allows carriers to submit applications and other requests electronically and make payments online. The TCPortal tracks certain licensing activities as shown in the following tables and figures.

Figure 1. Total Permits & Certificates

Total Permits and Certificates. Figure 1 shows the total number of operating authorities (active and suspended) by month.

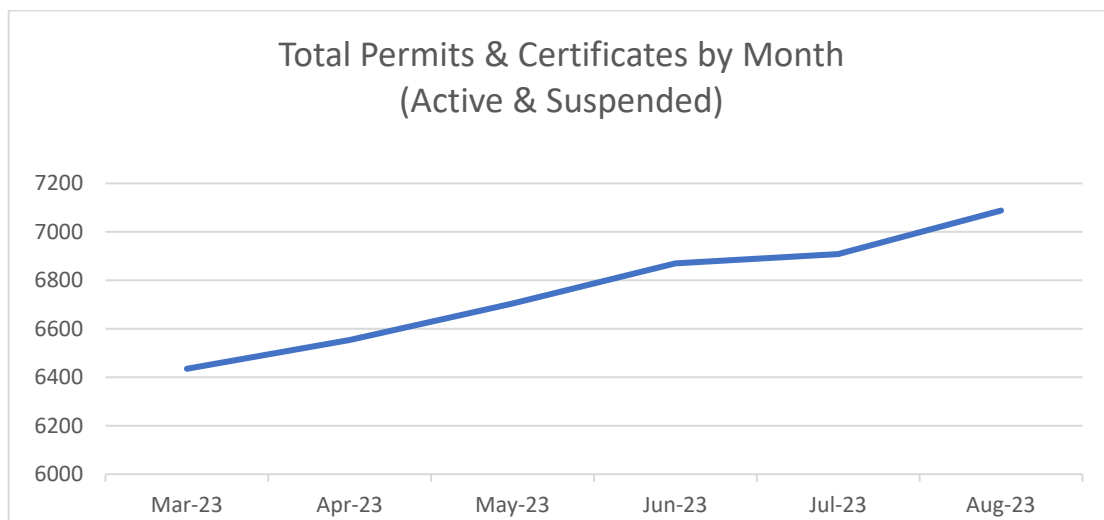


Table 1. Permits and Certificates by Category

Permits and Certificates by Category. The Commission grants permits and certificates for five categories of transportation carriers. Table 1 shows total numbers for those categories in the current month.

Carrier Type	Current Total
Transportation Charter Party	6943
Passenger Stage Corporation	104
Vessel Common Carrier	17
Transportation Network Company	17
Autonomous Vehicle	7

Figure 2. Monthly Completions of Permit Categories

Monthly Completions of Permit Categories. In addition to new applications for operating authorities, TLAB processes refile applications, transfer applications, and renewal applications. Figure 2 shows the numbers of each category completed by month.

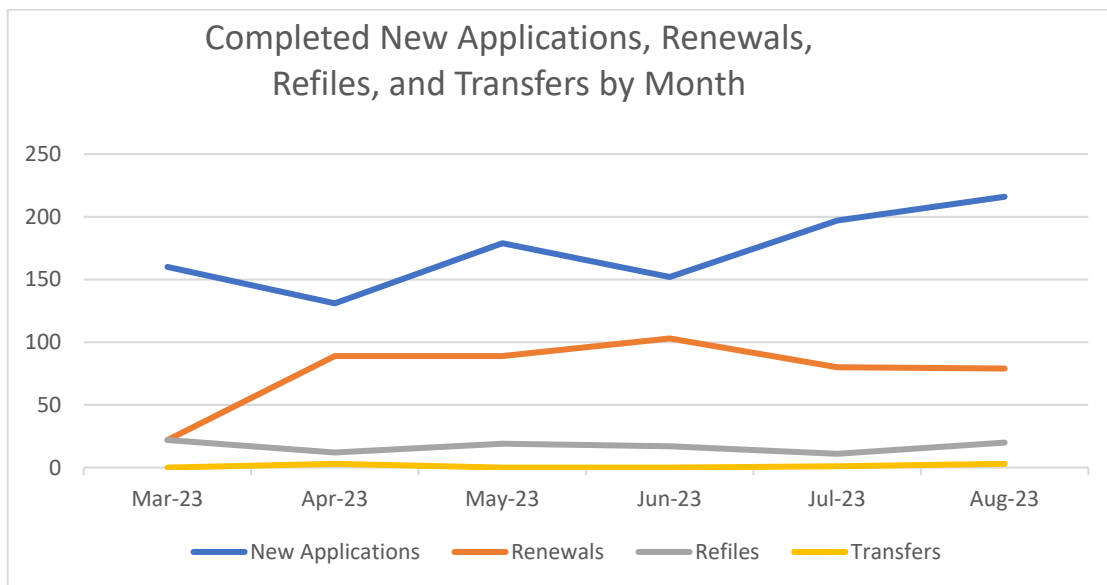


Figure 3. Suspensions and Revocations by Month

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

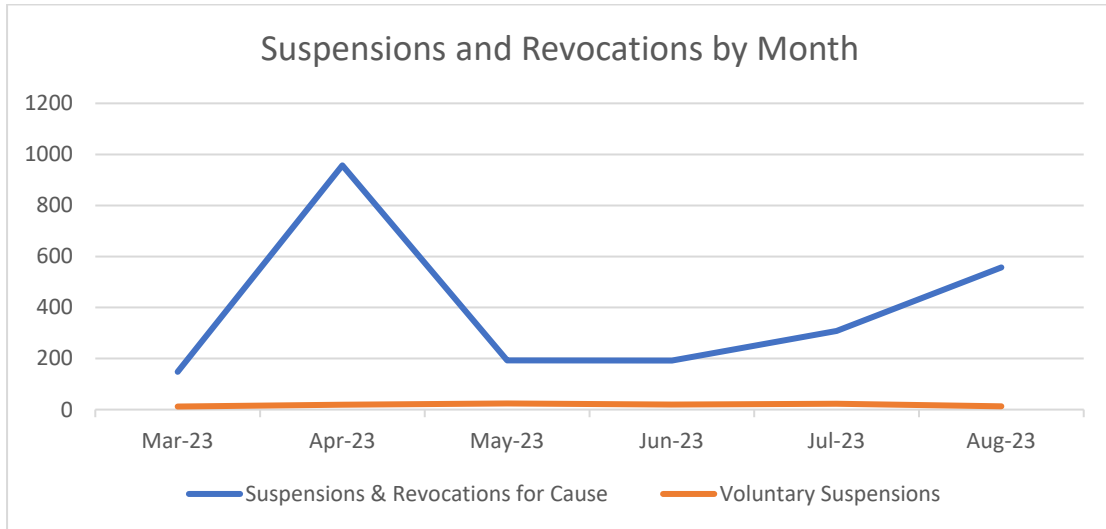


Figure 4. Average Processing Times

Average Processing Times. The total time to process an application, from initial receipt to issuance or denial of a permit or certificate, depends on internal processing time and on the time for external entities to provide necessary information. Upon receipt of applications, CPUC staff review them for completeness and issue deficiency notices to carriers for any outstanding items.

Examples of these items include evidence of insurance coverage filed by the carrier’s insurance agent; evidence of compliance with drug and alcohol testing requirements; and inspection by the California Highway Patrol for vehicles with a seating capacity of 11 or more. Figure 4 shows the average total processing time for the major categories of permits and certificates processed by TLAB.

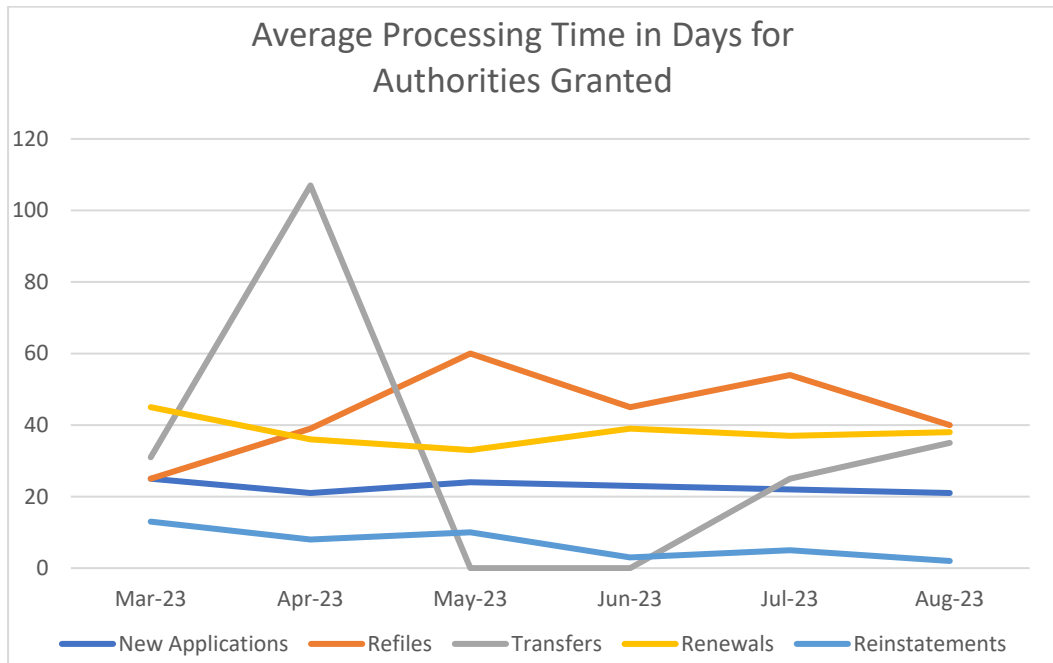
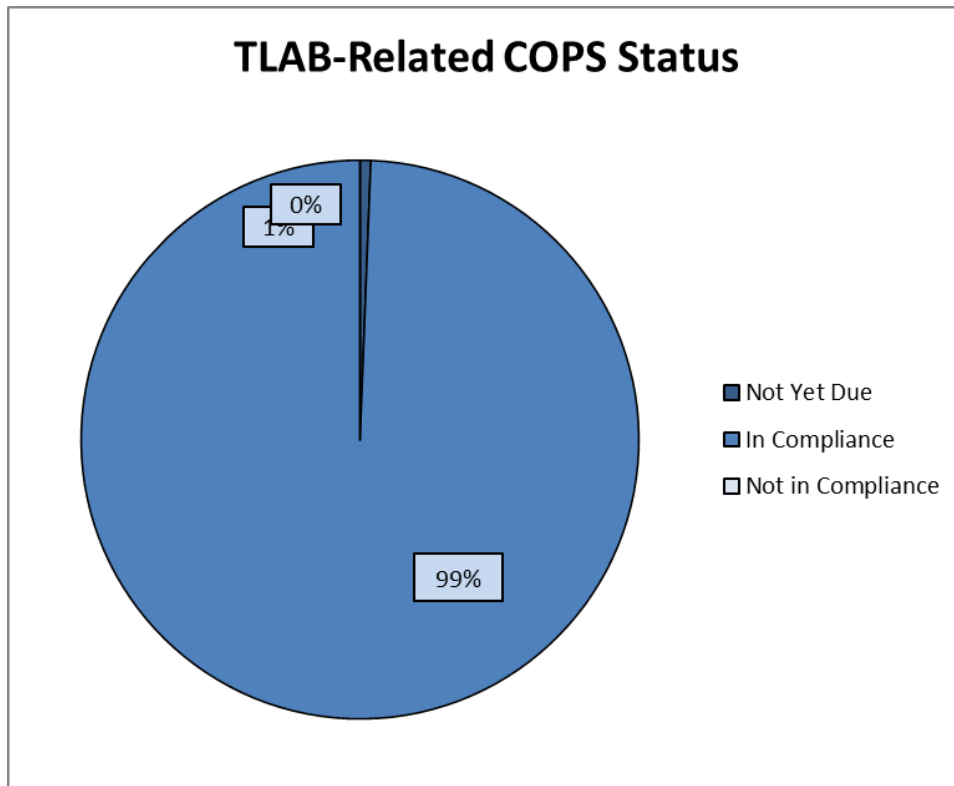


Figure 5. Compliance with Ordering Paragraphs

The Transportation Program is currently responsible for 709 separate Ordering Paragraphs. Many Ordering Paragraphs result from decisions to approve CPCNs for passenger stage corporations, and include permit requirements such as obtaining appropriate insurances, enrolling in drug testing and California Department of Motor Vehicles (DMV) pull-notice programs, receiving bus terminal inspections by CHP and others. Other OPs uphold TEB enforcement actions and impose fines for carrier violations of law and wrongdoing against consumers. OPs also introduce new reporting requirements and transportation policies. Figure 5 shows compliance with the Ordering Paragraphs.



Current Policy Proceedings. The Transportation Analysis Section supports three current proceedings. **R.12-12-011** develops regulations relating to transportation network companies and autonomous vehicles. **R.19-02-012** implements Senate Bill 1376, incentivizing transportation network companies to provide on-demand service for persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle. **R.21-11-004** implements the California Clean Miles Standard and Incentive Program, enacted through Senate Bill 1014, requiring the California Air Resources Board and the Commission to jointly work to lower greenhouse gas emissions from transportation network companies.

R.12-12-011 / TNC Rulemaking / Mason & Chiv / Shiroma

1. All Party Meeting to address safety issues regarding driverless autonomous vehicle interactions with first responders was held August 7.

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

1. No docket activity.

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

1. No docket activity.

Carrier Application Proceedings. The Transportation Licensing Section assists the Commission in the regulation of Passenger Stage Corporations and Vessel Common Carriers. **Passenger Stage Corporations (PSCs)** are carriers that transport passengers between points on an individual fare basis. Examples are fixed-route bus services and “share-the-ride” airport shuttle services. **Vessel Common Carriers (VCCs)** are carriers that transport persons or property between points in the State. Examples are commute ferry services in the San Francisco Bay and services between California mainland points and Catalina Island. PSCs and VCCs are common carriers and must file requests with the Commission through a formal process. Both carrier types require a “certificate of public convenience and necessity” (CPCN) from the Commission for the authority to operate in California.

- **A.23-02-017 / Application of CATALINA CHANNEL EXPRESS, INC. (VCC-52), a California Corporation, to increase the baseline rates for its vessel common carrier service and to /retain its existing Zone of Rate Freedom. / 07/25/2023 Prehearing Conference set for 08/31/2023.**
- **A.22-10-013 / In the Matter of the Application of PACIFIC MARITIME GROUP, Inc., a California corporation, doing business as PACIFIC TUGBOATS (VCC-88), For Authorization**

To Increase Rates on its Vessel Common Carrier Service Operated Out of Los Angeles, Long Beach and Redondo Beach Harbors and Connecting to Avalon, Two Harbors and the Isthmus on Santa Catalina Island and all the Camps and Beaches That Surround Santa Catalina Island. / **08/03/2023 Amended Application filed.**

- **A.23-01-018** / Application of Island Boat Service (VCC-80) For Authorization to Increase Passenger Fares on Its Vessel Common Carrier Service Between Vessels and ShorePoints and Between all Points and Places On or Within Three Miles of Santa Catalina Island and For Zone of Rate Freedom / **08/03/2023 Scoping Ruling adopted.**
- **A.23-02-017** / Application of CATALINA CHANNEL EXPRESS, INC. (VCC-52), a California Corporation, to increase the baseline rates for its vessel common carrier service and to /retain its existing Zone of Rate Freedom. / **08/31/2023 Prehearing Conference held.**
- **A.23-05-006** / Application of STAR & CRESCENT BOAT COMPANY (VCC-63), doing business as FLAGSHIP CRUISES & EVENTS, for a Passenger Fare Increase and Authority to Establish a Zone of Rate Freedom for its Vessel Common Carrier Service on San Diego Bay Between the City of Coronado and the City of San Diego. / **08/04/2023 Prehearing Conference held.**
- **A.23-08-001** / In the Matter of the Application of GT MONTEREY, LLC, DBA MONTEREY AIRBUS: to expand its current passenger stage authority under PSC-38556 to establish an additional scheduled airport service within the city limits of Morgan Hill, California, and to and from the San Francisco International Airport and the San Jose International Airport. / **08/04/2023 Application filed.**

Joint Agency Collaboration/Outreach/Training

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

- Bi-monthly TLAB Staff and CARB Staff coordination meeting on the Clean Miles Standard
- Monthly TLAB and Department of Motor Vehicles Autonomous Vehicles meeting
- Monthly TLAB Meeting w/ California Highway Patrol

Outreach and Education. TLAB provides outreach and education to potential and current carriers through presentations on application fundamentals at venues such as SFO and LAX, and

attendance at functions sponsored by transportation-related organizations such as the Greater California Livery Association and the California Bus Association.

Training. TLAB managers and staff regularly attend all trainings required by the Commission, as well as trainings for developing work skills and industry-specific trainings. For example:

- Cybersecurity Training
- Hot Weather Heat training
- New Employee Training
- Supervisory Development Training
- TCT Phase 1-training
- Ethics Training

TRANSPORTATION ENFORCEMENT BRANCH (TEB)

The Transportation Enforcement Branch (TEB) regulates Charter-Party Carriers of Passengers (TCP) (e.g., limousines, airport shuttles, chartered and scheduled bus operators, Transportation Network Companies (TNC)) and vessels in California to safeguard the public by ensuring compliance with Commission General Orders (GO), Public Utilities (PU) Codes, and other applicable laws and regulations. TEB ensures compliance through investigations, enforcement, proactive compliance inspections, and field surveillance and inspections. TEB conducts outreach and training activities for passenger carriers, law enforcement, and prosecutors, on regulations that affect passenger carriers.

Consistent with the Commission's Strategic Directives¹ and Enforcement Policy,² TEB developed and utilizes a Safety Management System that is implemented through the following pillars: Transportation Safety Assurance, Transportation Risk Management, and Transportation Safety Promotion.

Transportation Safety Management System

TEB reports the following progress for August 2023, for the following program elements.

Transportation Safety Assurance – Assuring the Commission's regulated entities comply with the law and have sufficient training and resources to ensure the safety of the public, their workers, and the environment. For TEB, this includes Investigations, Carrier Inspections, Field Operations, and related Enforcement Activities.

- **Field Operations**
 - Cross Border Express Terminal (CBX)
 - Elk Grove
 - Goleta-Santa Barbara
 - John Wayne Airport (SNA)
 - Hollywood Burbank Airport (BUR)
 - Napa Valley Wine Region
 - Oakland International Airport (OAK)
 - Ports America
 - San Diego
 - San Jose Mineta International Airport (SJC)

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

² [CPUC Adopts Enforcement Policy to Promote Maximum Compliance, Transparency, and Public Safety](#)
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- **Formal Enforcement Proceedings:**

I.21-12-001/Uber Technologies, Inc., and Uber Black Sub-carriers/ALJ Stevens/Commissioner Shiroma. On December 2, 2021, the Commission opened an Order Instituting Investigation (OI) to determine whether passenger carriers violated any provisions of the Public Utilities Code or other applicable rules and regulations.

- On August 21, 2023, the statutory deadline for this proceeding was extended to September 30, 2024.

- **Consumer Affairs Branch (CAB) Referrals:**

- Effective June 16, 2023, CAB is responsible for all transportation-related complaints. CAB now processes transportation complaints, maintains consumer complaint statistics, and refers complaints that require further investigation to TEB. For the month of August, CAB referred seven (7) transportation complaints, all of which were assigned for investigation.

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

- Continued internal operations analysis with data collected from TEB field operations.

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

- ◇ Cross Border Express Terminal (CBX)
- ◇ San Francisco International Airport (SFO)

Table 2. TEB Enforcement Activities

12 Month Enforcement Activity	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Total
Open Investigations	64	80	77	74	76	70	76	81	74	70	84	78	N/A
New Investigations	11	27	8	7	13	10	15	12	11	8	19	9	150
Investigations Completed	24	9	11	12	9	15	23	8	20	9	16	10	166
Investigations Open Longer than 6 Months	32	21	25	25	23	37	20	34	13	18	11	12	N/A
% Of investigations Open Longer than 6 Months	50%	26%	32%	32%	30%	52%	26%	42%	18%	25%	13%	15%	N/A
Cease and Desist Notices	12	20	13	2	4	5	7	15	8	8	12	21	127
Warning Letters	2	2	0	0	1	1	0	2	4	3	0	0	15
Telephone Disconnects	0	0	0	0	0	0	0	0	0	0	0	0	0
Citations	0	4	7	1	2	4	2	2	4	1	3	2	32
Civil Compromise Actions	22	13	5	0	1	0	1	2	0	2	5	9	60
Vehicle Impounds	19	13	9	1	0	1	1	1	0	5	4	16	70

**Figure 6. TEB Fines Assessed and Amounts Collected from Investigations
September 2022 – August 2023**

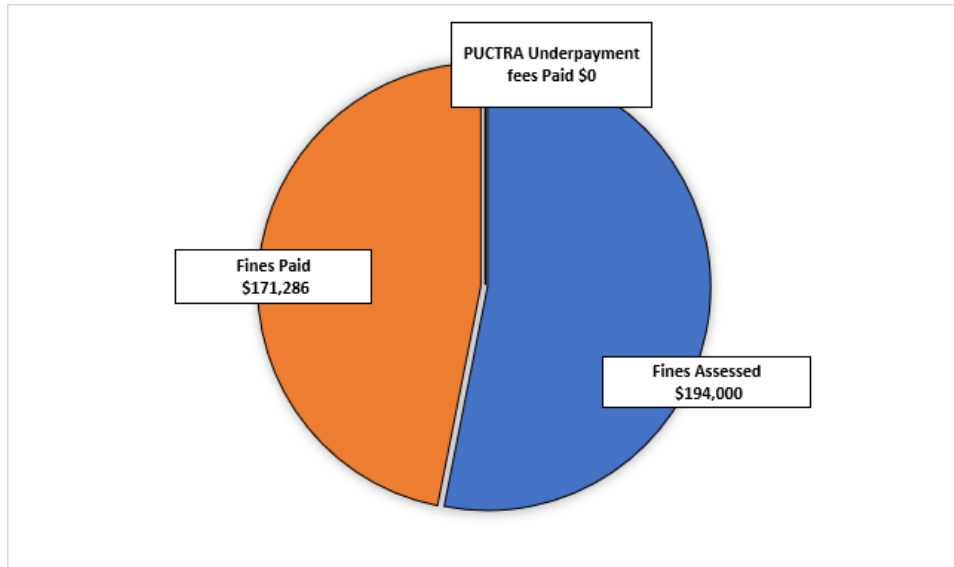


Table 3. Citation Appeal Proceedings

Docket No.	Entity	Status
K.22-11-012	Edwin Torres, North Hollywood, unlicensed	Awaiting an appeal hearing date.
K.23-01-021	Ali B Zanjani dba Royalty Limousine (TCP 16194)	On August 16, 2023, the department received ALJ Rambo’s Draft Resolution reducing the \$5,000 fine to \$1000.
K.23-04-007	Lkhavasuren Dulmaa, Moraga, unlicensed. (PSG 5804)	Prior to the June 22, 2023, hearing, Mr. Dulmaa and CPED resolved the citation. Mr. Dulmaa will pay a \$1,000 fine and is working with TLAB to obtain TCP authority. ALJ Mathews accepted the settlement agreement, and instructed Mr. Dulmaa to withdraw his appeal. Parties awaiting ALJ Mathews’ final Resolution. No updates for August 2023.

Table 4. TEB Field Operations – Probable Violations and Observation Summary

Month	Transportation Charter-Party (TCP)		Transportation Network Companies (TNC)		Passenger Stage Corporations (PSC)	
	Observed	Probable Violations	Observed	Probable Violations	Observed	Probable Violations
Aug 2023	61	31	92	42	0	0
Jul 2023	61	5	25	8	0	0
Jun 2023	79	10	18	5	0	0
May 2023	16	3	335	66	1	0
Apr 2023	204	47	113	47	1	1
Mar 2023	79	22	13	6	2	0
Feb 2023	26	10	69	19	0	0
Jan 2023	144	32	110	85	0	0
Dec 2022	72	14	37	20	0	0
Nov 2022	144	28	46	16	0	0
Oct 2022	78	18	321	49	3	0
Sept 2022	79	17	280	31	11	13

Table 5. Joint Operations with Law Enforcement Agencies

Agency	Operation
Cross Border Xpress Terminal (CBX)	TNC passenger carrier operation at San Diego
California Highway Patrol	TCP passenger carrier operation at Elk Grove
Ports America- Los Angeles Department of Transportation	TCP, PSC, and TNC passenger carrier operation at Long Beach
Saint Helena Police Department	TCP, PSC, and TNC passenger carrier operation at Napa
California Highway Patrol	TCP passenger carrier operation at San Diego

UTILITIES ENFORCEMENT BRANCH (UEB)

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

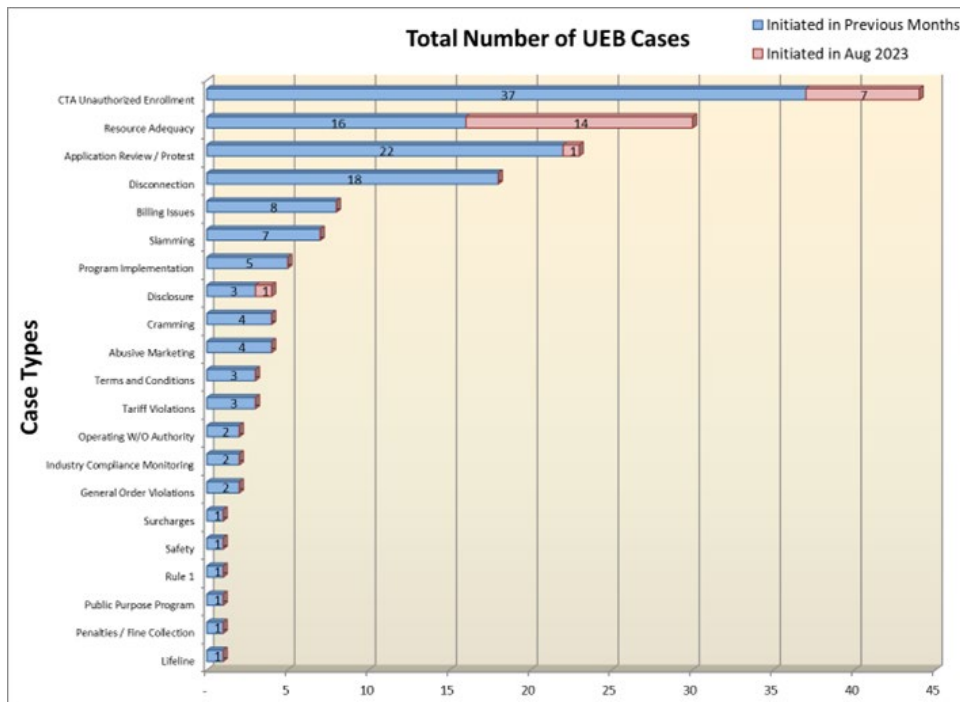
Monthly Highlights

- **MetroPCS OII (I.22-04-005):** On August 17, 2023, MetroPCS filed a motion to dismiss the OII with prejudice in light of findings by the U.S. District Court for the Northern District of California in the federal litigation addressing the issues that are also raised in this OII. On October 31, 2023, CPED filed its opposition to MetroPCS' motion to dismiss the OII. Specifically, UEB believes the track 1 issues have yet to be determined by the Commission and as such it is premature to dismiss the track 2 issues.
- **Shell Energy North America (SENA) RA Citation Appeal (K.21-11-018):** On August 18, 2023, SENA issued data request CPED Set 01 with a deadline of August 28, 2023. On August 28, 2023, CPED responded to SENA's data request. On August 29, 2023, SENA requested a meet and confer because its data request sought information within the possession of CPED "and affiliated divisions or entities." On August 30, 2023, CPED responded that CPED has no authority to compel Energy Division to respond to its data request and Commission policy does not permit CPED to act as an intermediary. CPED also provided SENA with the relevant Energy Division contact information.
- **Desert Community Energy (DCE) RA Citation Appeal (K.23-05-017):** On August 25, 2023, DCE issued data request CPED-c1 requesting copies of all RA citations issued by the Commission in 2020, 2021, 2022 and 2023 with a deadline of September 11, 2023.
- **Orange County Power Authority RA Citation Appeal (K.23-05-019):** On August 25, 2023, OCPA issued data request CPED-c1 requesting copies of all RA citations issued by the Commission in 2020, 2021, 2022 and 2023 with a deadline of September 11, 2023.
- **Orange County Power Authority (OCPA) RA Citation Appeal (K.22-05-017):** On August 25, 2023, OCPA issued data request CPED-c1 requesting copies of all RA citations issued by the Commission in 2020, 2021, 2022 and 2023 with a deadline of September 11, 2023.

Key Activities

UEB is working on a total of 165 cases. Investigations center primarily on CTA Unauthorized Enrollment, Resource Adequacy, Application Review/Protest and Disconnection. UEB's cases come from a variety of sources, with Inter-Division referrals and UEB's own scanning activities playing key roles.

Figure 7. UEB Total Number of Cases by Type as of August 31, 2023



Citations/Fines/Reparation

During the month of August 2023, UEB issued 2 RA Citation totaling \$904,517, 58 Disconnection Citations totaling \$58,000 and 1 CTA citation for \$1,000.

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

Table 7. UEB Fines, Reparations, and Penalties

Date	Citations/Fines/ Reparation
January – July	\$17,743,371
August 2023	\$ 963,517
Cumulative 2023	\$18,706,888

- **Resource Adequacy (RA) Citation Program:** UEB issues citations and levies fines to enforce Load Serving Entities' (LSE) compliance with system, local, and flexible resource adequacy requirements pursuant to Resolution E-4195, as modified by Decisions 10-06-036, Decisions 10-06-038, 11-06-022, 14-06-050, 19-06-026, 20-06-031, 21-06-029, 22-06-050 and 23-06-029. In August 2023, UEB issued three citations but subsequently withdrew one citation after Energy Division provided updated guidance on month-ahead RA compliance requirements. The penalty for the remaining two citations totaled \$904,516.80.
- **Disconnection Citation Program:** UEB issues citations to enforce compliance with the disconnections-related consumer protection rules in D.20-06-003. This citation program is applicable to Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas), collectively referred to as California's large investor-owned utilities (IOUs). On August 31, 2023, UEB issued 58 Disconnection Citation (No.002-059) to SoCal Edison in the amount of \$58,000.
- **Core Transport Agent (CTA):** UEB reviews CTA-related complaints received by the Commission to enforce compliance with the standards for verification of change in provider requirements in D. 18-02-002, and to identify acts constituting grounds for suspension or revocation of registration pursuant to Pub. Util. Code Section 983.5.

In August, UEB reviewed 67 CTA-related complaints received by the Consumer Affairs Branch (CAB) in July 2023 and identified 16 needing investigation for potential unauthorized enrollment. Staff issued

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seven data requests for proof of enrollment authorization. UEB received proof of enrollment authorization for 13 customers; 2 customers did not have information in the CIMS database for staff to data request; and 1 customer was enrolled prior to Resolution UEB-003. Staff’s investigation for July is closed as no violations of unauthorized enrollment was found.

On August 23, 2023, UEB issued Spark Energy Gas, LLC (Spark) Citation No. UEB-003-0188. Details of this citation can be found in the table below.

Table 8. UEB CTA-Related Complaints

Month Received	CTA-Related Complaints		Data Requests Issued	Proof of Authorization Obtained	Citations Issued	Cease and Desist Letters Issued
	Total Reviewed	Unauthorized Enrollment				
July	67	16	7	13	0	0

Table 9. UEB CTA Citations

CTA CITATIONS					
Citation #	Date Issued	Company	Citation Amount	Date Due	Status
UEB-003-0188	8/23/2023	Spark Energy Gas, LLC	\$1,000	9/22/2023	Payment pending
		TOTAL	\$1,000		

Compliance with Ordering Paragraphs

There were no new Ordering Paragraphs added to UEB’s COPS tracker for the month of August. UEB was responsible for 41 separate Ordering Paragraphs. As of August 2023, 41 of the Ordering Paragraphs (representing 100%) have been complied with, thus none are out of compliance.

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

and wrongdoing against consumers.

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

UEB-Related Proceedings

Table 8. UEB-Related Proceedings

Docket No.	Title	ALJ	Commissioner
R.18-07-005	Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Kelly	Houck
K.19-03-024	Appeal of San Jose Clean Energy to Citation E-4195-0052 issued on February 27, 2019 by the Consumer Protection and Enforcement Division.	Kim	N/A
K.21-03-005	Appeal of San Diego Community Power to citation E-4195-98 issued on February 3, 2021 by Consumer Protection & Enforcement Division.	Chiv	N/A
K.21-03-006	Appeal of Western Community Energy to citation E-4195-99 issued on February 9, 2021 by Consumer Protection & Enforcement Division.	Wercinski	N/A
K.21-11-018	Appeal of Shell Energy North America to citation E-4195-113 issued on October 21, 2021 by Consumer Protection & Enforcement Division.	Cai	N/A
K.22-05-017	Appeal of Orange County Power Authority to citation E-4195-116 issued on April 20, 2022 by Consumer Protection & Enforcement Division.	Petersen	N/A
K.23-05-017	Appeal of Desert Community to citation E-4195-133 issued on April 17, 2023 by Consumer Protection & Enforcement Division.	Chiv	N/A

K.23-05-019	Appeal of Orange County Power Authority to citation E-4195-134 issued on April 24, 2023, by Consumer Protection & Enforcement Division.	Kelly	N/A
I.22-04-005	Order Instituting Investigation on the Commission's Own Motion into MetroPCS California LLC Failure to Remit Prepaid Mobile Telephony Service Surcharges and User Fees	Mason	Houck
I.22-10-007	Order Instituting Investigation into the Operations and Practices of TC Telephone and Order to Show Cause to Determine Whether Respondents Violated the Laws, Rules, and Regulations Governing the California Universal LifeLine Program	Mason	Shiroma
K.22-10-024	Appeal of Orange County Power Authority to citation E-4195-125 issued on September 16, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
K.22-11-007	Appeal of Constellation New Energy to citation E-4195-130 issued on October 7, 2022 by Consumer Protection & Enforcement Division.	Zhang	N/A
A.22-02-020	Application of Dagobah Systems, Inc., dba Dagobah Communications Systems, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Melvin	Reynolds
A.22-10-005	Application of Digital Future UUC LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.	Tran	Shiroma
A.22-11-011	Application of Kloud Communications, Inc. for Registration as an Interexchange Carrier Telephone Corporation pursuant to the Provisions of Public Utilities Code Section 1013.	Wilson	Shiroma

Outreach/Training/Other Activities

State National Action Plan (SNAP): On August 17, 2023, the Federal Communications Commission (FCC) announced more than 20 million households have enrolled in the agency's Affordable Connectivity Program (ACP), the nation's largest broadband affordability program. The presentation highlighted that funding supported in the bipartisan Infrastructure Investment and Jobs Act had led to millions of families who previously could not get online or struggled to

pay for this modern-day necessity are now connected. Eligible low-income households can receive a discount of up to \$30 per month toward internet service and up to \$75 per month for eligible households on qualifying Tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if the household contributes more than \$10 and less than \$50 toward the purchase price.