

## Senate Bill No. 670

### CHAPTER 412

An act to add Section 53122 to the Government Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 2019. Filed with Secretary  
of State October 2, 2019.]

#### legislative counsel's digest

SB 670, McGuire. Telecommunications: community isolation outage: notification.

Existing provisions of the Warren-911-Emergency Assistance Act establish the number “911” as the primary emergency telephone number for use in the state and require the provision of enhanced service capable of selective routing, automatic number identification, or automatic location identification. The act requires a telephone corporation serving rural telephone areas that cannot provide enhanced 911 emergency telephone service capable of selective routing, automatic number identification, or automatic location identification to present to the Office of Emergency Services a comprehensive plan detailing a schedule by which their facilities will be converted to be compatible with the enhanced emergency telephone system.

This bill would require the Office of Emergency Services, on or before July 1, 2020, to adopt, by regulation, appropriate thresholds for what constitutes a community isolation outage, as provided, and issue a specified notice for that regulation by January 1, 2020. The bill would, upon the adoption of those regulations, require a provider of telecommunications services, as defined, that provides access to 911 service to notify the office, as provided, whenever a community isolation outage limiting the provider’s customers’ ability to make 911 calls or receive emergency notifications occurs, within 60 minutes of discovering the outage. The bill would make the office 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 bill would require the community isolation outage notification to the office to be provided by a medium specified by the office, and to include the telecommunications service provider’s contact name, a calling number to be staffed as specified, a description of the estimated area affected, and the approximate communities affected by the outage. The bill would require the telecommunications service provider to notify the office of the estimated time to repair the outage and when service is restored. The bill would require

the office, except as provided, to keep the community isolation outage notifications confidential.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 53122 is added to the Government Code, 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) 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.

(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, and issue, on or before January 1, 2020, the notice required by Section 11346.5.

(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 deadline in paragraph (1).

(c) Upon the adoption of regulations pursuant to 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 and 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 services provider shall also notify the office by a medium specified by the office of both of the following:

(1) The estimated time to repair the outage.

(2) When achieved, the restoration of service.

(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.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 53122 to the Government Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Federal Communications Commission has stated that telecommunications outage reports contain “sensitive data, which requires confidential treatment” because the data “could be used by hostile parties to attack those [telecommunications] networks, which are part of our Nation’s critical information infrastructure” (In the Matter of New Part 4 of the Commission’s Rules Concerning Disruptions to Communications (Aug. 19, 2004, FCC 04-188)), and the Public Utilities Commission already treats information regarding telecommunications outages submitted to the commission as confidential. Therefore, the Legislature finds that the interest in public disclosure of contemporaneous telecommunications outage information submitted to the Office of Emergency Services is outweighed by the interest in protecting public safety.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that regulations addressing community isolation service outages, which can endanger the public’s health and safety by limiting the public’s ability to make 911 calls or receive emergency notifications, are in place for the 2020 fire season, it is necessary for this act to take effect immediately.