

**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)

**REPLY COMMENTS OF THE UTILITY REFORM NETWORK
AND COMMUNICATIONS WORKERS OF AMERICA, DISTRICT 9
ON THE PROPOSED DECISION OF COMMISSIONER BATJER**

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TABLE OF CONTENTS

	Page
I. INTRODUCTION.....	1
II. THE INFORMATION REQUIRED IN COMMUNICATIONS RESILIENCY PLAN ELEMENTS 4 AND 13 REQUEST DIFFERENT INFORMATION AND SHOULD BE RETAINED.....	1
III. RESILIENCY PLAN ELEMENTS SHOULD INCLUDE SMALL CELLS.....	2
IV. EMERGENCY OPERATIONS PLAN CONTACT REQUIREMENTS SHOULD REMAIN	3
V. OUTAGE MAPS SHOULD BE AVAILABLE TO THE PUBLIC	4
VI. CUSTOMER NOTICES OF POTENTIAL SERVICE IMPACTS	4

I. Introduction

The Utility Reform Network (TURN) and Communications Workers of America, District 9 (CWA) respectfully submit these reply comments on the June 11, 2020 Proposed Decision of Commissioner Batjer in the above captioned proceeding. TURN and CWA have reviewed the reply comments filed by Center for Accessible Technologies, the National Consumer Law Center, and Access Humboldt, and support those reply comments.

II. The Information Required in Communications Resiliency Plan Elements 4 and 13 Request Different Information and Should be Retained

Verizon argues that two elements of the PD's Communications Resiliency Plan are partially duplicative.¹ These are bullet point 13, the requirement to 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,"² and bullet point 4, requiring that wireless providers' plans should include facilities with and without backup power, their location and the estimated length of time the facilities will operate during a grid outage, with and without refueling.³ Verizon's argument should be rejected. These two requirements regarding facility locations are designed to provide different information to the Commission.

The important point is that the PD provides a detailed explanation about why both sets of information are necessary, which Verizon failed to address.⁴ The purpose of the Communications Resiliency Plan elements is to serve as a "guidepost" to further the Commission's understanding of the wireless providers' networks, as they are impacted by future disasters, operating conditions, challenges and opportunities, to improve reliability going forward.⁵ The Commission needs to understand what aspects of a provider's network are at risk during a long term power outage and where the continued availability of service may be compromised. To do this, the Commission needs to know *where* facilities do not have sufficient backup power, and it needs to know *why*. The information in bullet point 13 is designed to implement the exemption process for facilities without backup described in detail in Section 6 of the PD. This process allows the Commission to identify *why* the power cannot be provided for

¹ Verizon at p. 12.

² PD at p. 92, Bullet 13.

³ PD at p. 91, Bullet 4. Verizon at p. 12.

⁴ PD at pp. 94-96.

⁵ PD at 87.

specific locations or types of equipment. The requirements in both points should not be eliminated. If the two points can be combined so that the CPUC receives the necessary information and providers do not have to duplicate listing of equipment, that would be a reasonable compromise. However, the Commission's need for the information in both bullet points should be paramount.

III. Resiliency Plan Elements Should Include Small Cells

Verizon and AT&T also ask that the Communications Resiliency Plan elements be clarified to apply only to macro cell sites, and categorically exclude small cells and microcell sites because they both claim that it is infeasible to install backup power for small cell and micro cell sites.⁶ These requests for blanket exemptions ignore the PD's extensive analysis demonstrating why it is important to include information about small cells and microcell sites in the network resiliency plans. As discussed above, the Commission needs to understand where networks lack backup power, why these facilities do not have this capability today, and how the public would be affected by loss of various of the small cell sites (e.g., would there be a reduction in speed or total loss of service) as part of its efforts to understand potential areas of failure and consider new solutions going forward. With the receipt of this detailed information, the PD grants the carriers a great deal of flexibility in terms of how they will address backup power and network reliability and acknowledges that there will be instances where it is not feasible to meet the requirements.

The PD accounts for the possibility that it may be infeasible to apply the 72-hour backup power requirement by including as components of the Resiliency Plans requirements to identify facilities or classes of facilities that 1) don't require 72 hours of backup power, 2) are unable to comply due to a risk of public health or safety, or 3) specific facilities where providing the required backup power is infeasible.⁷ In situations where all of the equipment was essentially the same, it would be reasonable for a wireless provider to comply with the Resiliency Plan requirement by providing a description of the facts that apply to those facilities, while also providing information about specific locations that will be impacted by this exemption.

The Commission should be applauded for encouraging the carriers to pursue innovative approaches to improving network reliability. The PD cites Verizon's efforts to work with the City of Oakland to address coverage in the Oakland Hills as an example of the good faith efforts of carriers that

⁶ Verizon at p. 3-4, 12, AT&T at p. 7.

⁷ PD at p. 94-95.

they would like to encourage. By requiring providers to submit location information on classes of network facilities, the Commission can continue to work with carriers to facilitate creative solutions to improve backup power and reliability.

IV. Emergency Operations Plan Contact Requirements Should Remain

Verizon opposes the requirement to provide emergency contact information that includes individuals who will serve as the State Operations Center (SOC) liaison and can be present 24 hours per day, seven days per week.⁸ Verizon asserts that because personnel change during the year, identifying specific personnel would be less effective than other approaches and suggests that, as an alternative, providers can provide "a telephone number to call during emergencies and/or to obtain information about network status."⁹ Verizon also objects to what it terms "the requirement of physical presence at the SOC," calling it unreasonable, "particularly when an emergency or disaster has not arisen to Level 1 activation."¹⁰ A Level 1 activation occurs when all SOC positions and state agencies are activated. Verizon argues that "wireless providers should not be required to have personnel embedded at the SOC on a 24 hour/7 days-a-week basis for all emergencies and not during Level 1 emergencies."¹¹

Verizon's proposed changes ignore the facts that led to the Commission establishing this requirement. The need for the requirement is driven by the failure of wireless and wireline providers to provide adequate support to state emergency officials during major emergencies.¹² The PD requires emergency contact information that includes individuals who will be able to serve as the SOC liaison, who *can* be present 24/7 and who are trained in emergency response and sufficient knowledge to assist emergency officials. Updating contact information should not be burdensome. It is not sufficient for providers to just give Cal OES and the CPUC a phone number and an assurance that the person who answers will be able to provide the necessary support. The requirement does not mandate that the liaison *shall* be present 24/7, but the person *can* be present, i.e., is able to be present. The determination of

⁸ Verizon at p. 12.

⁹ Verizon at p. 12.

¹⁰ Verizon at pp. 12-13.

¹¹ Verizon at p. 13.

¹² See, for example, November 13, 2019 Letter from President Batjer to Communications Providers, "The CPUC has convened several forums over the last year to improve the coordination between the communications companies and emergency response agencies. For instance, on November 1, 2018, the CPUC held a workshop where officials from the Governor's Office of Emergency Services (Cal OES), Department of Forestry and Fire Protection (CAL FIRE) and local emergency management agencies spoke repeatedly about the lack of coordination between emergency response agencies and communications providers."

whether the presence of a liaison is needed should be the decision of the SOC, not the providers. The record shows that the providers have a poor track record when it comes to supporting California emergency operations and the Commission is acting correctly to enhance public safety.¹³

V. Outage Maps Should be Available to the Public

Verizon objects to the requirement that, through web sites and social media, providers make maps of outages available to customers, the general public, and local and state public safety stakeholders and officials.¹⁴ Verizon has the maps, but also has a process that requires a customer to log into an account to see the maps and opposes making them public. Verizon claims customers of other carriers would find the information of no value and that the maps are only an approximation. Verizon's arguments should be rejected. Knowing there are outages for a particular carrier in a particular area *would* be valuable to customers of other carriers and to emergency officials. For people who are evacuating in a disaster, it is important to quickly get as much information as possible before heading to a location. If service isn't working in one location it might be feasible to try another. For Verizon customers, the information should be available at their fingertips and customers should not have to go through steps such logging in and complying with two or three factor verification to see the outage map. Further, people generally know what carriers their close contacts subscribe to. In an emergency, it would be very important to know if relatives and friends in an affected area are experiencing communications outages. Finally, the access to maps would be very useful for local and state emergency officials to get a quick snapshot of areas that might be experiencing communications problems. The fact that the maps are an approximation can be easily dealt with in a short disclaimer included on the web site or in a text message.

VI. Customer Notices of Potential Service Impacts

Verizon claims that the PD requirement for providers who receive notice of a PSPS event to notify their own customers of likely service impacts "poses potentially insurmountable practical difficulties for implementation."¹⁵ Verizon argues that providers can't know if an outage is "likely," it often receives PSPS notices that are false alarms and this causes customer confusion, and electric Investor Owned Utilities (IOUs) often do not provide sufficient advanced notice. AT&T also asks that

¹³ *Id.* See, also, November 20, 2019 Pre-Hearing Conference, Tr. 45 - 50.

¹⁴ Verizon at p. 13-14.

¹⁵ Verizon at p. 14.

the Commission delete that language requiring notification of "any likely" service impacts.¹⁶ The requirement for customer notice of impacts should be retained but slightly modified to require notice that a power outage *may* impact service.

Verizon's argument on other aspects of the public notice requirement should be rejected. Verizon certainly knows that if the power goes out, customers may experience outages. If a PSPP is cancelled, a wireless provider can easily send notice to its customers. If an IOU does not provide sufficient notice, the Commission's back-up power requirements should provide sufficient network support for providers to notify customers that their communications service may be affected.

AT&T raises a different issue, arguing that it would be difficult to provide information regarding expected restoral time.¹⁷ This is a valid point and we do not object to AT&T's proposed modification in situations where restoring service is dependent upon the actions of another entity, such as an IOU. However, in situations where the emergency itself is caused by a communications outage which the provider has control over, such as the Mendocino fiber cut (an AT&T fiber cable) or a damaged tower, it is appropriate to require the provider to include information about estimated restoral time in notice to customers.¹⁸ While some communication on the network could be impaired, customers are able to receive information over their mobile devices through WiFi connections. And due to the nature of wireless service, the alert will be sent to customers who are out of the affected area. This is important information that would allow customers to realize that there is a communications outage and take appropriate steps to check on family welfare or contact other friends and relatives in the area who have functioning service.

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Respectfully submitted,

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Authorized to sign on behalf of CWA

¹⁶ AT&T at p. 9.

¹⁷ AT&T at p. 9-10.

¹⁸ Rural Counties Opening, March 26, 2020, at p. 11 (single fiber cut could result in widespread communications outages, citing to Mendocino experience).