

**BEFORE THE CALIFORNIA GOVERNOR'S
OFFICE OF EMERGENCY SERVICES**

Proposed Amendments to Community Isolation
Outage Regulations – Title 19, Division 2,
Chapter 1.5.

Notice Published: April 1, 2022

**JOINT COMMUNICATIONS PROVIDERS' COMMENTS TO PROPOSED
AMENDMENTS TO COMMUNITY ISOLATION OUTAGE REGULATIONS**

JANE WHANG

Verizon
201 Spear St., 7th Floor
San Francisco CA 94105
Tel: 415-778-1022
Email: jane.whang@verizon.com

Attorney for Verizon

ANDY A. UMAÑA
NELSONYA CAUSBY

AT&T Services, Inc.
430 Bush St., Sixth Floor
San Francisco, CA 94108
Tel: (415) 268-5304
E-mail: andy.umana@att.com

Attorneys for AT&T

LEON M. BLOOMFIELD

Law Offices of Leon M. Bloomfield
1970 Broadway, Suite 1200
Oakland, CA 94612
Telephone: 510.282.6240
Email: lmb@wblaw.net

Attorney for T-Mobile West LLC

May 16, 2022

Pursuant to the Notice of Proposed Rulemaking (“NPRM”) issued by the California Governor’s Office of Emergency Service (“Cal OES”) on April 1, 2022, Pacific Bell Telephone Company d/b/a AT&T California; AT&T Mobility LLC (New Cingular Wireless PCS, LLC, AT&T Mobility Wireless Operations Holdings, Inc., and Santa Barbara Cellular Systems, Ltd.); Cellco Partnership d/b/a Verizon Wireless; and T-Mobile West LLC d/b/a T-Mobile (collectively referred to hereinafter as “Joint Communications Providers”), respectfully submit the following comments to the proposed amendments to the Community Isolation Outage regulations.

I. INTRODUCTION

Joint Communications Providers appreciate the opportunity to participate in this rulemaking proceeding and fully supports the efforts of Cal OES and all stakeholders to develop clear and useful network outage reporting protocols and public outage maps. Joint Communications Providers have been reporting community isolation and 9-1-1 network outages to Cal OES for years, has had a positive and substantial relationship with Cal OES staff, and looks forward to improving this relationship and these processes in order to improve situational awareness for public safety officials.

The comments submitted below focus on the reasonable time required to implement the proposed amendments to the Community Isolation Outage regulations.

II. DISCUSSION

Cal OES proposes two amendments to the Community Isolation Outage regulations, one is an amendment to the current regulatory scheme adopted pursuant to SB 670 and the other amendment is a new addition related to SB 341.

The first amendment proposes reducing the threshold requirement for outage reporting in 19 CCR § 2480.2(a)(3) from 50 percent to 25 percent for wireless providers.¹ Cal OES reasons the amendment is necessary “to ensure significant outages are not overlooked because the threshold is set too high,”² “outage notifications are consistently reported for all telecommunication service providers,”³ and “will help Cal OES receive critical outage information, protect communities, and promote safety, not only during fires, but also during storms, heat waves and other disasters leading to outages.”⁴

The second proposed amendment is related to SB 341, which requires telecommunications service providers in California to maintain on its internet website a public outage map showing that provider’s outages. Cal OES, in consultation with CPUC, proposes amending 19 CCR § 2480.3 to add a subsection (e) which sets out those specific requirements.⁵

Joint Communications Providers understand Cal OES’ resolve to implement the proposed amendments to the Community Isolation Outage regulations. However, Cal OES does not provide an effective date for telecommunication providers to implement the proposed requirements.

¹ 19 CCR § 2480.2(a)(3): For telecommunications service provided by mobile telephony service, as that term is defined in Public Utilities Code section 224.4, an outage that lasts at least 30 minutes and affects at least ~~50~~ 25 percent of a carrier's coverage area in a single ZIP Code.

² ISOR at 2.

³ *Id.*

⁴ *Id.* at 4.

⁵ Proposed 19 CCR § 2480.3(e) requirements:

(1) Map indicating the geographic area impacted by the outage.

(2) Zip code(s) of the impacted area.

(3) Type of outage: Wireline, Voice over Internet Protocol (VoIP), or Mobile Telephony.

This map shall be posted by the provider of telecommunications service within 60 minutes of the discovery of a new outage and updated at least once every 6 hours from the most recent notification until the service has been restored.

To that end, Joint Communications Providers believe the earliest reasonable effective date for the proposed amendments should be:

Reporting Threshold: no sooner than October 1, 2022, or later.

Public Outage Map: no sooner than April 1, 2023, or later.

First, although Joint Communications Providers are already required to report an outage that lasts at least 30 minutes and affects at least 50 percent of a its coverage area in a single ZIP Code, reducing the reporting threshold would require Joint Communications Providers to conduct updated software analysis, testing, and environment setup. These steps are critical for software precision and accuracy.

Second, the new Outage Map requirement involves extensive software development, testing, and implementation in order to deliver a comprehensive public outage mapping solution.⁶ The complexity in developing this solution requires engagement from multiple business units, working across multiple time zones, integration of various internal systems and tools, resources, and, most importantly, time. For these reasons, Joint Communications Providers request that telecommunication providers be allowed the reasonable period of time outline above by which to comply with the Community Isolation Outage regulations.

Finally, because unforeseen circumstances may arise, we request that providers be allowed to request additional time for implementation, where good cause is shown.

⁶ Currently, outage maps are updated daily but the additional proposed OES rules would require updating the maps every 6 hours. Moreover, the proposed OES rules would require the outage maps to be available for outages beyond those related to public safety power shutoffs and major disasters.

III. CONCLUSION

Joint Communications Providers are committed to continuing its engagement with Cal OES on these important matters and looks forward to working together with Cal OES to finalize these regulations and to operationalize the new reporting process and public outage map.

Date: May 16, 2022

Respectfully submitted,

/s/

JANE WHANG

Verizon
201 Spear St., 7th Floor
San Francisco CA 94105
Tel: 415-778-1022
Email: jane.whang@verizon.com

Attorney for Verizon

ANDY A. UMAÑA
NELSONYA CAUSBY
AT&T Services, Inc.
430 Bush St., Sixth Floor
San Francisco, CA 94108
Tel: (415) 268-5304
E-mail: andy.umana@att.com

Attorneys for AT&T

LEON M. BLOOMFIELD

Law Offices of Leon M. Bloomfield
1970 Broadway, Suite 1200
Oakland, CA 94612
Telephone: 510.282.6240
Email: lmb@wblaw.net

Attorney for T-Mobile West LLC

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Regulations.

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COMMENTS OF

**CALAVERAS TELEPHONE COMPANY
CAL-ORE TELEPHONE CO.
DUCOR TELEPHONE COMPANY
FORESTHILL TELEPHONE CO.
HAPPY VALLEY TELEPHONE COMPANY
HORNITOS TELEPHONE COMPANY
KERMAN TELEPHONE CO.
PINNACLES TELEPHONE CO.
THE PONDEROSA TELEPHONE CO.
SIERRA TELEPHONE COMPANY, INC.
THE SISKIYOU TELEPHONE COMPANY
VOLCANO TELEPHONE COMPANY
WINTERHAVEN TELEPHONE COMPANY
("Small LECs")**

ON PROPOSED AMENDMENTS TO 19 CCR §§ 2480.2, 2480.3

Sean P. Beatty
BRB Law LLP
436 14th Street, Suite 1205
Oakland, CA 94612
Phone: (510) 955-1083
Email: sean@brblawgroup.com
Attorneys for the Small LECs

May 16, 2022

Pursuant to the Notice of Proposed Rulemaking published by the California Governor's Office of Emergency Services ("Cal OES") on April 1, 2022, the Small LECs submit the following comments on the proposed amendments to Sections 2480.2 and 2480.3 in Title 19 of the California Code of Regulations. The Small LECs are a group of incumbent, rural local telephone companies regulated by the California Public Utilities Commission ("Commission"). While the Small LECs do not serve a large number of subscribers relative to the total number of telecommunications subscribers in California, some of their service areas do include areas of the state where wildfires are common and community isolation outages can occur. The Small LECs are also, with a few exceptions, small businesses and lack the resources of the largest telecommunications carriers such as AT&T and Verizon.

In the draft of new Section 2480.3(e), Cal OES proposes implementation of the outage mapping requirement mandated by SB 341. SB 341 amended Government Code Section 53122 to mandate that telecommunications service providers must post on their websites a public outage map showing their outages.¹ When implementing this mandate, the Legislature directed Cal OES to do so consistent with Commission decisions, D.20-07-011 and D.21-02-029.²

The Small LECs do not contest the statutory outage mapping requirement; in fact, they are already subject to an outage mapping requirement under D.21-02-029. However, the Small LECs do object to Cal OES's proposal to require an update every six hours to an outage map posted on a website. There are several reasons why Cal OES should not require map updates every six hours. First, the Commission's resiliency decisions (D.20-07-011 and D.21-02-029), which require posting of outage maps to websites, only require updates to maps to occur on a daily basis.³ To be consistent with the Commission's decisions on point, as directed by Government Code Section 53122(b)(1)(B), Cal OES should revise its proposed regulation to specify daily updates. Second, as small businesses, the Small LECs do not have the resources to ensure that maps posted to their websites can be updated every six hours. One could imagine such map updates as having to occur at 10 pm and 4 am during the course of an outage; arranging for a website manager to be available at those times of the day to update a map is

¹ See Cal. Gov. Code § 53122(e).

² See Cal. Gov. Code § 53122(b)(1)(B).

³ See, e.g., D.21-02-029 at p. 89.

something that the Small LECs cannot guarantee, particularly those that rely on a third-party to update their websites. Finally, Cal OES appears to rationalize a map update every six hours because it already requires telecommunications providers to supply updates regarding outages directly to Cal OES every six hours.⁴ However, Cal OES should not equate the burden of sending an email notice regarding an outage every six hours with that of updating a company's website every six hours. The initial posting of the map is what is truly significant when an outage occurs, particularly to ensure that emergency responders are aware of any hurdles they may face when communicating with impacted communities. The benefits of posting updates every six hours diminish, particularly during multi-day Public Safety Power Shutoff events or when wildfires impose catastrophic damage that will take weeks or months to repair. A daily map update will provide timely information and will not jeopardize public safety. For all these reasons, Cal OES should revise proposed Section 2480.3(e) to specify that map updates shall occur at least daily.

The proposed amendment to Section 2480.3(e) also specifies that outage maps must be posted within one hour after the outage occurs. For the same reasons that Cal OES should not require map updates every six hours, Cal OES also should not require a map posting within one hour after an outage occurs. Complying with the directive under Government Code Section 53122(b)(1)(B) that Cal OES's regulations shall be consistent with the Commission's decisions related to outage maps, the Small LECs note that the Commission's similar mandate for posting outage maps is that such posting occur, ". . . as soon as reasonably possible . . ."⁵ While the Small LECs will certainly try to post outage maps within an hour after they occur, the Commission's standard is more reasonable, reflecting the uncertainties that can arise when companies are dealing with emergencies. Also, given the limited resources available to the Small LECs, it might not be possible for them in every instance to have an outage map posted to the website within one hour after the outage. Cal OES's regulation should recognize these circumstances and incorporate the approach to posting adopted by the Commission.

⁴ See 19 CCR § 2480.3(c).

⁵ See, e.g., D.21-02-029 at p. 89.

The Small LECs are also concerned that ambiguity could exist as to when the map posting obligation is triggered based on the way Section 2480.3(e) is drafted. It is clear from the controlling statute (*i.e.*, Government Code Section 53122) and the substance of Cal OES’s implementing regulations to date that the focus of the notice and mapping requirements relates to community isolation outages. For example, Government Code Section 53122(b)(1)(A) directs Cal OES to, “. . . adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage . . .” Similarly, Government Code Section 53122(b)(1)(B) refers to, “. . . public outage maps derived from community isolation outages.” Government Code Section 53122(c) triggers its notice requirement on the existence of a community isolation outage. Given Government Code Section 53122’s focus on community isolation outages and because Government Code Section 53122(f) refers back to Government Code Section 53122(b)(1)(B), it is reasonable to assume that Government Code Section 53122(f)’s reference to a “provider’s outages” was intended to refer to a provider’s community isolation outages. In other words, Government Code Section 53122(f) was not intended to trigger a map posting outage for every outage that a provider may experience, but only for community isolation outages. Given this reasonable statutory construction, the Small LECs recommend that Cal OES update Section 2480(e) to include specific reference to community isolation outages as the triggering event for the map posting requirement. As updated, the specific text of Section 2480(e) would read as follows (insert noted with underlined text):

(e) 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 community isolation outages.

Adding the community isolation outage concept to Section 2480.3(e) is consistent with the intent of Government Code Section 53122 and will remove compliance ambiguity down the road.

Finally, the documents that Cal OES served when initiating this rulemaking do not address the timing under which the amendments would take effect. Any change to process takes time to implement. Until the details of the requirement are finalized, it is inefficient to initiate the changes to process that must occur. Accordingly, the Small LECs request that Cal OES specify that the requirement to post outage maps to a website shall take effect six months after the amendment memorializing that requirement is adopted by Cal OES.

The Small LECs appreciate this opportunity to comment on Cal OES's proposed amendments to its regulations to implement SB 341, and they recommend that Cal OES make the modifications identified in these comments.

Executed this 16th day of May, 2022, at Oakland California.

Sean P. Beatty
BRB Law LLP
436 14th Street, Suite 1205
Oakland, CA 94612
Phone: (510) 955-1083
Email: sean@brblawgroup.com

By: /s/ Sean P. Beatty
Sean P. Beatty

Attorneys for the Small LECs

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Notice of Proposed Rulemaking –
Proposed Amendments to Community
Isolation Outage Regulations Title 19,
Division 2, Chapter 1.5

Notice Published April 1, 2022

**COMMENTS OF THE CALIFORNIA CABLE & TELECOMMUNICATIONS
ASSOCIATION ON PROPOSED AMENDMENTS TO CURRENT REPORTING
THRESHOLD PERCENTAGE AND COMMUNITY ISOLATION OUTAGE
REGULATIONS**

Jerome F. Candelaria
California Cable & Telecommunications
Association
925 L Street, Suite 850
Sacramento, CA 95814
Tel: (916) 446-7732
Fax: (916) 446-1605
E-mail: jerome@calcable.org

May 16 , 2022

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**COMMENTS OF THE CALIFORNIA CABLE & TELECOMMUNICATIONS
ASSOCIATION ON PROPOSED AMENDMENTS TO CURRENT REPORTING
THRESHOLD PERCENTAGE AND COMMUNITY ISOLATION OUTAGE
REGULATIONS**

Pursuant to the Notice of Proposed Rulemaking issued by the California Governor’s Office of Emergency Services (“Cal OES”) on April 1, 2022, the California Cable & Telecommunications Association (“CCTA”)¹ submits the following comments on the proposed amendments to current reporting threshold percentage and community isolation outage regulations.

I. INTRODUCTION AND SUMMARY

Cal OES proposes through this rulemaking to amend two regulations that seek to ensure public awareness of telecommunications services during certain outages. As an initial matter, CCTA members are committed to emergency preparedness and public safety. CCTA members strive to provide reliable service every day, including during emergencies, such as natural disasters, and during exceptional times such as the COVID-19 pandemic when cable Internet service providers performed well despite dramatic increases in network demand.² CCTA members, as applicable, are implementing requirements of the California Public Utilities Commission’s (“CPUC”) Wireline Resiliency Decision, Decision 21-02-029. Further, CCTA

¹ CCTA is a trade association consisting of cable companies that provide video, voice, and Internet service to millions of customers across California.

² See Matthew Tooley, William A. Check, Ph.D., Rob Rubinovitz & Jim Partridge, *Tele-Everything and Its Impact to The Network* at 4 (2020) <https://www.nctatechnicalpapers.com/Paper/2020/2020-tele-everything-and-its-impact-to-the-network>.

members have worked collaboratively with Cal OES in a number of ways, and implemented Cal OES's outage reporting requirements for VoIP and wireline providers, and engage in close communications with Cal OES' emergency operations center during disaster-caused outages to assist with the agency having situational awareness. Additionally, major cable operators have business continuity plans and engage with a wide range of stakeholders during emergency situations.

CCTA members are prepared to continue their strong commitment to resiliency, public safety and emergency preparedness, and will work to comply with the new public outage map requirement mandated by the Legislature. To that end, and for the reasons detailed below, CCTA respectfully recommends that Cal OES revise certain aspects of the proposed regulations, namely: (1) the interval for service providers to post outage maps following an outage; (2) the requirement for zip codes to be posted; and (3) the necessary implementation time period for service providers to begin publishing outage maps.

II. DISCUSSION

A. Cal OES Should Clarify that Maps Must be Published Within 60 Minutes of Reporting an Outage

The proposed regulations offer two separate conflicting intervals for publishing outages on the public outage map. First, one part of the proposal requires that a public outage map be made available upon *each notification* to Cal OES.³ Proposed new subpart(e) of Section 2480.3 provides, in part:

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. The *public outage map for each provider shall be available upon each*

³ See Proposed Amendment to Community Isolation Outage Regulations Title 19, Division 2, Chapter 1.5, Initial Statement of Reasons at 2.

notification to the office and shall include, at a minimum, the following information ...⁴

However, a separate provision of the proposed new regulation would require outage maps to be posted within 60 minutes of a newly discovered outage: “This map shall be posted by the provider of telecommunications service *within 60 minutes of the discovery of a new outage* and updated at least once every 6 hours from the most recent notification until the service has been restored.”⁵

The highlighted passages are inconsistent and should be revised. The first passage – the “public outage map for each provider shall be available upon each notification to the office” – is text that is not necessary, and moreover, adds confusion to the proposed rule.⁶ Specifically, the first paragraph in the proposed rule speaks to what providers must do – which is to maintain a public outage map and what information needs to be included in such map. This part of the rule does not need to and should not address *when* such maps should be updated, as the *when* is addressed in the last paragraph of the proposed rule. Moreover, CCTA members may send Cal OES outage notices as soon as they become aware that an outage meets the threshold criteria but in some cases, outages are promptly resolved before CCTA members are required to provide an update. In other words, posting an outage map for an outage that is promptly resolved would not be helpful to customers.

The second passage above, which provides that maps shall be posted “within 60 minutes of the discovery of a new outage” is ambiguous. Because the word “discovery” is not included in the existing rule, CCTA proposes that “discovery” be replaced with “reporting” to reflect when

⁴ Proposed Regulation Text 2480.3(2)(e) (emphasis added).

⁵ *Id.* (emphasis added).

⁶ The ISOR does not include or otherwise address the “available upon each notification to the office” text included in the first paragraph of proposed new subpart(e) of Section 2480.3.

the first outage notice is submitted: *within 60 minutes of reporting of the new outage*. Notably, the statute does not require the publication and updating of outage maps to be concurrent when providers submit outage notices to Cal OES.⁷ This revised language is straightforward and would provide clear guidance for implementation purposes.

CCTA therefore respectfully recommends that Cal OES harmonize the conflicting provisions in favor of the unambiguous provision and revise proposed new Section 2480.3(e) as follows:

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. The public outage map for each provider ~~shall be available upon each notification to the office and~~ shall include, at a minimum, the following information: ...

This map shall be posted by the provider of telecommunications service within 60 minutes of the ~~reporting discovery~~ of a new outage and updated at least once every 6 hours from the most recent notification until the service has been restored.

These modest changes will allow providers sufficient time to report outages and post maps, without being required to post maps for outages that have a short duration or for outages that are quickly resolved. The public will benefit from these requested changes because the published outage maps will reflect information for on-going outages.

B. Providers Should Have the Option to Post Zip Codes.

The proposed regulation would require providers to post impacted zip codes on their websites. While outages are reported to Cal OES on a zip code basis, it is not clear that posting zip codes, in addition to the service outage map, would be helpful to impacted customers. Further, requiring that service post zip codes publicly would effectively override Senate Bill 670, which ensures that detailed outage information provided by service providers remain confidential.⁸

⁷ Government Code §§ 53122(b)(1)(B) and 53122(f).

⁸ Government Code § 53122(e).

Additionally, the requirement to post zip code information complicates the already complex task of posting and updating the required service outage map. Finally, the CPUC did not require providers to post zip codes in Decision 21-02-029, and therefore, Cal OES' proposed regulation is inconsistent with that decision.⁹

Accordingly, CCTA respectfully recommends that Cal OES modify the proposed rule to allow, but not require, providers to post zip code information.

C. Cal OES Should Revise the Rules to Clarify the Implementation Period for Outage Maps.

The proposed rules do not specify a deadline by which service providers must begin posting outage maps on their websites. This could be interpreted to mean that Cal OES recognizes that a single implementation date may not be suitable for all providers, based on their individual website platform capabilities, as well as providers internal processes for implementing required changes.

If, however, Cal OES envisions a certain deadline for providers to begin posting outage maps, it should recognize the technical complexities inherent in this undertaking and allow providers at least 120 days after the new rules become effective to begin posting outage maps. For many providers, implementing this new rule is no easy task and will require significant resources. Specifically, providers will need to design and implement a process to not only post an initial outage map and zip codes, but also to provide a way to routinely update that map due to a wide-range of outages with varying underlying causes. This is a resource-intensive project and requires

⁹ Government Code § 53122(b)(1)(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.”).

providers to coordinate resources across internal departments. Notably, developing a process applicable to outage situations is challenging in that internal resources are focused on resolving the given outage, including those resulting from events associated with a declared state of emergency.

To the extent providers can implement the changes more quickly, then Cal OES can encourage them to do so. However, many providers will need adequate time to develop and test their outage map systems. Indeed, some providers may require even more time, and Cal OES should permit extensions for good cause. CCTA therefore recommends the following modification to the proposed language in the event Cal OES wishes to specify an implementation deadline for providers to begin posting outage maps:

Providers of telecommunications service must begin posting public outage maps within 120 days of the effective date of these rules. Within 100 days of the effective date of these rules, a provider may request an extension of this deadline, which the office may grant based on a showing of good cause.

III. CONCLUSION

For the reasons set out above, CCTA respectfully requests that Cal OES revise certain aspects of the proposed outage map regulations, namely the interval for service providers to post outage maps following an outage and making the posting of zip code information optional. CCTA does not believe it is necessary for Cal OES to adopt an implementation deadline for service providers to begin publishing outage maps since providers will timely seek to do so. However, if Cal OES reasonably determines it is necessary to adopt an implement due date, it should grant

providers at least 120 days to implement the new requirements, and the ability to seek an extension for good cause.

Respectfully submitted,

By: /s/ Jerome F. Candelaria
Jerome F. Candelaria
California Cable & Telecommunications
Association
925 L Street, Suite 850
Sacramento, CA 95814
Tel: (916) 446-7732
Fax: (916) 446-1605
E-mail: jerome@calcable.org

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Lower Bills. Livable Planet

785 Market Street, Suite 1400
San Francisco, CA 94103

415-929-8876 • www.turn.org

Mark W. Toney, Ph.D., Executive Director

May 16, 2022

Beth Abdallah
Governor's Office of Emergency Services
CA 9-1-1 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811

Via E-mail

Re: Notice of Proposed Rulemaking for Community Isolation Outage Regulations

Dear Ms. Abdallah:

The Utility Reform Network (TURN), on behalf of our 20,000 members throughout California, submits these comments in response to the April 1, 2022 Notice of Proposed Rulemaking (Notice) Proposing Amendments to Community Isolation Outage Regulations. TURN is a party to California Public Utilities Commission (CPUC) proceedings addressing service quality, network outage reporting, network reliability during emergencies, and electric utility power de-energization (among others). TURN shares the Legislature's goal to ensure that Cal OES is provided with real-time notification of telecommunications outages that significantly impair the ability of Californians to place 9-1-1 calls and receive emergency alerts. The proposed changes would improve the current regulations, including the information provided by carriers to the public and the ability of Cal OES to quickly obtain accurate information about telecommunications outages affecting emergency communications for all Californians.

The proposed amendments address two issues: 1) reducing the threshold for mobile telephony service outage reporting from an outage lasting 30 minutes and covering at least 50 percent of a carrier's coverage area in a single zip code, to an outage affecting 25 percent of customers for 30 minutes in a single zip code; and 2) specific requirements for telecommunications providers to provide public outage maps on their web sites. TURN supports the adoption of both of these rules. As we stated in our March 30, 2021 comments, there is no doubt that the implementation of Community Isolation Outage reporting regulations are

important to ensure public safety. We commend Cal OES for its diligence in improving the rules based on its experience with how the existing rules function in practice.

The emergency rules have been in effect since July 1, 2020. Cal OES has continued to receive outage reporting data from telecommunications providers that has allowed the agency to assess the effectiveness of the regulations. Cal OES has learned from its experiences under the existing rules and is well positioned to adjust the rules as necessary within the framework established by SB 670 and SB 341. The need for the proposed changes is carefully explained in the Initial Statement of Reasons (ISOR).¹

The ISOR documents the fact that under the current 50 percent threshold, during the Caldor Fire, “many significant telephone outages in zip codes with large populations or large geographic areas were not being reported to Cal OES’s 911 Branch” and many people in those areas were not able to call 911 or receive emergency alerts.² Cal OES’ analysis demonstrates that setting the threshold at 25 percent would improve its ability to receive critical outage information during fires, storms, heat waves and other emergencies.³

The proposed requirements for telecommunications services web site maps comply with SB 341. SB 341 directs telecommunications service providers to maintain public outage maps on their web pages, and directs Cal OES to consult with the California Public Utilities Commission (CPUC) to adopt regulations setting forth the specific requirements for the online outage reporting maps.⁴ Cal OES has worked with the CPUC to develop the required specifications. The proposal ensures that the public receives essential information about telecommunications provider outages in a reasonable time frame.

TURN supports the efforts by Cal OES to refine Community Isolation Outage regulations to make them as effective as possible. We support the goal of Cal OES to ensure that first responders receive improved information about what customers, and what specific areas, are affected by a community isolation outage.

TURN believes the proposed regulations, including this modification, are reasonable and vital to ensure public safety, and should be adopted.

/S/ Regina Costa
Telecommunications Policy Director

¹ Cal OES Proposed Amendments to Community Isolation Outage Regulations, Title 19, Division 2, Chapter 1.5, Initial Statement of Reasons (ISOR).

<https://www.caloes.ca.gov/LegalAffairsSite/Documents/ISOR.pdf>

² *Id.*, p. 2.

³ *Id.*, p. 3.

⁴ *Id.*