

**Title 19. California Governor's Office of Emergency Services
Division 2. Public Safety Communications Division
Chapter 1.5. Community Isolation Outages**

FINAL STATEMENT OF REASONS

1. UPDATE TO INITIAL STATEMENT OF REASONS

Following the close of the 45-day comment period, Cal OES made the below substantive changes to the regulation text originally proposed in the Notice of Proposed Regulatory Action. The changes were included in a 15-day comment period that commenced on April 15, 2021 and concluded on April 30, 2021. Cal OES modified the section 2480.3 (a) by adding the sentence:

Telecommunication carrier's compliance with the prescribed electronic submission format is required within 90 days of notification from the office.

This modification was included to address comments and concerns from telecommunication carriers of the time required to implement format changes prescribed by Cal OES.

2. LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

3. SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF FEBRUARY 12, 2021, THROUGH NOON ON MARCH 30, 2021.

Comment No. 1: Jim Lowers, President of Siskiyou Telephone, recommended an edit to correct a reference error in proposed section 2480.3 subdivision (d).

Response: Cal OES updated proposed section 2480.3 subdivision (d) to reference "subdivision (c)" in the text of this section.

Comment No. 2: Pam Snyder of FTR911 asked whether the requirement to call Cal OES if the outage affects 1,000 Access Lines or more was removed from proposed section 2480.3.

Response: The phone call requirement notifying Cal OES of an outage was no longer needed and was removed from the text of the proposed regulations prior to the 02/12/2021 Notice of Proposed Rulemaking.

Comment No. 3: Jeanne B. Armstrong, on behalf of CTIA, suggested an update to proposed section 2480.3 (a). The commenter stated that the proposed language did not include a timeline and provided Cal OES the ability to change the electronic format of the outage notification without allowing telecommunication carriers the time needed to implement the prescribed format.

Response: Cal OES chose to accommodate this comment. Proposed section 2480.3 (a) was updated to provide telecommunication carriers 90 days of notification from the office to comply with prescribed electronic submission format changes.

Comment No. 4: Walid Abdul-Rahim of AT & T requested that carriers be provided a reasonable period of time to comply with the wireless reporting requirement of the percentage of coverage degradation in the affected zip codes. AT&T states that in instances of expected network outages occurring during scheduled maintenance, its network systems cannot provide (1) percent degradation for wireless outages, nor (2) the number of potentially impacted end users for wireline and VoIP. Commenter proposed an alternative analysis / exception for outage reporting during scheduled and/or planned maintenance.

Response: No action taken. The SB 670 legislation was chaptered in October of 2019 as emergency legislation with the requirement to have regulations in place by July of 2020. The legislation requires telecommunication carriers to report outages to Cal OES. The emergency regulations have been in place since July of 2020. At the time of the release of this Final Statement of Reasons, telecommunication carriers have had 18 months to comply with the requirements in SB 670 and additional time is not justified. Furthermore, California is about to enter another wildfire season following a winter of very dry conditions, which also emphasizes the importance of ensuring that outages are reported in a timely manner. Cal OES rejects the alternative analysis for scheduled maintenance; it was considered during the initial statement of reason and addressed in proposed section 2480.2 subdivision (b).

Comment No. 5: Jacqueline R. Kinney, California Cable & Telecommunications Association, made favorable comments regarding the existing emergency

regulations and that supported the proposed regulations. The favorable comments highlighted how the proposed regulations would continue to benefit to the community.

Response: No action taken.

4. SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD.

The modified text was made available to the public for comment from April 15, 2021, to April 30, 2021.

Comment No. 1: Elizabeth Bojorquez, California Cable & Telecommunications Association (CCTA), commented that a 90-day period to implement a new submission method may not be a reasonable period for all providers, depending what alternative is developed. CCTA recommends that CalOES avoid prescribing a specific timeframe or provide for an extension of time with good cause showing.

Response: Cal OES has reviewed the 90-day period and the comments submitted by CCTA. The 90-day period applies to the format of the data that is being submitted. Any changes to the data that must be submitted would be subject to the rules regarding updating the outage reporting regulations. The 90-day period allows telecommunication providers ample time to complete any format changes that would be required to support the approved regulations. The emergency regulations have been in place since July of 2020. Cal OES published an updated format for submitting outage notifications and began working with telecommunication providers to support the updated format in January of 2121. Within 60 days most of the providers were in compliance with the new format. Within 90 days, all but one provider was in compliance, which demonstrates that 90 days is reasonable and achievable. Cal OES continues to work with the remaining provider to bring them into compliance, but without a defined compliance period the only remedy available would be to refer the matter to the Attorney General as outlined in Government Code § 53115. Without a defined deadline, Cal OES has limited options to ensure compliance with the outage reporting format. Cal OES rejects the recommendation that an extension of time is necessary. An extension puts lives at risk and undermines the intent of the outage reporting statute.

Comment No. 2: Carolyn McIntyre, President of the California Cable & Telecommunications Association, made favorable comments regarding the addition of the 90-day compliance period to the regulations and supported the

proposed regulations as a whole. The favorable comments highlighted how the proposed regulations would continue to benefit to the community.

Response: No action taken.

5. ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS

No alternatives proposed to Cal OES would lessen any adverse economic impact on small business were rejected by Cal OES.

6. CONSIDERATION AND DETERMINATION OF ALTERNATIVES

The only alternatives that were identified or otherwise brought to OES' attention were those raised in comments, and the reasons for rejecting those alternatives were explained in response to those comments.

Cal OES determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the regulatory action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

7. EFFECTIVE DATE

These regulations create a reporting requirement for telecommunications providers that is similar to the one in place for electric utilities. Outages are an ongoing issue, but disasters have raised awareness about their impact. Between 2014 and 2015, California's North Bay and North Coast region experienced significant telecommunications outages. These outages impacted health facilities' ability to process patient registration, prevented businesses from using electronic payments, and impacted 911 service.

These regulations require telecommunications providers to report to Cal OES outages that would impact 911 services or emergency notifications, and OES would be responsible for notifying the affected county officials, including PSAPs, which route 911 calls to first responders. Changes are designed to improve the notification process in order to save lives; therefore, Cal OES requests an immediate effective date upon approval, pursuant to Government Code 11343.4, Subdivision (b)(3).

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