

CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Proposed Amendments to Community Isolation Outage Regulations
Title 19, Division 2, Chapter 1.5

INITIAL STATEMENT OF REASONS

The California Governor's Office of Emergency Services (Cal OES) hereby provides this initial statement of reasons for amendments to the Community Isolation Outage regulations in compliance with Government Code section 11346.2(a)(3)(b).

Background

In 2019, the Legislature passed Senate Bill (SB) 670 (McGuire, Chapter 412, Statutes of 2019), which required Cal OES to establish regulations regarding community isolation outages that impact a resident's ability to call 911 and receive emergency notifications. This bill required telecommunications providers to submit a specified notice to Cal OES within 60 minutes of identifying a community isolation outage and made Cal OES responsible for notifying local affected emergency responders. Cal OES issued emergency regulations to implement SB 670 in June 2020 and those regulations were adopted and chaptered at Title 19, Division 2, Chapter 1.5, Section 2480.1 et seq.

On September 30, 2021, the Legislature passed SB 341 (McGuire, Chapter 425, Statutes of 2021), which required providers of telecommunications service to maintain on its internet website a public outage map showing that provider's outages, and required Cal OES, in consultation with the California Public Utilities Commission (CPUC), to adopt by regulation requirements for those maps, including the format of, requirements for updating, and the level of detail to be included in the public outage maps derived from community isolation outages on or before July 1, 2022.¹

Statement of the Specific Purpose of the Amendments

Cal OES hereby proposes two amendments to the Community Isolation Outage regulations, one is an amendment to the current regulatory scheme which was adopted pursuant to SB 670 and the other amendment is a new addition to comply with the requirements of SB 341.

¹ The statute also mandates that these requirements be consistent with CPUC Decision 20-07-011 (July 16, 2020), Decision Adopting Wireless Provider Resiliency Strategies, and Decision 21-02-029 (February 11, 2021), Decision Adopting Wireline Provider Resiliency Strategies.

- 1) The purpose of the first amendment is to address an issue with the community isolation outage reporting thresholds. Currently, 19 CCR § 2480.2 states that a “community isolation 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 [Cal OES]” when certain conditions are met. One condition under subdivision (a)(3) is that the outage for mobile telephony outages must be reported to Cal OES if it “lasts at least 30 minutes and affects at least **50 percent** of a carrier's coverage area in a single ZIP Code.” (emphasis added).

During California's 2021 fire season, Cal OES realized that many significant telephone outages in zip codes with large populations or large geographic areas were not being reported to Cal OES's 911 Branch and users in those area codes were unable to make 911 calls or receive emergency notifications during this critical time. The telephone carriers claimed those outages were not reported to Cal OES because they did not meet the 50 percent threshold. As a result, users were unable to make 911 calls and Cal OES was deprived of critical and necessary outage information while responding to fire emergencies. These unreported outages were especially impactful during the Caldor fire which burned 221,835 acres in El Dorado, Amador, Alpine and Placer counties.

The Caldor Fire destroyed hundreds of homes in rural El Dorado County and displaced tens of thousands of users in and near South Lake Tahoe. The fire resulted in a State of Emergency being declared on August 30, 2021, followed by a Presidential Emergency Declaration on September 1, 2021. Ultimately, the lack of outage information caused emergency responders to receive insufficient information about the physical scope and estimated duration of outages to enable more targeted emergency notifications during the Caldor Fire.

As such, Cal OES proposes reducing the threshold requirement for outage reporting in 19 CCR § 2480.2(a)(3) from 50 percent to 25 percent. Cal OES believes the proposed threshold of 25 percent of a carrier's coverage within a zip code is a reasonable metric to ensure that significant outages are not overlooked because the threshold is set too high. For example, if during the Caldor Fire, the percent degradation had been set at 25 percent, Cal OES would have received a notification for mobile telephony outages. The threshold for wireline and Voice over Internet Protocol (VoIP) communications is currently set at 100 users in a single zip code and the goal of setting the threshold at 25 percent for mobile telephony providers is to ensure outage notifications are consistently reported for all telecommunication service providers.

Unlike wireline or VoIP communications, mobile telephony communications depend on the ability of wireless infrastructure to provide coverage within the geographic areas of the wireless infrastructure. Individual users of wireless communications services do not originate or receive calls from fixed locations and may travel throughout the state. Because of these features of mobile telephony service, significant degradation within any coverage area poses a risk to public health and safety, regardless of how many individuals may or may not be able to access the service. The proposed regulations intend to identify appropriate, identifiable, and measurable criteria that reasonably indicates a limitation to make 911 calls or receive emergency notifications that poses a risk to public health and safety. A threshold of 25 percent ensures that outages are reported without setting the threshold so low as to trigger notifications that do not indicate an impact to an end user's ability to make 911 calls or receive emergency notifications.

This amendment will help Cal OES receive critical outage information, protect communities, and promote safety, not only during fires, but also during storms, heat waves and other disasters leading to outages.

- 2) The first purpose of the second amendment is to comply with SB 341. The second purpose is to promote public safety and welfare by making outage information readily available to the public in an easily readable format. As stated above, SB 341 requires each of the providers of telecommunications service in California to maintain on its internet website a public outage map showing that provider's outages. The new law requires Cal OES, in consultation with the CPUC, to adopt regulations which set forth the specific requirements for those providers' outage reporting maps posted online, including the format and the level of detail to be included in the public outage maps as well as the requirements for updating.

As such, Cal OES, in consultation with CPUC, proposes amending 19 CCR § 2480.3 to add a subsection (e) which sets out those specific requirements:

- (1) Map indicating the geographic area impacted by the outage.
- (2) Zip code(s) of the impacted area.
- (3) Type of outage: Wireline, Voice over Internet Protocol (VoIP), or Mobile Telephony.

This map shall be posted by the provider of telecommunications service within 60 minutes of the discovery of a new outage and updated at least once every 6 hours from the most recent notification until the service has been restored.

Cal OES proposes the format to simply be an easily readable map showing the zip codes of the impacted area and the type of outage. Such map should not be overly burdensome for providers to include on their internet website, especially since the telephone service providers are already required to provide this same information to Cal OES. The update requirement (within 60 minutes of discovery, updated every 6 hours) is consistent with the telephone service providers' preexisting legal obligation under Government Code § 53122(c) and 19 CCR § 2480.3(c). Thus, again, this requirement should not be overly burdensome.

Benefits Anticipated from the Regulatory Action

Reducing the threshold for outage reporting from 50 percent to 25 percent will ensure that communities are aware of significant service outages – particularly those users in zip codes with large populations or large geographic areas who were disadvantaged by the 50 percent reporting threshold. Having outage maps posted by the telecommunication service providers on their website will also ensure visibility and transparency so that users do not have to rely on the state for outage reporting but can see those outages directly on the relevant service providers' website. In looking for outage information, users may not know to search on Cal OES's website but are more likely to look to their provider's website. While outage information will still be reported to Cal OES, this amendment to the existing regulations provides further transparency to the public as to the type of outage and the specific zip code(s) impacted. As stated above, the outage map notification timeline aligns with the existing state reporting requirements in Government Code Section 53122(c) and the frequency of the outage map updates aligns with the existing requirements in 19 CCR 2480.3(c).

Reasons Why Cal OES Believes Amendments to the Regulations are Necessary

Cal OES believes the amendments to the Community Isolation Outage regulations are necessary for the reasons outlined above. Electric power outages have illustrated the need for greater resiliency planning across utilities, including telecommunications, especially where public safety power shutoff (PSPS) events have resulted in widespread telecommunications outages throughout the state and will continue to do so.

Since January 2020, a number of events, including widespread wildfires, heat waves, and winter storms with high winds and ice have continued to highlight the extent to which utility infrastructure is likely to face significant challenges from extreme weather, creating telecommunication outages that can impact public health and safety. Cal OES hopes to establish standardized requirements for public outage maps so that these maps contain sufficient information, are easily accessible to the public, and readily updated by the service providers. These outage maps are critical because the outages themselves impact customers' ability to dial 911 and receive emergency notifications, which is a matter of public health and safety. Cal OES's authority to establish outage notification requirements relate to its oversight over the 911 system in California. Service providers should have an easy-to-read map showing customers the relevant outages in their community.

Economic Impact Assessment

In compliance with Government Code sections 11346.3(b)(1)(A) through (D), the following elements have been assessed:

Creation or elimination of jobs within California

The proposed regulatory action will not significantly impact the creation or elimination of jobs within the State of California because these amendments only serve to decrease the reporting threshold for outages, most of which should already be reported to the state and specifies how the telecommunication service providers include a map on their website so the public can readily access this information, which is already a statutory requirement under Government Code Section 53122(f).

Creation of new businesses or elimination of existing businesses within California

This proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within the State of California because the requirements being set forth by the amendments are minimal and already align with required outage reporting. The maps themselves are already required to be posted on the service provider's internet website under Government Code Section 53122(f). These amendments to the regulations simply provide more information about details to be included in the maps and specify how regularly they should be updated.

Expansion of businesses currently doing business within California

This proposed regulatory action will not impact the expansion of businesses within the State of California because these amendments deal with telephone service outage reporting.

Benefits of the proposed regulation to the health and welfare of California users, worker safety, and the state's environment

This proposed regulatory action will benefit the health and welfare of California users because it will ensure the government receives reporting on significant telephone service outages which impact customers' ability to call 911 and the state's ability to send out emergency notifications. This proposed regulatory action also ensures that the public may be informed of those outages by going online to the service providers' internet website to view their updated outage map with standardized information which includes the zip codes and the type of outage.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON IN PROPOSING THIS REGULATORY ACTION

- [1] SB 341 Legislative history and purpose
- [2] SB 670 Legislative history and purpose
- [3] Regulation packet for the Community Isolation Outage regulations chaptered at Title 19, Division 2, Chapter 1.5, Section 2480.1 et seq.
- [4] August 17, 2021 State of Emergency for the Caldor Fire
- [5] September 1, 2021 Presidential Major Disaster Declaration request approval for the Caldor Fire
- [6] Outage Reporting Portal reports from August – October 2021
- [7] California Utilities Emergency Association reports to State Operation Center from August – October 2021
- [8] CPUC Decision 20-07-011 (July 16, 2020), Decision Adopting Wireless Provider Resiliency Strategies
- [9] Decision 21-02-029 (February 11, 2021), Decision Adopting Wireline Provider Resiliency Strategies

REASONABLE ALTERNATIVE TO THE REGULATIONS AND THE REASONS FOR REJECTING THOSE ALTERNATIVES

No reasonable alternatives to the proposed regulations that are less burdensome and equally effective in achieving the purposes of the regulations in a manner that ensures full compliance with the authorizing statute have been proposed.