

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

[Notice published April 1, 2022]

NOTICE OF PROPOSED RULEMAKING

The California Governor's Office of Emergency Services (hereafter "Cal OES") proposes to amend sections 2480.2 and 2480.3 in Title 19 of the California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action. If adopted, these proposed amendments would modify the current reporting threshold percentage and add one provision to the Community Isolation Outage regulations in compliance with Senate Bill (SB) 341.

PUBLIC HEARING

Cal OES has not scheduled a public hearing on this proposed action. However, Cal OES will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Written requests for a hearing should be submitted to the contact person identified in this notice.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Cal OES. The written comment period closes on **May 16, 2022**.

Due to possible delays caused by the COVID-19 emergency, Cal OES strongly recommends that written comments be submitted electronically, rather than in paper form, to the email listed below.

Written comments can be mailed to:

Beth Abdallah
Governor's Office of Emergency Services
CA 911 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811
(916) 952-9449

The backup contact person for these inquiries is:

Michael Elder, Next Generation 911- Manager
Governor's Office of Emergency Services
CA 911 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811
(916) 894-5037

Written comments may also be submitted by e-mail to:
regulations@caloes.ca.gov

AUTHORITY/REFERENCE

Government Code sections 8585 and 53122 authorize Cal OES to adopt the Proposed the Community Isolation Outage regulations. The proposed regulations implement, interpret, and make specific Government Code section 53122(b)(1)(B).

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action modifies the threshold which telecommunications service must report community isolation outages to Cal OES. Currently, an outage that lasts at least 30 minutes and affects at least 50 percent of a carrier's coverage area in a single zip code must be reported to Cal OES. However, after the 2021 fire season, Cal OES determined that this threshold was too high because significant outages within the state were not being reported to Cal OES by carriers during the fires, particularly during the Caldor Fire, especially for zip codes with large populations or large geographic areas. The carriers stated that this was because the 50 percent threshold had not been met, which would have triggered state reporting. Thus, Cal OES proposed amending that threshold to 25 percent instead of 50 percent so that Cal OES can more appropriately capture relevant outage information that impacts resident's ability to call 911 and the emergency response within the state.

Government Code section 53122(b)(1)(B) requires Cal OES to adopt requirements for the public outage maps maintained by telecommunications service providers pursuant to subdivision (f). Those requirements include the outage map format, update requirements, and the level of detail to be included in the public outage maps derived from community isolation outages and must be consistent with the requirements of Public Utilities Commission 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.

Government Code section 53122(f) states:

“Upon the adoption of regulations pursuant to subparagraph (B) of paragraph (1) of subdivision (b), each provider of telecommunications service that provides access to 911 service shall maintain on its internet website a public outage map showing that provider’s outages.”

The addition of 19 CCR 2480.3(e) in this rulemaking action would specify requirements for the public outage maps maintained by telecommunications service on its website. Subsection (e) provides the format (a map), the requirements for updating (with 60 minutes of the discovery of the outage, and every 6 hours from the most recent notification) which align with their reporting requirements to the state under Government Code Section 53122(c) and 19 CCR 2480.3(c) and the level of detail (zip codes of the impacted area and type of outage: Wireline, VoIP or Mobile Telephony).

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

Cal OES has determined that the proposed amendments are not inconsistent or incompatible with existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cal OES has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: No additional costs or savings beyond those imposed by existing law.

Cost to any local agency or school district, which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary cost or savings imposed on local agencies: No additional costs or savings beyond those imposed by existing law.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or businesses: No additional costs or savings beyond those imposed by existing law. Therefore, Cal OES is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting businesses and individuals:

Cal OES has made an initial determination that the proposed action *will not* have a significant statewide adverse economic impact directly affecting businesses or individuals.

Significant effect on housing costs: None.

Small Business Determination: Cal OES anticipates that the regulations will not create additional costs or savings beyond those imposed by existing law. Similarly, Cal OES has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to modify an existing threshold for reporting and comply with statute. 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 how regularly they should be updated.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Cal OES anticipates that the adoption of these amended regulations will not impact the creation or elimination of jobs or businesses within the state or the expansion of businesses currently doing business within the state. Because the proposed amendments will provide transparency regarding telecommunication outages, they benefit the health and welfare of all California residents. There are no anticipated impacts to worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), Cal OES must determine that no reasonable alternative it considered or that has otherwise been identified and brought to Cal OES's attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Cal OES has thus far not become aware of a better alternative and invites interested persons to present alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Beth Abdallah
Governor's Office of Emergency Services

CA 911 Emergency Communications Branch
601 Sequoia Pacific Blvd.
Sacramento, CA 95811
(916) 952-9449
Regulations@CalOES.ca.gov

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Please direct requests for copies of the proposed text (express terms) of the regulations, the initial statement of reasons, the modified text of the regulations, a copy of the final statement of reasons once it has been prepared, or other information upon which the rulemaking is based, should other sources be used in the future, to Beth Abdallah or Michael Elder at the above address.

ONLINE AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

This notice, along with the initial statement of reasons, and the full text of the proposed regulations, is available online at: <https://www.caloes.ca.gov/cal-oes-divisions/legal-affairs/rulemaking>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Cal OES may adopt the proposed regulations substantially as described in this notice. If Cal OES makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before Cal OES adopts the regulations as revised. Cal OES will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.