

**CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES**  
**FINDING OF EMERGENCY AND NOTICE OF READOPTION OF EMERGENCY REGULATIONS**

The California Governor's Office of Emergency Services (Cal OES) proposes to readopt emergency regulations at California Code of Regulations, title 19, sections 2480.1 -- 2480.3, regarding reporting Community Isolation Outages. As explained in more detail below, the purpose of this readoption is to prevent the expiration of the emergency regulations while Cal OES considers proposed modifications to the emergency regulations, and adopting the modified regulations as permanent. Cal OES separately provided notice for that action in Office of Administrative Law (OAL) matter number Z2021-0201-02, and will receive public comments regarding that proposed action through noon on March 30, 2021.

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

**Background and Reasons For Readoption**

Cal OES previously adopted, as emergency regulations, California Code of Regulations sections 2480.1, 2480.2, and 2480.3. The action was approved by regulatory action in OAL Matter Number 2020-0616-02(E). The regulations became effective June 25, 2020, and pursuant to Executive Orders N-40-20 and N-66-20, will expire on April 13, 2021.

Following adoption of the emergency regulations, Cal OES received reporting data from telecommunications providers that enabled it to assess the effectiveness of the emergency regulations, and to consider potential changes to make the regulations more effective.

On February 12, 2021, Cal OES noticed the public, published on its website, and published in the California Notice Registry OAL its intent to make modifications to the emergency regulations, and to adopt the modified regulations as permanent regulations pursuant to a Certificate of Compliance action. (OAL

Matter No. 2021-0201-02.) Cal OES will receive written public comments on that action until noon on March 30, 2021.

The purpose of this action is to extend the duration of the existing emergency regulations to allow sufficient time for public participation and due consideration of all public comments that may be submitted during the public comment period in the Certificate of Compliance action.

### **Substantial progress in Certificate of Compliance action**

As explained above, Cal OES has made substantial progress complying with Government Code section 11346.1, subdivision (e). Cal OES initiated a Certificate of Compliance action (OAL Matter No. 2021-0201-02) and distributed to the public a notice of the proposed action, text of the proposed regulations, and Initial Statement of Reasons. That action is currently in a 45-day written comment period, which will close at noon on March 30, 2021.

### **Emergency circumstances are unchanged**

Cal OES determined that the emergency circumstances are unchanged since the initial adoption of the emergency regulations. (Cal. Code Regs., tit. 1, § 52, subd. (b)(2).)

### **Incorporation of Previous Rulemaking Record**

Cal OES hereby incorporates by reference the Cal OES's emergency rulemaking record in OAL Matter Number 2020-0616-02E listed below, including the matters in that record that provided Cal OES's finding of emergency, documents relied on, authority and reference, informative digest/policy statement overview, anticipated benefits, evaluation of inconsistency/incompatibility with existing regulations, and disclosures regarding the proposed action. Specifically, this notice incorporates by reference the following:

- Form 400, final text of emergency regulations, and OAL approval;
- Notice of proposed emergency rulemaking;
- Text of emergency regulations originally noticed;
- Addendum to finding of emergency and revised text of regulations;
- Statement of compliance with notice requirements;
- Comments submitted in response to emergency rulemaking;
- Economic and fiscal impact statement (Form 399);
- All documents relied on from Cal OES's previous rulemaking action regarding Community Isolation Outages in OAL Matter Number 2019-1210-04, including the notice of proposed rulemaking, text of proposed regulations initially noticed to the public, initial statement of reasons;

comments submitted during 45-day comment period; audio comments recorded at the February 4, 2020, public hearing; notices of modifications to text of the proposed regulations; modified texts of the proposed regulations, comments submitted following notices of modifications to the proposed text, published laws and regulations relative to this subject matter, including the enacting legislation (Sen. Bill. No. 670 (2019 – 2020)) and legislative analyses published by the Legislature, and California Public Utilities Commission (CPUC) General Order 133-D and CPUC Decision 16-08-021.

### **Cal OES Contact Person**

Inquiries regarding the proposed regulatory action may be directed to:

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Sacramento, CA 95811  
(916) 952-9449  
[Regulations@CalOES.ca.gov](mailto:Regulations@CalOES.ca.gov)

### **Public Comment**

Comments on this proposed emergency rulemaking action should be submitted to the OAL Reference Attorney by mail to 300 Capitol Mall, Suite 1250, Sacramento, California 95814, by fax to (916) 323-6826, or by e-mail to [staff@oal.ca.gov](mailto:staff@oal.ca.gov). A copy of the comment must also be submitted to the Cal OES Contact Person as provided above.

### **Availability Online**

This notice, along with the full text of the proposed regulations, is available online at [www.caloes.ca.gov/sb670](http://www.caloes.ca.gov/sb670).