

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding
Emergency Disaster Relief Program.

Rulemaking 18-03-011
(Filed March 22, 2018)

**OPENING COMMENTS OF THE CALIFORNIA STATE ASSOCIATION OF
COUNTIES ON THE PROPOSED DECISION ADOPTING WIRELESS PROVIDER
RESILIENCY STRATEGIES**

July 1, 2020

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The California State Association of Counties (CSAC) respectfully submits these Opening Comments on the Proposed Decision Adopting Wireless Provider Resiliency Strategies, issued in this Rulemaking (R.) 18-03-011 (Disaster Relief) on June 11, 2020 (Proposed Decision). These Opening Comments are timely filed and served pursuant to the Commission’s Rules of Practice and Procedure and have been filed concurrently with CSAC’s Motion for Party Status in this proceeding.

**I.
BACKGROUND ON CSAC**

CSAC is a nonprofit mutual benefit corporation under the California Nonprofit Mutual Benefit Corporation Law. CSAC is a lobbying, advocacy and service organization which represents all 58 counties of the State of California. CSAC is focused on advancing the vital public interest in effective, efficient and responsive local government. CSAC, under the name of the County Boards of Supervisors Association of California began meeting in 1895 and was later renamed CSAC in 1991 and is based in Sacramento, California. CSAC’s long-term objective is to significantly improve the fiscal health of all California counties so they can adequately meet the demand for vital public programs and services.

CSAC is currently a party to and active in R.18-12-005 (De-Energization) and Investigation (I.) 19-11-013 (Public Safety Power Shutoffs).

II. INTRODUCTION

CSAC is generally supportive of the Commission’s proposed wireless resiliency rules. Californians have increasingly reduced dependency on landlines and many now rely on cell phones as their primary means of communication. For local governments, wireless emergency alerts have increasingly become the primary and quickest way to notify the public to take action during emergencies. The Proposed Decision properly acknowledges the need for improved and effective wireless communication during emergency events and CSAC agrees with parties who have informed the Commission “that communications, particularly in areas prone to wildfires, are a matter of ‘life and death.’”¹ As such, CSAC offers comments on several of the proposals set forth in the Proposed Decision.

III. CSAC SUPPORTS THE PROPOSED DECISION’S BACKUP POWER REQUIREMENT

CSAC agrees with the Proposed Decision’s determination that “it is reasonable to adopt a backup power requirement for wireless providers operating in California.”² Furthermore, CSAC agrees that the 72-hour backup power requirement for wireless provider facilities is reasonable. Extended power outages during public safety power shutoff (PSPS) events can last multiple days. As such, CSAC agrees with the Commission’s direction to wireless providers “to maintain service through various technological means to ensure that customers in Tier 2 and Tier 3 High Fire Threat Districts have access to 72-hour backup power during the upcoming wildfires and de-energization events.”³ However, CSAC urges the Commission to consider expanding this

¹ Proposed Decision, at pp. 11-12.

² *Id.*, at p. 70.

³ *Id.*, at pp. 78-79.

requirement to customers in Zone 1 of the High Fire Threat District because many Zone 1 areas are small towns in counties that need backup power and coverage the most.

**IV.
THE PROPOSED DECISION CORRECTLY DIRECTS THE WIRELESS PROVIDES
TO FILE COMMUNICATIONS RESILIENCY PLANS**

CSAC strongly supports the Commission requiring wireless provides to submit to the Commission a Communications Resiliency Plan (Resiliency Plan). Many local governments do not have a high level of coordination with wireless provides before disasters and would welcome the ability to review Resiliency Plans, in order to have a higher level of coordination with these critical infrastructure partners. Furthermore, distribution of these Resiliency Plans would allow local governments to identify any vulnerabilities and gaps that would help them plan for disasters.

The Proposed Decision requires that “within six (6) months upon the effective date of this decision, the wireless providers shall submit a Communications Resiliency Plan to the Commission’s Communications Division via a Tier 2 advice letter.”⁴ CSAC recommends that this requirement be modified to direct wireless providers to share their Resiliency Plans directly with local governments and local emergency response managers, in addition to submitting a Tier 2 advice letter.

In addition, CSAC recommends that the Commission require wireless service providers to specifically identify which cell towers serve most residents in High Fire Threat Districts and prioritize resiliency and redundancy at those sites. CSAC suggests a process that requires wireless service providers to engage with local emergency managers to jointly designate critical communications sites. This information should be provided in both the Resiliency Plan and the Emergency Operations Plan.

⁴ Proposed Decision, at p. 90.

V.
**CLEAN ENERGY SHOULD BE USED AS THE PRIMARY BACKUP POWER
RESOURCE BUT UNDERSTANDS THAT DIESEL MAY BE NEEDED IN LIMITED,
SHORT-TERM SITUATIONS**

The Proposed Decision allows “wireless providers to use fossil fuel generators for backup power in the short-term” with several additional requirements.⁵ However, the Proposed Decision correctly notes that “fossil fuel generation cannot be a long-term resiliency strategy.”⁶ While CSAC would prefer to not rely on fossil fuel generation, it appreciates the Commission’s balancing near- and long-term approaches “to ensure minimum continuity of service necessary for public health, safety, welfare, and societal steadiness in times of crises.”⁷

CSAC recommends that the Commission consider using a public or nonprofit entity to partner with the wireless service providers to examine how best to deploy clean backup power. Using clean energy primarily as a backup power resource would make broadband and cell service more reliable by reducing carbon emissions and climate change that may lead to more natural disasters, potentially harming the communications grid.

VI.
**THE PROPOSED DECISION CORRECTLY DIRECTS WIRELESS PROVIDERS TO
SUBMIT ANNUAL EMERGENCY OPERATIONS PLANS**

CSAC supports the Commission requiring wireless providers to submit annual Emergency Operations Plans.⁸ CSAC supports this requirement because it will allow local governments, through their local emergency response managers, to increase their situational awareness and plan for emergencies. This would again provide the opportunity to collaborate with wireless carriers identify gaps, vulnerabilities and unmet needs in the local governments’

⁵ Proposed Decision, at p. 100.

⁶ *Id.*, at p. 101.

⁷ *Id.*, at p. 101.

⁸ *Id.*, at p. 104.

communities. As discussed above, CSAC also recommends that wireless service providers engage with local emergency managers to jointly designate critical communications sites and provide that information in the Emergency Operations Plan.

VII. CONCLUSION

CSAC appreciates the opportunity to provide these Opening Comments on the Proposed Decision. As discussed above, CSAC is largely supportive of the Proposed Decision with a few suggested modifications. Specifically, that the Commission should consider expanding the 72-hour backup power generation requirement to Zone 1 of the High Fire Threat Districts. In addition, the Commission should direct wireless providers to work closely with local governments and local emergency response managers in the development of Resiliency Plans and Emergency Operations Plans. CSAC advocates for sharing both Resiliency Plans and Emergency Operations Plans directly with these representatives of local communities, in addition to submitting a Tier 2 advice letter. Lastly, the Commission should continue to make clear that diesel backup generation should only be used after clean energy resources have been exhausted and in near-term situations only.

Respectfully submitted,

July 1, 2020

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APPENDIX A

CALIFORNIA STATE ASSOCIATION OF COUNTIES’ PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS FOR THE PROPOSED DECISION ADOPTING WIRELESS PROVIDER RESILIENCY STRATEGIES

The California State Association of Counties (CSAC) proposes the following modifications to the Findings of Fact, Conclusions of Law, and Ordering Paragraphs of the Proposed Decision Adopting Wireless Provider Resiliency Strategies, mailed in R.18-03-011 (Disaster Relief) on June 11, 2020 (Proposed Decision).

Please note the following:

- A page citation to the Proposed Decision is provided in brackets for each Finding of Fact, Conclusion of Law, or Ordering Paragraphs for which a modification is proposed.
- Added language is indicated by **bold type**; removed language is indicated by **bold strike-through**.
- A new or added Finding of Fact, Conclusion of Law, or Ordering Paragraph is labeled as “**NEW**” in **bold, underscored** capital letters.

CONCLUSIONS OF LAW:

48. [124] It is reasonable for the wireless providers to maintain service through various technological means to ensure customers in Tier 2 and Tier 3 High Fire Threat Districts, **as well as Zone 1 of the High Fire Threat Districts**, have access to 72-hour backup power during the upcoming wildfire season and de-energization events.

49. [124] It is reasonable to require the wireless providers to ensure customers and first responders in Tier 2 and Tier 3 High Fire Threat Districts, **as well as Zone 1 of the High Fire Threat Districts**, have access to minimum service levels and coverage through 72-hours of backup power.

52. [124] It is reasonable to require each wireless provider to submit a Communications Resiliency Plan via a Tier 2 Advice Letter within 6 months from the effective date of this decision. **At that same time, each wireless provider should share their Communications**

Resiliency Plans directly with local governments and local emergency response managers. The Commission should also direct wireless service providers to jointly designate critical communication sites and provide that information in Resiliency Plans and Emergency Operations Plans.

55. [126] It is reasonable to allow the wireless providers to use fossil fuel generation as a primary backup power resource, in the near-term, but require the wireless providers to transition to a future of renewable backup generation. **The Commission should consider using a public or nonprofit entity to partner with the wireless service providers to examine how best to deploy clean backup power.**

ORDERING PARAGRAPHS:

1. [127] Facilities-based wireless providers shall file a Communications Resiliency Plan pursuant to Section 6.5.2 of this decision, within six (6) months of the effective date of this decision, to the Communications Division via Tier 2 Advice Letter that describes how the wireless provider shall maintain a minimum level of service and coverage to preserve access to 9-1-1 and 2-1-1, maintain the ability to receive emergency notifications, and access to internet browsing for emergency notices for their customers in the event of a power outage. **At that same time, each wireless provider should share their Communications Resiliency Plans directly with local governments and local emergency response managers.** The Communications Resiliency Plan shall include, but is not limited to, the following information:

- Discussion of their ability to maintain a sufficient level of service and coverage to maintain access to 9-1-1 and 2-1-1, maintain the ability to receive emergency notifications, and access to Internet browsing for emergency notices in the event of a disaster or power outage, including identifying how they maintain the resiliency of their networks, as defined in Section 6.2 of this decision
- Detailed PSPS and grid outage response plans;
- Detailed Clean Generation and Diesel Generation Near and Long-Term Approaches, consistent with Section 6.7.2 of this Decision;
- Facilities with and without battery backup, fixed generation, and mobile generator hookups, their location, and the estimated length of time the facilities will operate during a grid outage with and without refueling at each site;

- The number of mobile generators and refueling trucks and specify which are stationed in California;
- Identify the ability to replace damaged facilities, including logical and physical network route diversity and temporary facilities (*e.g.*, mobile cell sites and temporary microwave backhaul);
- Identify titles of management and number of personnel dedicated to refueling and vendors including company and contract agreement;
- Identify the ability to support reporting on system outages as required by CPUC rules, Cal OES regulations and California Government Code;
- Detail how backup generators comply with CARB standards;
- Provide refueling schedules;
- Provide roaming agreements;
- Provide cooperative agreements which are used to pool resources with other providers;
- Identify facilities that do not need backup power, are unable to support backup power due to a safety risk, or that are objectively impossible or infeasible to deploy backup power pursuant to Section 6.6.2.; **and**
- Identify investment plans to improve network resiliency pursuant to Section 6.6.2. (*e.g.*, deployment of redundant backhaul and deployment of fixed generators); **and**
- **Critical communications sites that have been jointly designated by the wireless service providers and local emergency managers.**

We direct the Communications Division to develop and adopt standardized reporting templates as well as a submittal schedule for the Communications Resiliency Plans within 30 days from the adoption of this decision.

2. [129] Facilities-based wireless providers shall, in their Communications Resiliency Plan pursuant to Section 6.5.2 of this decision, demonstrate their ability to meet the 72-hour backup power requirement, in Tier 2 and Tier 3 High Fire Threat Districts, **as well as Zone 1 of the High Fire Threat Districts**, consistent with Sections 6.4.2, 6.4.4, and 6.4.6 of this decision, as well as describe their ability to maintain a minimum level of service and their long-term investment plan to comply with the 72-hour backup power requirement of this decision.

3. [129] Facilities-based wireless providers shall file emergency operations plans pursuant to Section 6.8.2 of this decision, on an annual basis, with the first due within 60 days of the effective date of this decision to the Director of the Communications Division, the California Governor's Office of Emergency Services, and local emergency response agencies, as an information only filing that contains the wireless provider's: (1) emergency operations plan; (2) emergency contact information; (3) emergency preparedness exercise attestation; and (4) public communications plans. **The wireless service providers must engage with local emergency managers to joint designate critical communications sites and that information must be provided in the Emergency Operations Plan.**