

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

08/16/24

04:59 PM

K2408005

APPEAL OF AAA Natural Gas From
Citation No. UEB-003-0197 in the Amount
of \$1000.00 Issued By The Consumer
Protection And Enforcement Division.

K.24-08-005

**COMPLIANCE FILING FOR
CITATION NUMBER UEB-003-0197
IN ACCORDANCE WITH RESOLUTION ALJ 377
(PUBLIC VERSION)**

Pursuant to Resolution ALJ 377, the Consumer Protection and Enforcement Division's (CPED) Utility Enforcement Branch (UEB) at the California Public Utilities Commission submits this compliance filing in response to the notice of appeal filed on August 2, 2024, of AAA Natural Gas, Inc. (CTA 0033), a registered core transportation agent, from Citation No. UEB-003-0197 (Citation). The Citation was issued by UEB pursuant to Resolution UEB-003 in the amount of \$1,000 on July 5, 2024. This compliance filing includes copies of the unredacted Citation with proof of e-mail service (attached hereto as Attachment A), and the redacted Declaration of Mr. Patrick Monette-Shaw (attached hereto as Attachment B).

Respectfully submitted,

/s/ Jeanette Lo
JEANETTE LO

Utility Enforcement Branch Chief for the
Consumer Protection and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
Telephone: (415) 355-5494
Email: jennifer.lo@cpuc.ca.gov

August 16, 2024

ATTACHMENT A
(Unredacted Citation)

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Ms. Rachel Streatly
AAA Natural Gas
1422 E. 71st Suite J
Tulsa, OK 74136

**CITATION FOR VIOLATION OF STANDARDS FOR VERIFICATION OF CHANGE
IN PROVIDER UNDER RESOLUTION UEB-003**

Citation No. UEB-003-0197

Issued – July 5, 2024

Re: One Case of Unauthorized Enrollment from March 2024 Complaints

Dear Ms. Rachel Streatly:

Pursuant to Resolution UEB-003, AAA Natural Gas is hereby cited for failure to provide valid proof of enrollment authorization for the following customer:

| Complaint No. | Customer Name |
|----------------------|----------------------|
| 628871 | Patrick Monette-Shaw |

Evidence of Violation

A. Summary

AAA Natural Gas (AAA) failed to provide valid proof of enrollment authorization for the customer identified above. Mr. Patrick Monette-Shaw filed complaint with the California Public Utilities Commission's (CPUC) Consumer Affairs Branch (CAB) on March 19, 2024, that he was enrolled with AAA without his authorization.¹ On April 11, 2024, CPUC's Consumer Protection and Enforcement Division's (CPED) Utilities Enforcement Branch (UEB) staff issued data request DR-CTA-00451-1, requesting proof of enrollment authorization for nine customers. On April 25, 2024, AAA responded to DR-CTA-00451-1 and provided third-party verification

¹ CAB complaint number 628871.

(TPV) recordings for eight customers, including Mr. Patrick Monette-Shaw, who was enrolled through telemarketing sales as proof of customer enrollment authorization.²

Based on UEB's review of the TPV recordings, staff had concerns with the TPV recording for Mr. Patrick Monette-Shaw. Specifically, staff discerned that the voice of the person authorizing the switch in provider changed starting at 0:04:03 in the TPV recording. On May 3, 2024, UEB staff contacted Mr. Patrick Monette-Shaw to verify and confirm the enrollment. Mr. Patrick Monette-Shaw informed UEB staff that his voice is present in the TPV recording until 0:03:20 of the TPV recording, but all responses provided beginning in 0:04:03 are not his voice nor anyone else in his household. UEB staff is able to confirm that the voice of Mr. Patrick Monette-Shaw matches the voice of person responding to questions through 0:03:20 of the TPV recording. Mr. Patrick Monette-Shaw stated he does not have any recollection of responding to the questions in the TPV recording and that he did not consent to switching service providers. Mr. Patrick Monette-Shaw also informed UEB staff that neither he nor any member of his household ordered or authorized CTA service from AAA. On June 28, 2024, Mr. Patrick Monette-Shaw provided a signed declaration confirming the information he provided to UEB staff.

On May 17, 2024, UEB staff issued data request DR-CTA-00451-2 to AAA requesting additional information on AAA's TPV review process and requesting AAA to review the TPV recording for Mr. Patick Monette-Shaw due to the different voices. On May 31, 2024, AAA informed UEB staff that all TPVs are reviewed and validated by the TPV company. In addition, AAA stated that neither the TPV company nor AAA found any issues with the TPV recording for Mr. Monette-Shaw. On May 31, 2024, UEB requested further clarification on AAA's responses and requested AAA to confirm whether the voice of the person responding to the questions is the same throughout the TPV recording. On June 7, 2024, AAA provided clarification that it reviews TPVs periodically when complaints arise and insisted that it did not find any issue with the TPV recording.

Based on its review of the TPV recording, information provided by AAA, and information provided by Mr. Patrick Monette-Shaw, CPED staff determined that Mr. Patrick Monette-Shaw did not respond to all questions in the TPV recording as required by Decision

² One customer was not enrolled with AAA.

(D.)18-02-002. Therefore, the TPV is invalid and AAA failed to provide valid proof of enrollment authorization for Mr. Patrick Monette-Shaw as required in D.18-02-002.

B. Scheduled Penalty

Resolution UEB-003 specifies that the penalty for failure to provide proof of enrollment authorization is \$1,000.00 per incident. Accordingly, AAA is being cited \$1,000.00 for failure to provide valid proof of enrollment authorization for Mr. Patrick Monette-Shaw. The total penalty is \$1,000.00.

You are hereby called upon to answer this citation within **30** days from the date of the citation by completing the attached form. By way of such answer, you may either:

(1) Comply with this Citation and pay the fine, by check or money order, payable to the California Public Utilities Commission, in the amount of \$1,000.00 pursuant to Resolution UEB-003. This will be deemed a waiver of your rights to a hearing and to a formal disposition by the Commission.

OR (2) Appeal this citation. In such event, you must file a Notice of Appeal with the Commission's Docket Office within 30 days of the date of this citation, in addition to the appeals procedures outlined below.

The Notice of Appeal must be concurrently served on the delegate of Consumer Protection and Enforcement Division's (CPED's) Director at the following address:

CALIFORNIA PUBLIC UTILITIES COMMISSION
Consumer Protection and Enforcement Division
ATTN: Jeanette Lo, Utility Enforcement Branch Chief
505 Van Ness Avenue, Room 2004
San Francisco, CA 94102

The Notice of Appeal must also be served on the Chief Administrative Law Judge (with an electronic copy to: [ALJ Div Appeals Coordinator@cpuc.ca.gov](mailto:ALJ_Div_Appeals_Coordinator@cpuc.ca.gov)). No later than 14 calendar days after the Notice of Appeal is filed, Staff issuing the citation will file a Compliance Filing with

the Commission's Docket Office which includes a complete copy of the citation and all attachments. Appeals will be heard in the Commission's San Francisco courtrooms on regularly scheduled days. You may order a transcript of the hearing and in doing so must pay the cost of the transcript in accordance with the Commission's specified procedures. An attorney or other representative may represent you at the hearing, but any such representation will be at your expense.

If you fail to notify CPED of acceptance of the Scheduled Penalty and pay the full amount within 30 days or file a Notice of Appeal within 30 days, you will be in default. Upon default, CPED may take any action provided by law to recover unpaid penalties and ensure compliance with applicable statutes and Commission orders, decisions, rules, directions, demands, or requirements. Any unpaid balance of a Scheduled Penalty shall accrue interest at the legal rate of interest for judgments.

A handwritten signature in black ink, appearing to read "Jeanette Lo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeanette Lo
Utility Enforcement Branch Chief
Consumer Protection and Enforcement Division

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



I hereby state that I will comply with Citation No. UEB-003-0197, dated July 5, 2024, and herewith pay a fine in the amount of \$1,000.00.

- Please make check payable to the California Public Utilities Commission and send, along with a copy of this form, to:

CALIFORNIA PUBLIC UTILITIES COMMISSION
Fiscal Office
505 Van Ness Ave., Room 3000
San Francisco, CA 94102

- Please PDF a copy of this form to Bernice Zhu at [bernice.zhu@cpuc.ca.gov].
- You may direct all questions regarding this citation to Bernice Zhu at [415-471-9207] or [bernice.zhu@cpuc.ca.gov].

I hereby acknowledge that if I do not appeal the citation, and do not pay the full amount within 30 days, any unpaid balance shall be subject to a penalty of 10 percent, and Commission Staff and the Commission may take action provided by law to recover unpaid penalties and ensure compliance with applicable statutes and Commission orders, decisions, rules, directions, demands or requirements.

I hereby appeal Citation No. UEB-003-0197, dated July 5, 2024.

- To appeal this citation, follow the directions described in this citation, and described in detail in Appendix A of Resolution ALJ-377 (both attached herein).
- Please PDF a copy of this form to Bernice Zhu at [bernice.zhu@cpuc.ca.gov].

Signature: _____

Name and Title: _____

Name of Company: _____

Citation No.: UEB-003-0197

Date: _____

EXPLANATION OF HOW TO APPEAL A CITATION

You (Respondent) may appeal the citation pursuant to the following process:

Appeal of Citation. In lieu of accepting the Scheduled Penalty, a Respondent may appeal the citation and request a hearing. In the event of an appeal, any remedy available may be imposed, and the remedy shall not be mandated by or limited to the Scheduled Penalty.

Notice of Appeal. To appeal a citation, the Respondent must file a written Notice of Appeal with the Commission's Docket Office. The Notice of Appeal must state the grounds for appeal, the date of the citation, and must be served on both the Chief Administrative Law Judge (with an electric copy to: ALJ_Div_Appeals_Coordinator@cpuc.ca.gov), and the Director of CPED, within thirty (30) days of the date of the citation. The appellant must file a proof of service at the same time appellant files the Notice of Appeal. The title page of the appeal must comply with Rule 1.6 of the Commission's Rules of Practice and Procedure. The caption of the appeal shall read: "Appeal of [party name] from [Citation #####] issued by [Commission Division which issued the citation]."

Compliance Filing. No later than 14 calendar days after the notice of appeal is filed, Commission staff must file with the Commission's Docket Office a compliance filing which includes the complete citation, including all attachments, and simultaneously serve the Chief Judge (with an electronic copy to: ALJ_Div_Appeals_Coordinator@cpuc.ca.gov). Staff must also provide a proof of service when filing the compliance filing.

Service of Rules and Resolution. Staff shall provide a copy of Resolution ALJ-377 and the Rules adopted pursuant to that Resolution (Appendix A), with all citations issued.

Time of Hearing. No less than ten (10) days after the Notice of Appeal is filed, the assigned Administrative Law Judge shall set the matter for hearing promptly. The Administrative Law Judge, may, for good cause shown or upon agreement of the parties, grant a reasonable continuance of the hearing.

Location of Hearing. Appeals of citations shall be heard in the Commission's San Francisco courtroom on regularly scheduled days.

Exchange of Information. In order to expedite citation appeals and to eliminate potential delay, no later than three business days prior to the scheduled hearing, the parties must exchange all information they intend to introduce into the record at the hearing which is not included in the citation and Compliance Filing already filed with the Commission, unless otherwise directed by the Judge.

Transcripts. The Respondent may order a transcript of the hearing and shall pay the cost of the transcript in accordance with the Commission's specified procedures.

Representation at Hearing. The Respondent may be represented at the hearing by an attorney or other representative, but any such representation shall be at the Respondent's expense.

Evidentiary Hearing. At an evidentiary hearing, CPED bears the burden of proof and, accordingly, shall open and close. The Administrative Law Judge may, in his or her discretion to better ascertain the truth, alter the order of presentation. Rule 13.6 of the Commission's Rules of Practice and Procedure provides the rules of evidence.

Interpreter. Upon a good faith showing of language difficulty and written request to the assigned Judge and Commission's Public Advisor's Office not less than five business days prior to date of hearing.

Submission. Ordinarily, the matter shall be submitted at the close of the hearing. The Administrative Law Judge, upon a showing of good cause, may keep the record open for a reasonable period to permit a party to submit additional evidence or argument.

Decision. The Administrative Law Judge will issue a draft resolution resolving the Citation Appeal expeditiously and no later than 60 days after the Citation Appeal is submitted. The draft resolution will be placed on the first available agenda consistent with the Commission's applicable rules.

Communications. From the date that a citation is issued to and including the date when the final order is issued, neither the Respondent nor CPED, or any agent or other person on behalf of the Respondent or CPED, may communicate regarding the appeal, orally or in writing, with a Commissioner, Commissioner's advisor, or Administrative Law Judge, except as expressly permitted under these procedures.

Rehearing. A resolution resolving a Citation Appeal approved by the Commission is subject to rehearing pursuant to Pub. Util. Code § 1731 and to judicial review pursuant to Pub. Util. Code § 1756.

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served the following documents to:

AAA Natural Gas (CTA0033)

- 1) UEB-003-0197 dated July 5, 2024
- 2) Declaration of Patrick Monette-Shaw dated June 28, 2024
- 3) Resolution ALJ-377, Resolution Modifies and Makes Permanent the Citation Appellate Rules and General Order 156 Appellate Rules, along with Appendix A, Citation Appellate Rules and General Order 156 Appellate Rules (Revised Rules Applicable on July 1, 2020), and Appendix B, Citation Programs and General Order 156 and how These Programs Interact with the Rules Adopted in Appendix A, for instructions on filing a Notice of Appeal for a citation issued

Via electronic mail to the parties listed below.

Via United States Postal Service, certified mail to the parties listed below.

Executed on July 5, 2024, at San Francisco, California.

Party Served

Ms. Rachel Streatly
AAA Natural Gas
1422 E. 71st Suite J
Tulsa, OK 74136
rstreatly@tigernaturalgas.com

/s/Bernice Zhu

Bernice Zhu

Regulatory Analyst

ATTACHMENT B

**(Redacted Declaration of
Patrick Monette-Shaw)**

DECLARATION OF PATRICK MONETTE-SHAW

I, Patrick Monette-Shaw, declare that I have personal knowledge of the facts contained herein and if called as a witness could competently testify thereto regarding the following:

1. I am the authorized energy subscriber. I reside at [REDACTED]
2. I contacted the California Public Utilities Commission's (CPUC) Consumer Affairs Branch (CAB) on or about March 19, 2024, to report unauthorized charges and my experience with AAA Natural Gas.
3. I was contacted by staff from the CPUC's Utilities Enforcement Branch (UEB) on May 3, 2024, and confirmed an unauthorized change of service for natural gas from Pacific Gas & Electric to AAA Natural Gas.
4. UEB staff contacted me and sent me a copy of the third-party verification (TPV) recording that AAA Natural Gas provided as proof of customer enrollment authorization.
5. I spoke to an AAA representative on January 19, 2024, and answered some questions to confirm my identity. The AAA agent did not ask for permission to switch providers and I did not consent to participate in a TPV agreement.
6. Based on my review of the TPV recording, someone falsely identifying himself as Patrick Monette-Shaw is the customer on record authorizing the switch in provider. I affirm that my voice was present on the recording until 0:03:20. However, all responses provided beginning in 0:4:03 are not my voice. In addition, I do not have any recollection of responding to the questions in the TPV recording.
7. Neither I nor any member of my household ordered or authorized Core Transport Agent service from AAA Natural Gas.
8. If needed, I would be willing to travel to San Francisco, at State expense, to testify in a hearing regarding my experience with AAA Natural Gas.

Please note that if I am asked to travel in San Francisco to testify, I would be reimbursed for all expenses including meals at the State rate.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on June 28, 2024, at San Francisco, California.

Sean Patrick Monette-Shaw

Signature

Sean Patrick Monette-Shaw (blue ink!)