

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Miguel Santiago, Chair

AB 956 (Diep) – As Introduced February 21, 2019

**SUBJECT:** Telecommunications: automatic dialing-announcing devices: residential subscriber information: emergency alert notifications

**SUMMARY:** Authorizes public safety agencies to place calls through automatic dialing-announcing devices for the purposes of testing the enhanced 911 emergency telephone system. Specifically, **this bill:**

- 1) Authorizes law enforcement agencies, fire protection agencies, public health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, from placing calls through automatic dialing-announcing devices, if those devices are used for the purposes of testing, not more than once per year, the enhanced 911 emergency telephone system for data accuracy and emergency alert notification system capabilities.
- 2) Specifies that a telephone or telegraph corporation may make information available to an emergency service agency for the purpose of issuing an emergency alert notification to communicate an imminent threat to life or property, or for the purpose of testing the emergency alert notification system, without first obtaining the residential subscriber's written consent.

**EXISTING LAW:**

- 1) Establishes the Warren-911 Emergency Assistance Act, which establishes the number "911" as the primary emergency telephone number for use in this state and to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone number "911" seeking police, fire, medical, rescue, and other emergency services. (Government Code (GOV) Section 53100, et seq.)
- 2) Prohibits a person from operating an automatic dialing-announcing device in this state to place a call that is received by a telephone in this state during the hours between 9 p.m. and 9 a.m. California time. (Public Utilities Code (PUC) Section 2872 (c))
- 3) Defines a "automatic dialing-announcing device" to mean any automatic equipment which incorporates a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and the capability, working alone or in conjunction with other equipment, to disseminate a prerecorded message to the telephone number called. (PUC Section 2871)
- 4) Exempts the prohibition on the use of an automatic dialing-announcing device by any person exclusively on behalf of any of the following:
  - a) A school for purposes of contacting parents or guardians of pupils regarding attendance;

- b) An specified exempted bank or organization for purposes of contacting its members;
  - c) A privately owned or publicly owned cable television system for purposes of contacting customers or subscribers regarding the previously arranged installation of facilities on the premises of the customer or subscriber;
  - d) A privately owned or publicly owned public utility for purposes of contacting customers or subscribers regarding the previously arranged installation of facilities on the premises of the customer or subscriber or for purposes of contacting employees for emergency actions or repairs required for public safety or to restore services; or,
  - e) A petroleum refinery, chemical processing plant, or nuclear powerplant for purposes of advising residents, public service agencies, and the news media in its vicinity of an actual or potential life-threatening emergency. (PUC Section 2872 (d))
- 5) Specifies that nothing prohibit law enforcement agencies, fire protection agencies, public health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, from placing calls through automatic dialing-announcing devices, if those devices are used for any of the following purposes:
- a) Providing public service information relating to public safety;
  - b) Providing information concerning police or fire emergencies; or,
  - c) Providing warnings of impending or threatened emergencies. (PUC Section 2872 (e))
- 6) Requires the Office of Emergency Services (Cal OES) to develop a plan and timeline of target dates for the testing, implementation, and operation of a Next Generation 911 (Next Gen 911) emergency communication system, including text to 911 service, throughout California. (GOV Section 53121)

**FISCAL EFFECT:** Unknown. This bill has been keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

- 1) **Authors Statement:** According to the author, “AB 956 will make sure all Californians are properly notified during a natural disaster or region-wide emergency, regardless if they have a landline or cellphone. By allowing public safety agencies to test their emergency alert system, we are providing more transparency and safety for families all over California.”
- 2) **Background:** The Warren-911 Emergency Assistance Act established California’s 911 emergency telephone response system in 1973. California has one of the nation’s largest 911 system with over 442 call center to handle its 911 calls. The Warren-911 Act provided a single, primary three-digit emergency number through which emergency service could quickly and efficiently be obtained. California’s 911 system was built on an infrastructure of analog, circuit-switched network technology known as public safety answering points (PSAP) which is designed mostly to support voice and limited data services. There are

currently 438 PSAPs in California that handle 911 calls. Cal OES is tasked with coordinating the overall state response to disasters which includes oversight of the State's 911 system.

- 3) **911 Routing:** When the Warren-911 Act was enacted, 911 emergency calls were made primarily on landlines. A call would be routed to a PSAP and the dispatcher would dispatch emergency services to the location accordingly. As wireless phones were introduced, wireless 911 calls were routed to a California Highway Patrol (CHP) dispatch because most early wireless phones were in cars and the assumption was that calls being made from a wireless phone were primarily to report issues on roadways. As wireless phones became more common, and the use of landlines decreased, more 911 calls were being made from wireless phones over landlines. Today, when a 911 call is made from a wireless phone, the call is routed to an antenna on a cell tower. Each antenna is assigned an Emergency Service Number which determines the PSAP that will handle the call. Calls are then queried until their location is determined by CHP and then transferred to a local dispatch center. This process can often lead to delays due to the inability to identify a caller's exact location in a timely manner.

In an effort to better identify wireless 911 call locations, the Federal Communications Commission has issued wireless Enhanced 911 rules requiring wireless providers to deliver more precise location data and additional information to PSAPs. In March 2019, Cal OES awarded a contract to RapidDeploy to install new technology at PSAPs that will help improve location accuracy for 911 calls. The project is currently being piloted at four PSAPs, with the current project plan of having statewide deployment by the Fall of 2019. The project will assist Cal OES in identifying how to better pinpoint caller locations especially as more people move away from landlines to wireless and Internet Protocol (IP) based systems.

- 4) **Next Generation 911:** Next Gen 911 is an IP based two way communications system that will allow digital information, such as voice, photos, videos, and text messages, to flow between 911 callers and PSAPs. Next Gen 911 will build upon, and eventually replace, the existing 911 system and lay the groundwork for a new communications system for our first responders that has the capabilities to support advancing technologies and uses. In 2014, SB 1121 (Padilla) Chapter 926, Statute of 2014, required Cal OES to develop a timeline for the implementation of Next Gen 911. Since then, Cal OES has worked with various stakeholders to develop a Next Gen 911 implementation plan and, depending on funding, projects full implementation of Next Gen 911 by December 2022.
- 5) **Robocalls:** Current law establishes a number of requirements and restrictions on telemarketers and the use of robocalls. Robocalls are recorded messages delivered to phones by an autodialing device that stores thousands of telephone numbers and then dials them automatically and plays messages. Current law authorizes robocalls only between the hours of 9 a.m. and 9 p.m. California time. Although many consumers consider robocalls or telemarketers a nuisance, there are legitimate uses of such methods such as, by schools to contact parents regarding a pupil's attendance, a bank to contact its members, or a cable company or utility to contact its customers regarding a previously arranged appointment. Current law also exempts public safety agency from robocall requirements in order to provide public safety information and alerts.

- 6) **Emergency Alerts:** Emergency alerts come in various forms. From door-to-door announcements, to autodialing calls and the federally administered Emergency Alert System and Wireless Emergency Alert System; each system comes with its own capabilities and drawbacks. In California, many jurisdictions use autodialing devices to notify their residents of an emergency. These systems provide pre-recorded messages to telephone numbers located within a defined target area. Such systems may be effective in identifying locations based on physical addresses assigned to a landline, but wireless telephone users must opt-in to the service and register their number with the local jurisdiction in order to receive the alerts.

This bill authorizes public safety agencies to use autodialing devices to test their enhanced 911 emergency telephone system for data accuracy and emergency alert notification system capabilities. The reported failures of some of the State's emergency alert systems during disasters suggest a need to simultaneously employ redundant systems so when an emergency happens, public safety officials can be confident that there are multiple systems capability of delivering emergency alerts should one fail. This bill limits the testing of the emergency systems to once per year. It is unclear why there should be such a limitation. If a system is identified to have issues, it would be critical for necessary fixes to be made, and the system to be tested again to ensure that the system works beforehand, rather than risk the system still not working when an emergency occurs.

The author may wish to consider an amendment deleting the once per year limitation on testing.

- 7) **Suggested Amendment:**

2872 (D) Testing, ~~not more than once per year~~, the enhanced 911 emergency telephone system for data accuracy and emergency alert notification system capabilities.

- 8) **Arguments in Support:** According to the Orange County Sheriff's Department, the sponsor of the bill, "Regular testing of our public safety alert notification systems is vital to ensuring our local communities are prepared in the event of an emergency. [This] legislation ensures that state law will support this important concept. While current law provides for public safety agencies to test the 911 system, the ability to utilize the e911 system is unclear. Amending the public utility code to specifically state that public safety agencies are authorized to conduct an emergency test of the e911 system remedies this problem. Through annual tests of the system emergency management personnel can have confidence that they will be able to communicate with the public at those crucial moments when life and property are most at risk."
- 9) **Related Legislation:** AB 911 (Rodriguez) of 2019 requires Cal OES to establish a statewide system that enables all Californians to voluntarily share information about themselves to first responders during an emergency. *Status: Pending in the Assembly Committee on Governmental Organization.*

AB 1079 (Santiago) of 2019 authorizes public safety agencies to test the systems that respond to 911 calls or communicate threats to life or property on unlisted or unpublished telephone numbers. *Status: Pending in the Assembly Committee on Communications and Conveyance.*

AB 1168 (Mullin) of 2019 requires each PSAP to deploy a text to 911 service that enables an individual to text “911” for emergency service by January 1, 2021. *Status: Pending in the Assembly Committee on Communications and Conveyance.*

10) **Prior Legislation:** AB 1564 (Williams) of 2016 required Cal OES, CHP, and county coordinators to review the states routing of 911 calls. *Status: Chaptered by the Secretary of State – Chapter 241, Statutes of 2016.*

11) **Double-referral:** This bill is double referred, and if passed by this Committee, will be referred to the Assembly Committee on Privacy and Consumer Protection.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Orange County Sheriff's Department (sponsor)  
California Fire Chiefs Association  
California State Sheriffs' Association  
Fire Districts Association of California  
Orange County Board of Supervisors

**Opposition**

None on file.

**Analysis Prepared by:** Edmond Cheung / C. & C. / (916) 319-2637