

Date of Hearing: June 19, 2019

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Miguel Santiago, Chair

SB 670 (McGuire) – As Amended June 10, 2019

SENATE VOTE: 38-0

SUBJECT: Telecommunications: community isolation outage: notification

SUMMARY: Requires telecommunications service providers to submit a specified outage notification to the Office of Emergency Services (OES) whenever a community isolation outage occurs that limits the ability to make 911 calls or receive emergency notifications. Specifically, **this bill:**

- 1) Requires OES, by regulation, to adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the number of customers affected by the outage and the risks to public health and safety resulting from the outage by July 1, 2020.
- 2) Specifies that the adoption of the specified regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, and general welfare, as specified. OES may adopt, amend, repeal, or readopt the regulations as emergency regulations as specified.
- 3) Requires all providers of telecommunications service that provide access to 911 service, upon the adoption of the specified regulations, to notify OES whenever a community isolation outage occurs that limits their customers' ability to make 911 calls or receive emergency notifications. The community isolation outage notification shall be provided within 60 minutes of discovery of the outage by the provider, and OES shall be responsible for notifying any applicable county office of emergency services and the sheriff of any county affected by the outage. The community isolation outage notification to OES shall be by a medium specified by OES, and shall include the telecommunications service provider's contact name and calling number and a description of the estimated area affected by the outage and the approximate number of telecommunications service customers affected by the outage. The telecommunications services provider shall also notify the office by a medium specified by OES of both of the following:
 - a) The estimated time to repair the outage; and,
 - b) When achieved, the restoration of service.
- 4) Requires the telecommunications service provider to ensure that the calling number provided to OES with the community isolation outage notification is staffed by the indicated contact person, or by another contact person designated by the indicated contact person in the event the indicated contact person is unavailable. The contact person or designated person shall respond to inquiries about the outage at all times until the provider notifies OES that service has been restored.

- 5) Requires OES to keep community isolation outage notifications confidential and shall not disclose the contents of the notifications, as specified.
- 6) Exempts voice communication provided by a provider of satellite telephone service, from the specified definition of “telecommunications service.”

EXISTING LAW:

- 1) Establishes the Warren-911 Emergency Assistance Act, which establishes the number “911” as the primary emergency telephone number for use in the 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) Requires OES to develop a plan and timeline of target dates for the testing, implementation, and operation of a Next Generation 911 emergency communication system, including text to 911 service, throughout California. (GOV Section 53121)
- 3) Authorizes the California Public Utilities Commission (CPUC) to supervise and regulate every public utility in the State and may do all things necessary and convenient in the exercise of such power and jurisdiction. (Public Utilities Code (PUC) Section 701)
- 4) Defines a “public utility” to include every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof. (PUC Section 216)
- 5) Defines “telecommunications service” to mean voice communication provided by a telephone corporation as specified, voice communication provided by a provider of satellite telephone services, voice communication provided by a provider of mobile telephony service, as specified and voice communication provided by a commercially available facilities-based provider of voice communication services utilizing Voice over Internet Protocol (VoIP) or any successor protocol, as specified. (PUC Section 2892.1)

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

COMMENTS:

- 1) **Authors Statement:** According to the author, “SB 670 is a simple step to mitigate the risks during times of crisis and phone outages by requiring telecommunications providers to report 911 service outages or outages affecting emergency alert and warning technologies to OES in real time. This common-sense approach will ensure coordination between state and local emergency officials and telecommunications companies. SB 670 will provide emergency officials with real time data and the crucial information they need to keep our communities safe.”

- 2) **Background:** The CPUC has certain regulatory authority over public utilities, which includes common carriers, telephone corporations, and telegraph corporations. Current law requires every public utility, at the request of the CPUC, to furnish any report or information in the course of its duties. The CPUC has authority to impose regulations and requirements on landline, and has some limited authority over wireless services, however, there are prohibitions on the CPUC's ability to regulate cable and broadband/VoIP services. In addition, the Warren-911 Emergency Assistance Act established California's 911 emergency telephone response system by providing a single, primary three-digit emergency number through which emergency service could quickly and efficiently be obtained. OES is tasked with coordinating the overall state response to disasters which includes oversight of the State's 911 system.
- 3) **California Wildfires:** California's fire season normally peaks in October, but in 2017 and 2018 the state saw a series of wildfires that broke previous wildfire records. In December 2017, the Thomas Fire became the largest wildfire in California history. But by July 2018, that record had been eclipsed by the Mendocino Complex Fires, which burned more than 459,000 acres across four counties. A month after the Mendocino Complex Fire, the Camp Fire broke out in the foothills of Butte County. By the time the Camp Fire was fully contained over 19,000 properties had been destroyed, 85 residents were killed with hundreds more homeless and unaccounted for, and the town of Paradise was completely destroyed.

Although California is no stranger to such disasters, the scale and frequency of these wildfires has made them the new normal in years to come. These wildfires have a dramatically impact on communities and pose a continuous threat to public health and safety. In addition to destroying homes and business, such fires can also cause damage to utility infrastructures including telecommunications service facilities making it more difficult for these communities to rebuild and recover in its aftermath.

- 4) **Telecommunications Outages:** In many cases, telecommunications providers attempt to restore service from outages caused by natural disaster as quickly as possible. But there are many factors that can inhibit their ability to restore service, including safety concerns, resource availability, geography, and requirements to prioritize services for emergency management purposes. Some natural disaster can cause damage to the degree in which facilities need to be completely replaced.

The North Bay and North Coast regions of the state has experienced significant telecommunications outages throughout the years. Such outages has a dramatic impact to 911 service to the degree in which local emergency responders and offices have express frustration at the lack of information about outages. This lack of telecommunications outage information impedes the ability of emergency responders to appropriately direct services and resources to appropriate locations during a disaster.

- 5) **Network Outages Reporting System:** The Federal Communications Commission (FCC) requires all telecommunications service providers to report information through the federal Network Outages Reporting System (NORS), about significant disruptions or outages to their communications systems that meet certain thresholds. The FCC Rules requires outage reporting when an outage impacts at least 900,000 user minutes and last at least 30 minutes. The FCC presumes that outage information is confidential and protected from routine public disclosure given the sensitivity of the information to national security and commercial

competitiveness. Although telecommunications providers are required to report through NORS, due to its lower population density, many outages experienced in rural areas never reach the NORS threshold or must persist for longer durations before they meet the threshold and emergency responders are notified. The author argues that the lack of requirement on telecommunications providers to report outages that fall below the NORS threshold in real time negatively affects rural regions by impeding the ability of hundreds of communities to receive 911 services or emergency alerts during a disaster.

- 6) **CPUC Rural Call Completion Proceeding:** The CPUC largely adheres to the FCC outage notification and reporting requirements, detailed in its General Order 133-D. In addition, the CPUC has been exploring rural call completion and outages issues since 2014. In December 2015, the CPUC issued a decision (D. 16-12-066) directing it to research and make recommendation on a number of issues, including whether lowering the CPUC's telecommunications notification threshold would improve outage reporting for rural areas. However, the proceedings have been delayed and re-scoped several times and has not reached a conclusion on establishing further outage notification requirements.

This bill requires OES to develop appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the number of customers affected by the outage and the risks to public health and safety resulting from the outage by July 1, 2020. The bill would require telecommunications service providers to notify OES whenever a community isolation outage occurs within 60 minutes of discovery and include the estimated time to repair the outage and, when achieved, the restoration of service.

- 7) **Arguments in Support:** According to the Marin County Board of Supervisors, "During emergencies and natural disasters, first responders require the ability to communicate with 911 callers, or to communicate effectively with the public via Reverse 911 Calls or Wireless Emergency Alerts. Such outages can impact landline, wireline, cable, and cellular services which are all necessary for communicating during an emergency. If there is a break in one or multiple services, there is an increased risk a first responder or resident will not receive an emergency notification. During previous outages, County staff and first responders have struggled to receive effective and timely responses from some providers, leaving outages to sustain for hours, days, weeks, or sometimes months. SB 670, if approved, will help to address these issues by ensuring our first responders are notified promptly of telecommunications outages that occur, and that service providers effectively resolve outages in a timely manner."
- 8) **Related Legislation:** AB 183 (Wood) of 2019 requires the CPUC to collect and report to the Legislature information on the efforts by telecommunications service providers to restore telecommunication services caused by an emergency or a natural disaster declared by the Governor. *Status: Held under Submission in the Assembly Appropriations Committee*
- 9) **Prior Legislation:** SB 833 (McGuire) of 2018 required OES to work with specified stakeholders to develop guidelines around emergency alerts and required additional training for local emergency office personnel. *Status: Chaptered by the Secretary of State – Chapter 617, Statutes of 2018.*

SB 566 (McGuire) of 2017 required telecommunications providers to submit notification of major rural outages to OES and makes OES responsible for notifying appropriate county offices of emergency services and the sheriff of any county affected by an outage. *Status: Died in the Senate Committee on Energy, Utilities, and Communications.*

SB 1250 (McGuire) of 2016 required notification of a major rural outage of service by specified providers of telecommunication services and required the CPUC in consultation with OES to establish the requirements. *Status: Died in the Assembly Committee on Rules.*

10) **Double-referral:** This bill is double referred, and if passed by this Committee, will be referred to the Assembly Committee on Governmental Organization.

REGISTERED SUPPORT / OPPOSITION:

Support

California Ambulance Association
California Fire Chiefs Association
California Professional Firefighters
California State Association Of Counties
California State Sheriffs' Association
Cazadero Community Services District
City of Santa Rosa
City Of Thousand Oaks
County of Marin
County of Napa
County of Sonoma
Fire Districts Association of California
League of California Cities
Marin County Council of Mayors and Council Members
North Bay/North Coast Broadband Consortium
Public Advocates Office
Rural County Representatives of California

Opposition

None on file.

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