

## Senate Bill No. 341

### CHAPTER 425

An act to amend Section 53122 of the Government Code, and to amend Section 910 of, and to add Section 776.2 to, the Public Utilities Code, relating to telecommunications.

[Approved by Governor September 30, 2021. Filed with  
Secretary of State September 30, 2021.]

#### legislative counsel's digest

SB 341, McGuire. Telecommunications service: outages.

(1) Existing law requires the Office of Emergency Services, on or before July 1, 2020, by regulation, to adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the risks to public health and safety resulting from the outage. Existing law requires all providers of telecommunications service that provide access to 911 service to notify the office whenever a community isolation outage occurs that limits their customers' ability to make 911 calls or receive emergency notifications. Existing law requires those community isolation outage notifications to include certain information, including a description of the estimated area and community affected by the outage.

This bill would require each of those providers of telecommunications service to maintain on its internet website a public outage map showing that provider's outages, and would require the office, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those maps, as specified. The bill would authorize the office to provide the commission with all of the information provided to it as part of a telecommunications service provider's community isolation outage notification and require the office to aggregate that data and post that aggregated data on its internet website.

(2) Under the California Constitution and the Public Utilities Act, the commission has regulatory authority over public utilities, including telephone corporations. The act requires the commission to develop and implement performance reliability standards for backup power systems installed on the property of residential and small commercial customers by facilities-based providers of telephony services upon determining that the benefits of the standards exceed the costs.

This bill would require the commission, in consultation with the office, to develop and implement backup electricity rules to require providers of telecommunications service to submit resiliency plans to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for at least 72 hours, except as provided.

(3) The act requires the commission to develop, publish, and annually update a report that contains specified information, including an accounting of the commission's transactions and proceedings from the prior year, together with other facts, suggestions, and recommendations that the commission deems of value to the people of the state.

This bill would require that the report additionally include a description of the actions taken by the commission using the information provided to it by the office, as described in paragraph (1), a summary of deenergization event trends and the effect of deenergization events on telecommunications service and public safety, and an analysis of how the impacts of deenergization events on telecommunications service could be mitigated.

(4) Under existing law, a violation of the act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because certain provisions of this bill would be parts of the act and because a violation of a commission action implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 53122 of the Government Code is amended to read:

53122. (a) For purposes of this section, the following definitions apply:

(1) "Office" means the Office of Emergency Services.

(2) "Telecommunications service" has the same meaning as defined in Section 2892.1 of the Public Utilities Code, but does not include voice communication provided by a provider of satellite telephone service.

(b) (1) (A) On or before July 1, 2020, the office, by regulation, shall adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the risks to public health and safety resulting from the outage.

(B) On or before July 1, 2022, the office, in consultation with the Public Utilities Commission, by regulation, shall adopt requirements for the public outage maps maintained by telecommunications service providers pursuant to subdivision (f). Those requirements shall include the format of, requirements for updating, and the level of detail to be included in the public outage maps derived from community isolation outages, and shall be consistent with the requirements of Public Utilities Commission Decision 20-07-011 (July 16, 2020), Decision Adopting Wireless Provider Resiliency Strategies, and Decision 21-02-029 (February 11, 2021), Decision Adopting Wireline Provider Resiliency Strategies.

(2) In adopting regulations pursuant to paragraph (1), the office shall comply with the rulemaking process in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(3) Notwithstanding any other law, the office may issue emergency regulations in accordance with the process in Section 11346.1 if necessary to meet the deadlines in paragraph (1).

(c) (1) Upon the adoption of regulations pursuant to subparagraph (A) of paragraph (1) of subdivision (b), all providers of telecommunications service that provide access to 911 service shall notify the office whenever a community isolation outage occurs that limits their customers' ability to make 911 calls or receive emergency notifications. The community isolation outage notification shall be provided within 60 minutes of discovery of the outage by the provider, and the office shall be responsible for notifying any applicable county office of emergency services, the sheriff of any county, and any public safety answering point affected by the outage. The community isolation outage notification to the office shall be by a medium specified by the office, and shall include the telecommunications service provider's contact name and calling number, a description of the estimated area affected by the outage, and the approximate communities, including cities, counties, and regions, affected by the outage. The telecommunications service provider shall also notify the office by a medium specified by the office of both of the following:

(A) The estimated time to repair the outage.

(B) When achieved, the restoration of service.

(2) The office may provide the Public Utilities Commission with all of the information provided to it pursuant to paragraph (1).

(3) The office shall aggregate the data provided to it pursuant to paragraph (1) and shall post that aggregated data on its internet website. The aggregated data shall not name individual telecommunications service providers.

(4) The Public Utilities Commission shall treat any confidential information obtained from the office pursuant to this section consistent with its processes, including General Order 66-D, and statutory requirements for maintaining confidential information otherwise received from telecommunications service providers.

(d) The telecommunications service provider shall ensure that the calling number provided to the office with the community isolation outage notification is staffed by a contact person who shall be available to respond to inquiries about the outage at all times until the provider notifies the office that service has been restored.

(e) Except as provided in subdivision (c), the office shall keep community isolation outage notifications confidential and shall not disclose the contents of the notifications.

(f) Upon the adoption of regulations pursuant to subparagraph (B) of paragraph (1) of subdivision (b), each provider of telecommunications service that provides access to 911 service shall maintain on its internet website a public outage map showing that provider's outages.

SEC. 2. Section 776.2 is added to the Public Utilities Code, to read:

776.2. (a) For purposes of this section, “telecommunications service” has the same meaning as defined in Section 2892.1, but does not include voice communication provided by a provider of satellite telephone service.

(b) As part of a new or existing proceeding, the commission, in consultation with the Office of Emergency Services, shall develop and implement backup electricity rules to require providers of telecommunications service to submit resiliency plans to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for at least 72 hours, except as provided in subdivision (c).

(c) In developing and implementing backup electricity rules pursuant to subdivision (b), the commission shall consider best practices, the feasibility of the rules, and stakeholder input. In considering best practices and feasibility, the commission may authorize, in appropriate circumstances, providers of telecommunications service to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for less than 72 hours.

(d) This section does not require the commission to modify the communications resiliency requirements adopted in commission Decision 20-07-011 (July 16, 2020), Decision Adopting Wireless Provider Resiliency Strategies, or Decision 21-02-029 (February 11, 2021), Decision Adopting Wireline Provider Resiliency Strategies.

SEC. 3. Section 910 of the Public Utilities Code is amended to read:

910. (a) The commission shall develop, publish, and annually update a report that contains all of the following information:

(1) A workplan that describes in clear detail the scheduled proceedings and other decisions that may be considered by the commission during the calendar year.

(2) Performance criteria for the commission and the executive director, and an evaluation of the performance of the executive director during the previous year based on criteria established in the prior year’s workplan.

(3) An accounting of the commission’s transactions and proceedings from the prior year, together with other facts, suggestions, and recommendations that the commission deems of value to the people of the state. The accounting shall include the activities that the commission has taken, and plans to take, to reduce the costs of, and the rates for, water and energy, including electricity, to improve the competitiveness of the state’s industries, including agriculture, and, to the extent possible, shall include suggestions and recommendations for the reduction of those costs and rates.

(4) A description of activities taken and processes instituted to both solicit the input of customers from diverse regions of the state in ratesetting and quasi-legislative proceedings and to process that input in a way that makes it usable in commission decisionmaking. The report shall describe the successes and challenges of these processes, the effect of resource constraints, and efforts to be made during the calendar year to further the goal of increased public participation.

(5) A list of the public meetings held outside San Francisco in the previous year, and a schedule of meetings anticipated to be held outside San Francisco during the coming year.

(6) A description of the actions taken by the commission using the information provided to it pursuant to Section 53122 of the Government Code, a summary of deenergization event trends and the effect of deenergization events on telecommunications service and public safety, and an analysis of how the impacts of deenergization events on telecommunications service could be mitigated.

(b) (1) The commission shall submit the report required pursuant to subdivision (a) to the Governor and the Legislature, in compliance with Section 9795 of the Government Code, no later than February 1 of each year.

(2) The commission shall post the report in a conspicuous area of its internet website and shall have a program to disseminate the information in the report using computer mailing lists to provide regular updates on the information to those members of the public and organizations that request that information.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.