

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

TITLE 19. PUBLIC SAFETY MODIFIED TEXT OF PROPOSED REGULATIONS

Original proposed text is displayed without underline or italics because all of the originally proposed regulations are additions to the California Code of Regulations.

Proposed deletions after the 45-day comment period are displayed in ~~strike~~through.

Proposed additions after the 45-day comment period are displayed in underline.

Division 5. California Governor's Office of Emergency Services – Public Safety Communications Division

Chapter 1. Community Isolation Outage Thresholds

§ 5001 – Definitions

The following definitions apply to this chapter:

(a) "Community isolation outage" means an outage that meets any of the reporting threshold criteria set forth in this chapter.

~~(b) "Form TDe-281" means the form entitled "Notice of Community Isolation Outage" TDe-281 (rev. 12-2019), which appears in Appendix A of this chapter.~~

~~(c) "Internet Protocol enabled service" or "IP enabled service" means any service, capability, functionality, or application using existing Internet Protocol, or any successor Internet Protocol, that enables an end user to send or receive a communication in existing Internet Protocol format, or any successor Internet Protocol format through a broadband connection, regardless of whether the communication is voice, data, or video.~~

~~(d) "Mobile telephony service" means the delivery of nonvoice information to a mobile device and includes nonvoice information communicated to a mobile telephony services handset, nonvoice information communicated to handheld~~

~~personal digital assistant (PDA) devices and laptop computers, and mobile paging service carriers offering services on pagers and two-way messaging devices. Unless specified, "mobile data service" does not include nonvoice information communicated through a wireless local area network operating in the unlicensed radio bands, commonly known as a "Wi-Fi" network.~~

~~(e)~~ (b) "Office" means the Governor's Office of Emergency Services.

~~(f)~~ (c) "Outage" means a significant degradation in the ability of an end user to establish and maintain a channel of communications to make 911 calls or receive emergency notifications as a result of failure or degradation in the performance of a communications provider's network.

~~(g) "Special offices and facilities" include all telecommunications offices and facilities that are required to support access to the 9-1-1 system, and all offices and facilities that are required for the delivery of alerts, warnings, and other critical information to protect lives and preserve property, including but not limited to any of following: selective router, selective router tandems, end office, remote office, central office, mobile switching center, facility that supports backhaul, facility that supports routing, fiber repeaters, or any similar office or facility that supports 9-1-1.~~

~~(h)~~ (d) "Telecommunications service" has the same meaning as defined in Section 2892.1 of the Public Utilities Code, but does not include voice communication provided by a provider of satellite telephone service Government Code section 53122.

~~(i) "Telephone corporation" includes every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state, but does not include any of the following:~~

~~(1) Any hospital, hotel, motel, or similar place of temporary accommodation owning or operating message switching or billing equipment solely for the purpose of reselling services provided by a telephone corporation to its patients or guests.~~

~~(2) Any one-way paging service utilizing facilities that are licensed by the Federal Communications Commission, including, but not limited to, narrowband personal communications services described in Subpart D (commencing with Section 24.100) of Part 24 of Title 47 of the Code of Federal Regulations, as in effect on June 13, 1995.~~

~~(j) (1) "Voice over Internet Protocol" or "VoIP" means voice communications service that does all of the following:~~

~~(A) Uses Internet Protocol or a successor protocol to enable real-time, two-way voice communication that originates from, or terminates at, the user's location in Internet Protocol or a successor protocol.~~

~~(B) Requires a broadband connection from the user's location.~~

~~(C) Permits a user generally to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.~~

~~(2) A service that uses ordinary customer premises equipment with no enhanced functionality that originates and terminates on the public switched telephone network, undergoes no net protocol conversion, and provides no enhanced functionality to end users due to the provider's use of Internet Protocol technology is not a VoIP service.~~

~~(k) (e) "ZIP Code" means a five digit postal code established by the United States Postal Service. For purposes of these regulations, a ZIP Code associated only with (1) a Post Office Box, or (2) a single physical address, shall be deemed part of the nearest ZIP Code not meeting the descriptions of subparts (1) or (2) of this subdivision for determining thresholds and reporting purposes.~~

~~(l) (f) "Scheduled maintenance" means planned telecommunications service maintenance activities that are initiated solely by a telecommunications service provider to improve service and last no more than four hours, provided each potentially impacted end user receives notice of the estimated duration of the planned maintenance before the maintenance begins.~~

Authority: Gov. Code, § 8585, Stats.2019, c. 412 (S.B.670), § 1, eff. Oct. 2, 2019.
Reference: Gov. Code, § 531272

§ 5002. Community Isolation Outage Reporting Thresholds

~~(a) A community isolation outage exists whenever an outage limits a provider of telecommunications service customers' ability to make 9-1-1 calls or receive emergency notifications, and the outage reasonably poses a risk to the public health and safety of the community impacted by the outage. that limits a telecommunications service provider's end users' ability to make 911 calls or receive emergency notifications shall be deemed to exist, and must be reported to the office, when any of the following conditions exist:~~(b)~~~~

Notwithstanding subdivision (a), a community isolation exists when any of the following conditions are met:

~~(1) For any telecommunications service, an outage that lasts at least 30 minutes and potentially affects the ability of at least 100 end users to access special offices and facilities in a single ZIP Code;~~

~~(2)(1) For telecommunications service provided by wireline telephone line, as that term is defined in Public Utilities Code section 233, an outage that is not caused by scheduled maintenance, lasts at least 30 minutes, and potentially affects (A) at least 100 end users in a single ZIP Code, or (B) at least 50% of end users in a ZIP Code with fewer than 100 end users;~~

~~(3)(2) For telecommunications service provided by VoIP Voice over Internet Protocol or Internet Protocol enabled service, as those terms are defined in Public Utilities Code section 239, an outage that is not caused by scheduled maintenance, lasts at least 30 minutes, and potentially affects (A) at least 100 end users in a single ZIP Code, or (B) at least 50% of end users in a ZIP Code with fewer than 100 end users;~~

~~(4)(3) For telecommunications service provided by mobile telephony service, as that term is defined in Public Utilities Code section 224.4, an outage that is not caused by scheduled maintenance, lasts at least 30 minutes, and affects at least 50 percent of ~~the~~ a carrier's coverage area in a single ZIP Code;~~

(4) For any telecommunications service, whenever an outage caused by scheduled maintenance (A) exceeds the estimated maintenance time, or (B) affects end users that were not notified before the scheduled maintenance began.

(5) For any telecommunications service, whenever the office determines that a community isolation outage exists within an identifiable ZIP Code or ZIP Codes and provides notice of its determination and identification of the ZIP Code or ZIP Codes to a telecommunications service provider. For purposes of this paragraph, every telecommunications service provider subject to these regulations shall provide the office at least one designated point of contact or similar means to receive and respond to such notices.

(b) Nothing in subdivision (a) precludes or limits the ability of a telecommunications service provider to notify the office of a community isolation outage whenever a provider reasonably suspects or believes such an outage exists.

Authority: Gov. Code, § 8585, Stats.2019, c. 412 (S.B.670), § 1, eff. Oct. 2, 2019.
Reference: Gov. Code, § 531272

§ 5003. Notification Requirements

(a) Telecommunications service providers shall provide the notices required by Government Code section 53122 ~~by the following means:~~

~~(1) electronic notice by submitting a form TDe-281 via email to CA911outages@caloes.ca.gov, and~~

~~(2) verbal notice via telephone to (916) 698-5555., subdivision (c) via electronic submission to the office. Electronic notices shall be made on a form prescribed by the office and submitted to CA911outages@caloes.ca.gov. The office may implement an alternative online submission method, including through an application program interface, and upon such implementation, providers may use the alternative submission method in lieu of the office's form.~~

~~(b) Initial community isolation outage notifications required by Government Code section 53211 shall be made within 60 minutes of discovery of the outage and must include the following information:~~

~~(1) The telecommunications service provider's contact name and calling number;~~

~~(2) a description of the estimated area affected by the outage;~~

~~(3) the approximate communities, including cities, counties, and regions affected by the outage;~~

~~(4) Estimated time to repair, if known; and~~

~~(5) When service was restored, if known. Telecommunications service providers submitting an initial community isolation outage notification required by Government Code section 53122 shall provide telephonic confirmation of the submission by calling (916) 698-5555. Subsequent notifications and updates shall also be provided electronically pursuant to this section, but do not require telephonic confirmation of delivery.~~

~~(c) Providers of telecommunications service shall provide subsequent notifications to the office in the same manner specified in subdivision (a) upon discovery or acquisition of information pertaining to the following:~~

~~(1) The estimated time to repair the outage, and~~

~~(2) When achieved, the restoration of the service. For purposes of the requirement in Government Code section 53122 that notification to the office include "a description of the estimated area affected by the outage and the approximate communities, including cities, counties, and regions, affected by the outage," telecommunications service providers shall list each affected ZIP Code, with an associated, readily-identifiable descriptive term that will enable validation of the ZIP Code, such as the name of a city, county, community~~

name, or similar descriptive term, which shall be deemed sufficient for purposes of the initial notification to the office.

(d) For the purposes of the requirement in Government Code section 53122 that notification to the office include “the estimated time to repair the outage” and “when achieved, the restoration of service,” telecommunications service providers shall submit updated notifications at least once every 6 hours from the most recent notification until the service has been restored, and a final notification once the service has been restored.

(e) Nothing in subdivision (d) precludes or limits the ability of a telecommunications service provider to provide an update to the office whenever a provider reasonably suspects or believes an update is required.

Authority: Gov. Code, § 8585, Stats.2019, c. 412 (S.B.670), § 1, eff. Oct. 2, 2019.
Reference: Gov. Code, § 531272

Appendix A

State of California, California 9-1-1 Emergency Communications Office (9-1-1 Office)

Notification of a Community Isolation Outage

Form TDe 281 (REV. 12-2019)

Initial Report:

Email to:

Update Report:

Call:

Final Report:

Send to: Cal OES 9-1-1 Emergency Communications Branch (CA 9-1-1 Branch)

Note: Notice of community isolation outages must be made by email and phone.

Telecommunications Service Provider Point of Contact:

Provider Name:

Contact:

Contact Phone #

Outage affects the following (Check all that apply)

Wireline

Wireless

VoIP

Date and time outage discovered:

Date and time outage began:

Description of the estimated area affected by the outage, including cities, counties, and regions:

List zip codes affected by the outage:

Estimated time to repair the outage:

Date and time of service restoration:

Additional Information

Check this box if report contains confidential information:

IMPORTANT: Government Code section 53122, subdivision (a) provides that community isolation outage notifications are confidential and shall not be disclosed except as required by Government Code section 53122, subdivision (c). Check this box if the information you are providing in this form constitutes a community isolation outage notification required by Government Code section 53122 containing contemporaneous outage information.

Authority: Gov. Code, § 8585, Stats.2019, c. 412 (S.B.670), § 1, eff. Oct. 2, 2019.

Reference: Gov. Code, § 53127