

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**CONSUMER PROTECTION
AND ENFORCEMENT DIVISION**

**RESOLUTION TL-19127
Agenda ID # 16326
March 22, 2018**

R E S O L U T I O N

PROPOSED OUTCOME: This Resolution authorizes Commission staff to share confidential information with the Department of Consumer Affairs in order to effectuate a timely transfer of jurisdiction over household good carriers.

SAFETY IMPACTS: This Resolution will have a positive safety outcome because it will enable the Department of Consumer Affairs to better prepare for the jurisdictional transfer of authority.

SUMMARY

This Resolution removes a procedural barrier to the smooth transition of regulatory authority over household good carriers, now known as “household movers,” from the Commission to the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (“BEARHFTI”), a bureau within the California Department of Consumer Affairs (“DCA,” and collectively “DCA/BEARHFTI”) pursuant to the signing of Senate Bill 19 (“SB 19”) on October 2, 2017, and enactment of Chapter 3.1 of Division 8 of the Business and Professions Code (collectively the “Household Movers Act” or “Act”). This Resolution authorizes CPUC staff to share licensee information with DCA/BEARHFTI, and in advance of the statute’s effective date of July 1, 2018; without this authorization staff may be prohibited from sharing this information by Public Utilities Code Section 5228.

BACKGROUND

After the enactment of the Household Movers Act, CPUC staff and DCA/BEARHFTI staff began working on an Interagency Agreement to ensure a smooth transition of jurisdiction over household movers. Pertinent to this

Resolution, SB 19 states that “(b)...The commission, receiving departments, and local jurisdictions may take administrative actions before July 1, 2018, to prepare for the transfer. (*Id.* at Sec. 3); and requires the CPUC to transfer “(f) All books, documents, data, records, and property of the Public Utilities Commission pertaining to a function transferred pursuant... to the appropriate receiving department...” (*Id.* at Sec. 3.); and “The Public Utilities Commission shall enter into a no-cost memorandum of understanding with the department for the purpose of providing the department with access to the Public Utilities Commission’s database relating to household goods carriers. The Public Utilities Commission shall supply the department with the information and data that the department requests relating to household goods carriers.” (*Id.* at Business and Professions Code Section 19288(e).)

Pursuant to the Interagency Agreement, CPUC staff has agreed to educate, train, and assist any DCA/BEARHFTI personnel designated by DCA/BEARHFTI with various requirements under the Act prior to the July 1, 2018 effective date, such as, but not limited to:

- i. License application and review;
- ii. Exam structure and administration;
- iii. Tariff rate structure;
- iv. Preparation of quarterly fee statements;
- v. Payment process to CHP;
- vi. Related document review and verification related to licenses;
- vii. Consumer interface and complaint process; and
- viii. Enforcement process (field review).

Pursuant to the Interagency Agreement, the PUC will provide the following documents to BEARHFTI related to the administration of the household good carriers/household movers, in advance of July 1, 2018:

- i. Procedures and/or policies;
- ii. Applications;
- iii. Exams;
- iv. Forms;
- v. Reports;
- vi. Any available informational materials (brochures, website information, FAQs); and
- vii. Any other related documents to assist with the transition.

The CPUC will also supply DCA/BEARHFTI with any other information and data not specifically identified in the Interagency Agreement that both parties agree are necessary to ensure a smooth transition of regulatory jurisdiction, prior to July 1, 2018.

Commission action is required to effectuate the information sharing described above because Public Utilities Code Section 5228 states,

Any employee of the commission who divulges any fact or information which comes to his knowledge during the course of the examination of the accounts, records, and memoranda of household goods carriers, except as...authorized or directed by the commission or by a court of competent jurisdiction or judge thereof, is guilty of a misdemeanor and is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than three (3) months, or both.

Thus, this Resolution authorizes staff to disclose to DCA/BEARHFTI the information described above in order to achieve the purpose and requirements of the Household Movers Act prior to July 1, 2018.

DISCUSSION

This Resolution removes a procedural barrier preventing CPUC Staff from sharing information with DCA/BEARHFTI. To comply with the purpose and requirements of the Household Movers Act, the Commission must authorize staff pursuant to PU Code Section 5228 to disclose to DCA/BEARHFTI the information described above, prior to July 1, 2018.

COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments, and will be placed on the Commission's agenda no earlier than 30 days from today.

FINDINGS

1. Public Utilities Code Section 5228 requires Commission action to allow CPUC Staff to disclose to DCA/BEARHFTI the information described above in order to achieve the purpose and requirements of the Household Movers Act.

THEREFORE IT IS ORDERED THAT:

1. The Commission authorizes CPUC Staff to disclose to DCA/BEARHFTI the information described above in order to achieve the purpose and requirements of.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on March 22, 2018; the following Commissioners voting favorably thereon:

Alice Stebbins
Executive Director