FORMER REP LORI KUECHLER

House District 52

Prepared December, 2022

Attachment A.

EMERGENCY COMMUNICATIONS

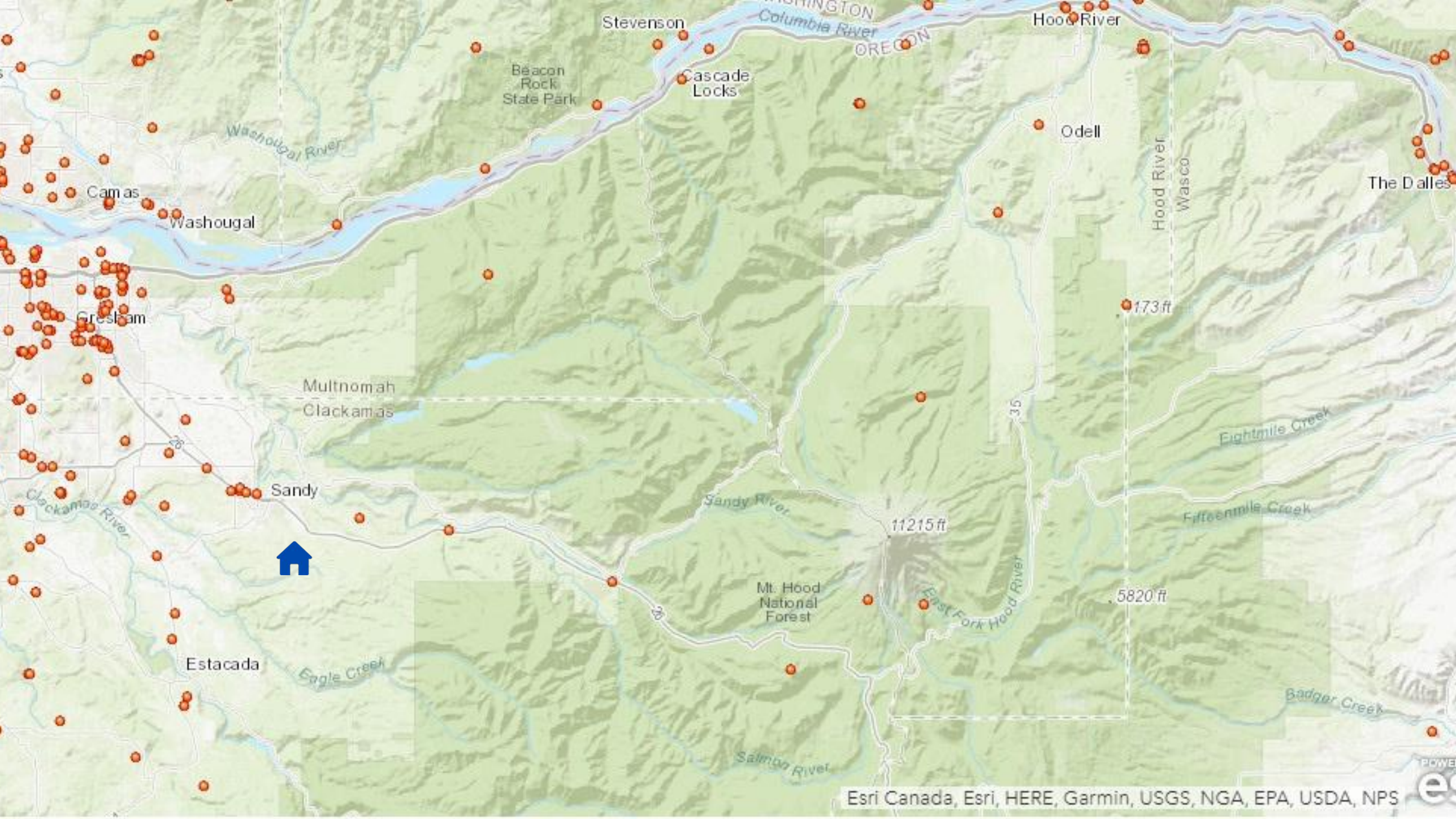
DURING POWER OUTAGES

PERSONAL EXPERIENCE...

During a recent PGE-initiated power shutdown (PSPO or Public Safety Power Outage) necessitated by low humidity, high wind, and extreme wildfire danger – a neighbor's home caught fire.

No one in the neighborhood had sufficient cell coverage to call the fire department and the home burned completely before a call could be made and emergency responders could arrive.

The conversations between neighbors that day inspired Rep. Kuechler to begin to investigate a legislative solution.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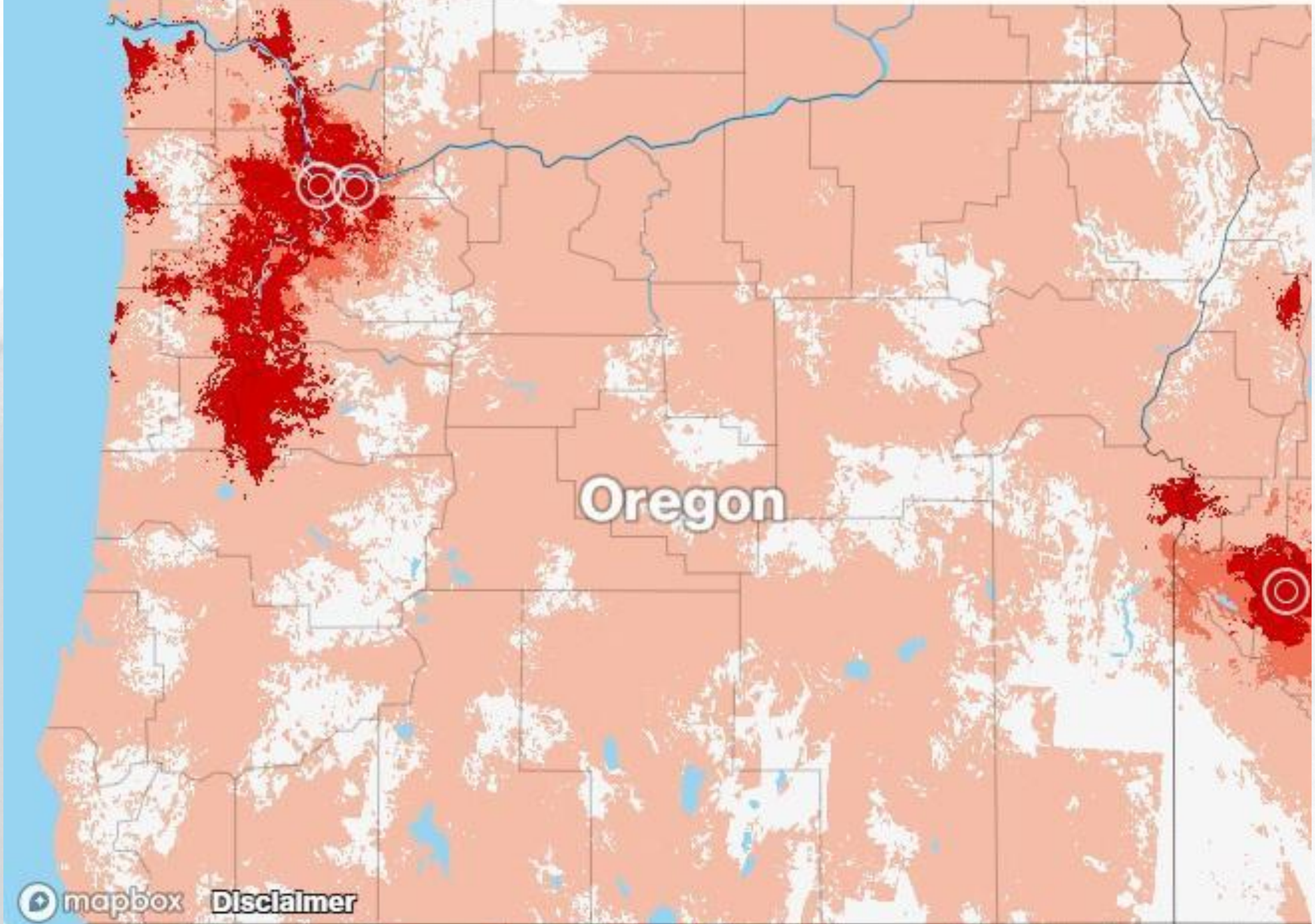
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A STATEWIDE ISSUE

INCONSISTENT COVERAGE

Under normal circumstances, rural Oregon residents expect to experience inconsistent cell tower-based phone coverage.

RESIDENTIAL L.E.C.

Most households manage the situation through Wi-Fi hubs connected to their residential broadband via Local Exchange Carriers (LEC).

POWER OUTAGES

In an emergency when the power is out, rural residents report having to walk/run or drive to a location where the “bars” on their phone indicate they may be able to call 911.

EMERGENCY NOTIFICATIONS

In a power outage, many cell phones cannot receive emergency evacuation notices and/or official updates from governmental emergency management agencies due to insufficient cell coverage.

The FCC and a 25-Years Young Telecommunication Revolution

HISTORICAL CONTEXT

The electricity-dependent telecommunication infrastructure is a result of the evolution of the industry over the past 25 years. .

- Previous telephone communication depended upon copper-wire networks which are less reliant upon the electrical grid.
- In 2000, almost every U.S. household had a copper-wire landline phone
- Property owners and telecommunications companies were encoded by law to provide telephone lines and access.

via Aris Technica / Associated Press

COPPER WIRE AND NEXT-GEN SERVICES

REGULATIONS

In August 2022, The FCC granted relief to telecommunications providers by relieving them of “outdated, burdensome phone industry regulations”.

LANDLINES

In 2019 the FCC stated that of the 455 million active voice subscriptions in the US only 55.8 million were still using traditional landlines.

PHASED OUT

The order not only released carriers from their obligation to maintain “antiquated” lines but also mandated the complete replacement of copper-based services with “alternative voice service arrangements” by August 2nd, 2022.

via FCC.gov

COPPER WIRE AND NEXT-GEN SERVICES

REGULATIONS

In August 2022, The FCC granted relief to telecommunications providers by relieving them of “outdated, burdensome phone industry regulations”.

MAINTENANCE

The FCC argued in 2019 that FCC Order 19-72 granted certain legacy telephone companies’ “relief” from maintenance obligations that were part of the Telecommunications Act of 1996 which “no longer served their intended purpose.”

The two removed requirements were:

- (1) a requirement they offer competitors “analog voice-grade copper loops” on an unbundled basis at regulated rates and
- (2) a requirement they offer legacy services for resale at regulated rates.

via FCC.gov

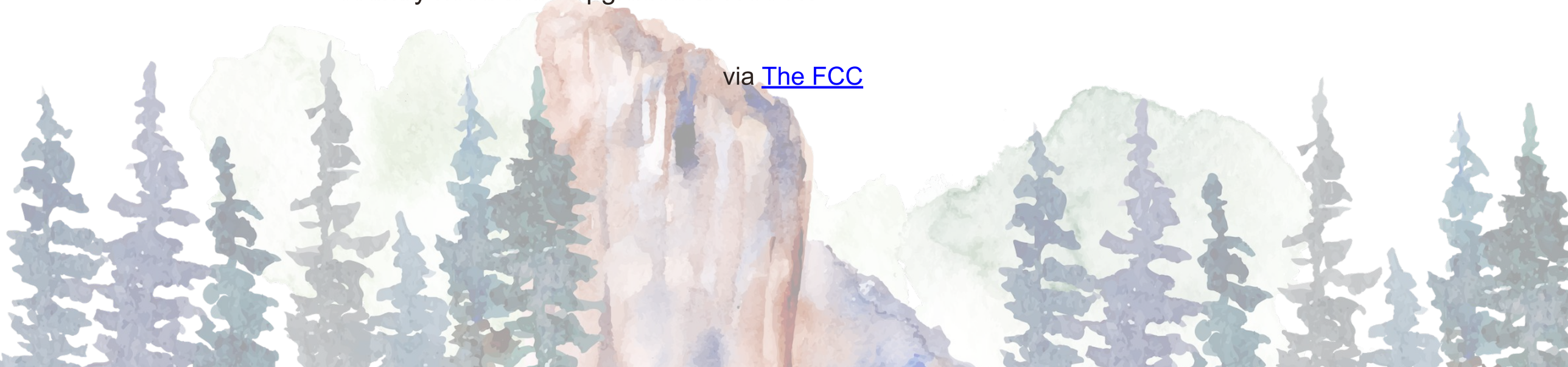
NEXT GENERATION 911

Systems Legislation

Next Generation 911 (commonly referred to as NG911) is a digital, internet protocol (IP)-based system that will replace the analog 911 infrastructure that's been in place for decades.

Because most 911 systems were originally built using analog rather than digital technologies, PSAPs, or Public Safety Answering Points, across the country need to be upgraded to NG911.

via The FCC



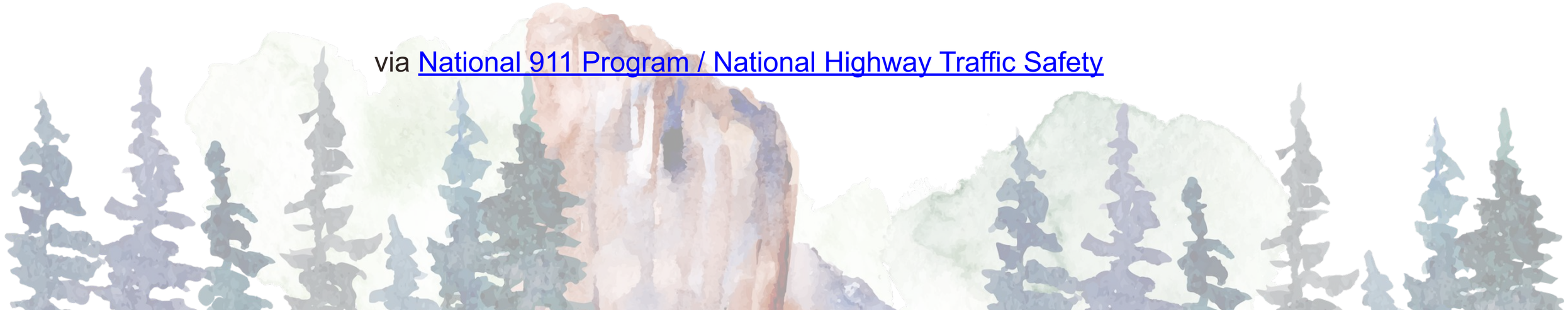
NEXT GENERATION 911

Systems Legislation

While the technology to implement these new IP-based 911 systems is available, the transition to NG911 involves much more than just new computer hardware and software.

Implementing NG911 in states and counties nationwide will require the coordination of a variety of emergency communication, public safety, legislative and governing entities.

via National 911 Program / National Highway Traffic Safety



COPPER WIRE AND NEXT-GEN SERVICES

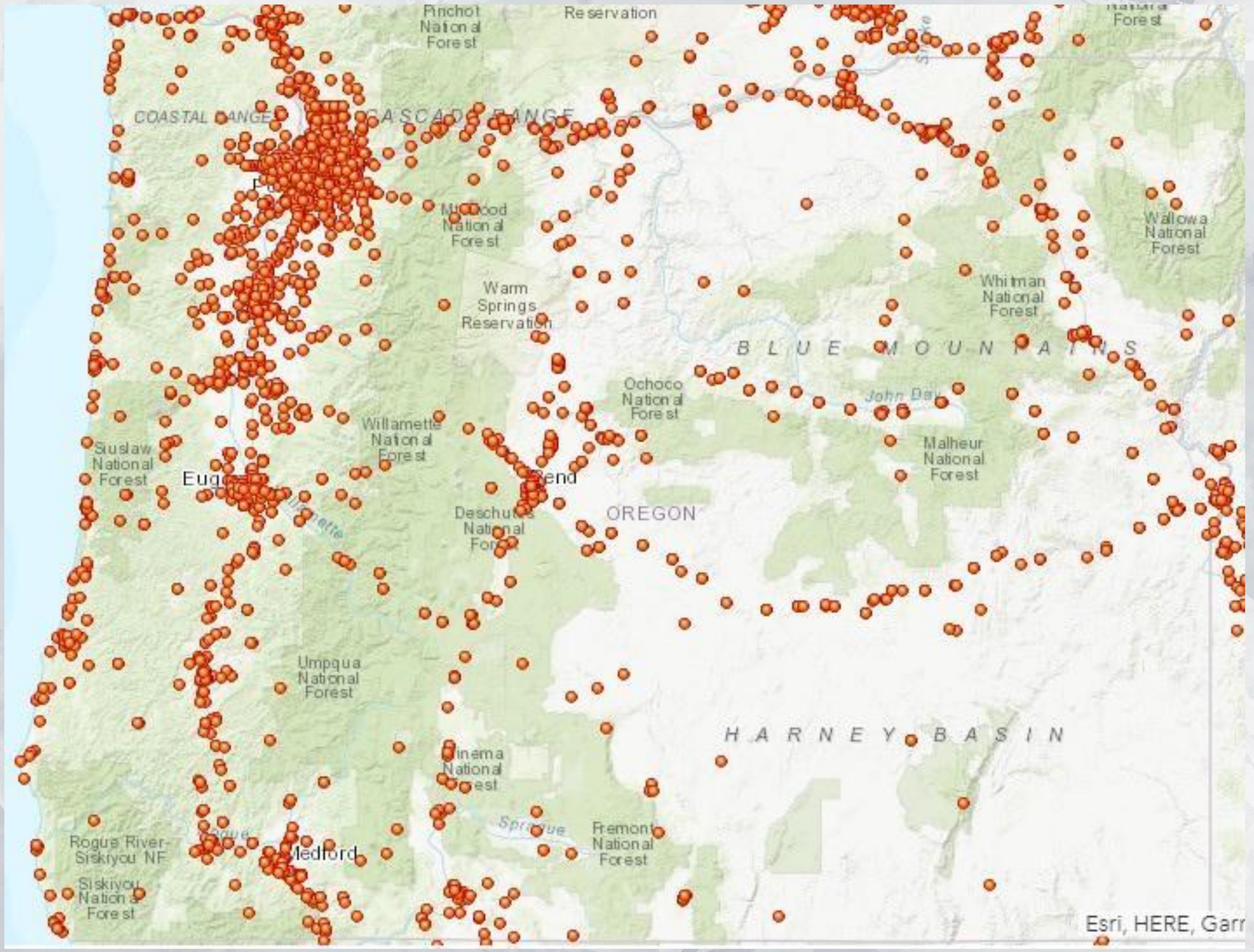
- Telecommunication companies continue to drop landline services.

- Nearly 50 million of the remaining lines have switched to Voice over IP, which sends voice calls in the user's broadband data stream (fiber) rather than over the traditional telephone copper wire pairs.

- Fiber (the transmitter of broadband) doesn’t conduct electricity, whereas copper does.

- When the power goes out, copper landlines might keep working for days or weeks by drawing electricity over the lines, while a phone that relies on fiber will only last as long as the unregulated battery system of the LEC. That's up to eight hours for Verizon’s most widely available backup system.

via The FCC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RESISTANCE TO WIRELESS INFRASTRUCTURE

- Several states and municipalities have tried to implement cell tower placement and Co-Located Small Cell deployment to better eliminate cell phone dead zones.

- The expansion of wireless infrastructure and the deployment of small cells can sometimes be met with resistance from local governments and public and private utility companies that own the utility poles that small cells are attached to.

- The FCC’s orders met such resistance and were immediately challenged by various stakeholders, including municipal groups and utility companies, and even governor’s offices.

via FCC

SPECIFIC CONSTITUENT CONCERNS

SMALL-CELL AND CELL TOWER DEPLOYMENT

Constituent concerns can include the following:

- Deployment is done in such a way that it becomes a nuisance to normal infrastructure functioning.
- Aesthetically displeasing and intrusive.
- Exposure to radio waves which is perceived to be harmful to health.
- Noise and unsightliness of the small cell infrastructure

FCC REGULATIONS

Public Safety Answering Points

FCC 911 Regulations - 47 C.F.R. Part 9

The FCC does in fact require wireless telephone carriers to provide 911 and E911 capability, where a Public Safety Answering Point (PSAP) requests it. Once it is implemented fully, wireless E911 will provide an accurate location for 911 calls from wireless phones.

Public Safety Answering Points

Enhanced 911 - Wireless Services

The FCC divided its wireless E911 program into two parts - Phase I and Phase II.

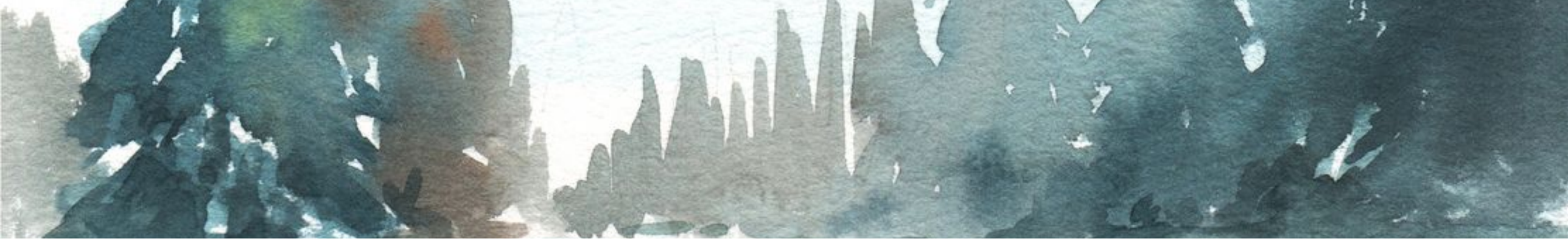
Under Phase I, the FCC requires carriers, within six months of a valid request by a local Public Safety Answering Point (PSAP), to provide the PSAP with the telephone number of the originator of a wireless 911 call and the location of the cell site or base station transmitting the call.

Public Safety Answering Points

Enhanced 911 - Wireless Services

Under Phase II, the FCC requires wireless carriers, within six months of a valid request by a PSAP, to begin providing information that is more precise to PSAPs, specifically, the latitude and longitude of the caller. This information must meet FCC accuracy standards, generally to within 50 to 300 meters, depending on the type of technology used.

The deployment of E911 requires the development of new technologies and upgrades to local 911 PSAPs, as well as coordination among public safety agencies, wireless carriers, technology vendors, equipment manufacturers, and local wireline carriers.



Rural Connectivity Issues

S.96 - Improving Rural Call Quality and Reliability Act of 2017:

The FCC must:

- (1) ensure the integrity of the transmission of voice communications to all customers in the United States,
- (2) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such voice communications, and
- (3) make a registry of intermediate providers publicly available on the FCC website.

via Improving Rural Call Quality and Reliability Act of 2017

Although the spirit of progress behind the FCC order is understandable, the actual situation due to the aforementioned “...migration to new technologies” leaves rural Americans without reliable telecommunications when cell towers are infrequent, and completely without telecommunication during electrical power loss.

This occurs with or without broadband access.

The “accelerations” in technology have only been for urban environments. Not surprisingly, the installation of cell towers in areas with a low-density population appears to be a low priority for local exchange carriers.

When residential rural Oregonians loose power either spontaneously, or during planned Public Safety Power Outages, they lose the ability to call emergency responders. As well, they lose the ability to receive public emergency alerts or notifications.

Legislation drafted to improve the communications infrastructure of rural Oregonians will save lives and property.

Attachment B.

Senate Bill No. 560

CHAPTER 410

An act to amend Sections 8386 and 8387 of, and to add Section 776.5 to, the Public Utilities Code, relating to communications.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 560, McGuire. Wildfire mitigation plans: deenergizing of electrical lines: notifications: mobile telephony service providers.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and telephone corporations. Local publicly owned electric utilities are under the direction of their governing boards. Electrical cooperatives are subject to the regulatory authority of the commission, except as specified.

Existing law requires each electrical corporation to annually prepare a wildfire mitigation plan and to submit its plan to the commission for review and approval, as specified. Existing law requires each local publicly owned electric utility and electrical cooperative, before January 1, 2020, and annually thereafter, to prepare a wildfire mitigation plan and to verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate. Existing law requires that the wildfire mitigation plans include, among other things, appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines and requires that the procedures consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure.

This bill would require that the procedures for notifying a customer who may be impacted by the deenergizing of electrical lines by a local publicly owned electric utility, an electrical cooperative, or an electrical corporation direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event. The bill would require each electrical corporation to also include protocols for the deenergization of the electrical corporation's transmission infrastructure in the wildfire mitigation plan, for instances when the deenergization may impact customers who, and entities that, are dependent upon the infrastructure. The bill would require a facilities-based mobile telephony services provider to undertake specified steps in preparation for receiving notifications regarding the deenergization of electrical lines. The bill would require a facilities-based mobile telephony services provider, upon receipt of a notification regarding the deenergization of electrical lines, to communicate relevant situational information relative to communications capabilities during the projected outage to electrical corporations, local publicly owned electric utilities, electrical cooperatives, and appropriate public safety stakeholders, including, but not limited to, public safety offices and emergency response offices, for the affected area.

This bill would incorporate additional changes to Section 8386 of the Public Utilities Code proposed by SB 70 and SB 167, contingent on the prior enactment of one or both of those bills.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because certain provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 776.5 is added to the Public Utilities Code, to read:

776.5. (a) In preparation for receiving notifications regarding the deenergization of electrical lines pursuant to Section 8386 or 8387, a facilities-based mobile telephony services provider shall do all of the following:

(1) Designate contact points or persons within the company to receive notifications from an electrical corporation, local publicly owned electric utility, or electrical cooperative, as defined in Section 2776, for expected deenergization events and outages.

(2) Develop uniform protocols prior to a deenergization event to respond appropriately to an outage.

(b) Upon receipt of a notification regarding the deenergization of electrical lines pursuant to Section 8386 or 8387, a facilities-based mobile telephony services provider shall communicate relevant situational information relative to communications capabilities during the projected outage to electrical corporations, local publicly owned electric utilities, electrical cooperatives, and appropriate public safety stakeholders, including, but not limited to, public safety offices and emergency response offices, for the affected area.

SEC. 2. Section 8386 of the Public Utilities Code, as amended by Chapter 79 of the Statutes of 2019, is amended to read:

8386. (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.

(b) Each electrical corporation shall annually prepare and submit a wildfire mitigation plan to the Wildfire Safety Division for review and approval. In calendar year 2020, and thereafter, the plan shall cover at least a three-year period. The division shall establish a schedule for the submission of subsequent comprehensive wildfire mitigation plans, which may allow for the staggering of compliance periods for each electrical corporation. In its discretion, the division may allow the annual submissions to be updates to the last approved comprehensive wildfire mitigation plan; provided, that each electrical corporation shall submit a comprehensive wildfire mitigation plan at least once every three years.

(c) The wildfire mitigation plan shall include all of the following:

(1) An accounting of the responsibilities of persons responsible for executing the plan.

(2) The objectives of the plan.

(3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.

(4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.

(5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.

(6) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure.

(7) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines. The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event.

(8) Plans for vegetation management.

(9) Plans for inspections of the electrical corporation's electrical infrastructure.

(10) Protocols for the deenergization of the electrical corporation's transmission infrastructure, for instances when the deenergization may impact customers who, or entities that, are dependent upon the infrastructure.

(11) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory, including all relevant wildfire risk and risk mitigation information that is part of the Safety Model Assessment Proceeding and the Risk Assessment Mitigation Phase filings. The list shall include, but not be limited to, both of the following:

(A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.

(B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.

(12) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.

(13) A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event, including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulation of distribution wires, and pole replacement.

(14) A showing that the electrical corporation has an adequately sized and trained workforce to promptly restore service after a major event, taking into account employees of other utilities pursuant to mutual aid agreements and employees of entities that have entered into contracts with the electrical corporation.

(15) Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.

(16) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk that is consistent with the methodology used by other electrical corporations unless the commission determines otherwise.

(17) A description of how the plan is consistent with the electrical corporation's disaster and emergency preparedness plan prepared pursuant to Section 768.6, including both of the following:

(A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.

(B) Plans for community outreach and public awareness before, during, and after a wildfire, including language notification in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the commission based on the United States Census data.

(18) A statement of how the electrical corporation will restore service after a wildfire.

(19) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to electrical corporation representatives, and emergency communications.

(20) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(21) Any other information that the Wildfire Safety Division may require.

(d) The Wildfire Safety Division shall post all wildfire mitigation plans and annual updates on the commission's internet website for no less than two months before the division's decision regarding approval of the plan. The division shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

SEC. 2.1. Section 8386 of the Public Utilities Code is amended to read:

8386. (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.

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(c) The wildfire mitigation plan shall include all of the following:

(1) An accounting of the responsibilities of persons responsible for executing the plan.

(2) The objectives of the plan.

(3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.

(4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.

(5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.

(6) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure.

(7) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines. The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event.

(8) Plans for vegetation management.

(9) Plans for inspections of the electrical corporation's electrical infrastructure.

(10) Protocols for the deenergization of the electrical corporation's transmission infrastructure, for instances when the deenergization may impact customers who, or entities that, are dependent upon the infrastructure.

(11) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory, including all relevant wildfire risk and risk mitigation information that is part of the Safety Model Assessment Proceeding and the Risk Assessment Mitigation Phase filings. The list shall include, but not be limited to, both of the following:

(A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.

(B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.

(12) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.

(13) A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event, including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulation of distribution wires, and pole replacement.

(14) A description of where and how the electrical corporation considered undergrounding electrical distribution lines within those areas of its service territory identified to have the highest wildfire risk in a commission fire threat map.

(15) A showing that the electrical corporation has an adequately sized and trained workforce to promptly restore service after a major event, taking into account employees of other utilities pursuant to mutual aid agreements and employees of entities that have entered into contracts with the electrical corporation.

(16) Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.

(17) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk that is consistent with the methodology used by other electrical corporations unless the commission determines otherwise.

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(A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.

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(19) A statement of how the electrical corporation will restore service after a wildfire.

(20) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to electrical corporation representatives, and emergency communications.

(21) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(22) Any other information that the Wildfire Safety Division may require.

(d) The Wildfire Safety Division shall post all wildfire mitigation plans and annual updates on the commission's internet website for no less than two months before the division's decision regarding approval of the plan. The division shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

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(4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.

(5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.

(6) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety. As part of these protocols, each electrical corporation shall include protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system that consider the impacts on all of the following:

(A) Critical first responders.

(B) Health and communication infrastructure.

(C) Customers who receive medical baseline allowances pursuant to subdivision (c) of Section 739. The electrical corporation may deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance for a customer who meets all of the following requirements:

(i) The customer relies on life-support equipment that operates on electricity to sustain life.

(ii) The customer demonstrates financial need, including through enrollment in the California Alternate Rates for Energy program created pursuant to Section 739.1.

(iii) The customer is not eligible for backup electrical resources provided through medical services, medical insurance, or community resources.

(D) Subparagraph (C) shall not be construed as preventing an electrical corporation from deploying backup electrical resources or providing financial assistance for backup electrical resources under any other authority.

(7) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines, including procedures for those customers receiving a medical baseline allowance as described in paragraph (6). The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event.

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(17) A description of how the plan is consistent with the electrical corporation's disaster and emergency preparedness plan prepared pursuant to Section 768.6, including both of the following:

(A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.

(B) Plans for community outreach and public awareness before, during, and after a wildfire, including language notification in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the commission based on the United States Census data.

(18) A statement of how the electrical corporation will restore service after a wildfire.

(19) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to electrical corporation representatives, and emergency communications.

(20) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(21) Any other information that the Wildfire Safety Division may require.

(d) The Wildfire Safety Division shall post all wildfire mitigation plans and annual updates on the commission's internet website for no less than two months before the division's decision regarding approval of the plan. The division shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

SEC. 2.3. Section 8386 of the Public Utilities Code is amended to read:

8386. (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.

(b) Each electrical corporation shall annually prepare and submit a wildfire mitigation plan to the Wildfire Safety Division for review and approval. In calendar year 2020, and thereafter, the plan shall cover at least a three-year period. The division shall establish a schedule for the submission of subsequent comprehensive wildfire mitigation plans, which may allow for the staggering of compliance periods for each electrical corporation. In its discretion, the division may allow the annual submissions to be updates to the last approved comprehensive wildfire mitigation plan; provided, that each electrical corporation shall submit a comprehensive wildfire mitigation plan at least once every three years.

(c) The wildfire mitigation plan shall include all of the following:

(1) An accounting of the responsibilities of persons responsible for executing the plan.

(2) The objectives of the plan.

(3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.

(4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.

(5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.

(6) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety. As part of these protocols, each electrical corporation shall include protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system that consider the impacts on all of the following:

(A) Critical first responders.

(B) Health and communication infrastructure.

(C) Customers who receive medical baseline allowances pursuant to subdivision (c) of Section 739. The electrical corporation may deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance for a customer who meets all of the following requirements:

(i) The customer relies on life-support equipment that operates on electricity to sustain life.

(ii) The customer demonstrates financial need, including through enrollment in the California Alternate Rates for Energy program created pursuant to Section 739.1.

(iii) The customer is not eligible for backup electrical resources provided through medical services, medical insurance, or community resources.

(D) Subparagraph (C) shall not be construed as preventing an electrical corporation from deploying backup electrical resources or providing financial assistance for backup electrical resources under any other authority.

(7) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines, including procedures for those customers receiving a medical baseline allowance as described in paragraph (6). The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event.

(8) Plans for vegetation management.

(9) Plans for inspections of the electrical corporation's electrical infrastructure.

(10) Protocols for the deenergization of the electrical corporation's transmission infrastructure, for instances when the deenergization may impact customers who, or entities that, are dependent upon the infrastructure.

(11) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory, including all relevant wildfire risk and risk mitigation information that is part of the Safety Model Assessment Proceeding and the Risk Assessment Mitigation Phase filings. The list shall include, but not be limited to, both of the following:

(A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.

(B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.

(12) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.

(13) A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event, including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulation of distribution wires, and pole replacement.

(14) A description of where and how the electrical corporation considered undergrounding electrical distribution lines within those areas of its service territory identified to have the highest wildfire risk in a commission fire threat map.

(15) A showing that the electrical corporation has an adequately sized and trained workforce to promptly restore service after a major event, taking into account employees of other utilities pursuant to mutual aid agreements and employees of entities that have entered into contracts with the electrical corporation.

(16) Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.

(17) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk that is consistent with the methodology used by other electrical corporations unless the commission determines otherwise.

(18) A description of how the plan is consistent with the electrical corporation's disaster and emergency preparedness plan prepared pursuant to Section 768.6, including both of the following:

(A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.

(B) Plans for community outreach and public awareness before, during, and after a wildfire, including language notification in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the commission based on the United States Census data.

(19) A statement of how the electrical corporation will restore service after a wildfire.

(20) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to electrical corporation representatives, and emergency communications.

(21) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(22) Any other information that the Wildfire Safety Division may require.

(d) The Wildfire Safety Division shall post all wildfire mitigation plans and annual updates on the commission's internet website for no less than two months before the division's decision regarding approval of the plan. The division shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

SEC. 3. Section 8387 of the Public Utilities Code, as amended by Chapter 79 of the Statutes of 2019, is amended to read:

8387. (a) Each local publicly owned electric utility and electrical cooperative shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of wildfire posed by those electrical lines and equipment.

(b) (1) The local publicly owned electric utility or electrical cooperative shall, before January 1, 2020, prepare a wildfire mitigation plan. After January 1, 2020, a local publicly owned electric utility or electrical cooperative shall prepare a wildfire mitigation plan annually and shall submit the plan to the California Wildfire Safety Advisory Board on or before July 1 of

that calendar year. Each local publicly owned electric utility and electrical cooperative shall update its plan annually and submit the update to the California Wildfire Safety Advisory Board by July 1 of each year. At least once every three years, the submission shall be a comprehensive revision of the plan.

(2) The wildfire mitigation plan shall consider as necessary, at minimum, all of the following:

(A) An accounting of the responsibilities of persons responsible for executing the plan.

(B) The objectives of the wildfire mitigation plan.

(C) A description of the preventive strategies and programs to be adopted by the local publicly owned electric utility or electrical cooperative to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.

(D) A description of the metrics the local publicly owned electric utility or electrical cooperative plans to use to evaluate the wildfire mitigation plan's performance and the assumptions that underlie the use of those metrics.

(E) A discussion of how the application of previously identified metrics to previous wildfire mitigation plan performances has informed the wildfire mitigation plan.

(F) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure.

(G) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines. The procedures shall direct notification to all public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of potential deenergization for a given event.

(H) Plans for vegetation management.

(I) Plans for inspections of the local publicly owned electric utility's or electrical cooperative's electrical infrastructure.

(J) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the local publicly owned electric utility's or electrical cooperative's service territory. The list shall include, but not be limited to, both of the following:

(i) Risks and risk drivers associated with design, construction, operation, and maintenance of the local publicly owned electric utility's or electrical cooperative's equipment and facilities.

(ii) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the local publicly owned electric utility's or electrical cooperative's service territory.

(K) Identification of any geographic area in the local publicly owned electric utility's or electrical cooperative's service territory that is a higher wildfire threat than is identified in a commission fire threat map, and identification of where the commission should expand a high fire-threat district based on new information or changes to the environment.

(L) A methodology for identifying and presenting enterprisewide safety risk and wildfire-related risk.

(M) A statement of how the local publicly owned electric utility or electrical cooperative will restore service after a wildfire.

(N) A description of the processes and procedures the local publicly owned electric utility or electrical cooperative shall use to do all of the following:

(i) Monitor and audit the implementation of the wildfire mitigation plan.

(ii) Identify any deficiencies in the wildfire mitigation plan or its implementation, and correct those deficiencies.

(iii) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, that are carried out under the plan, other applicable statutes, or commission rules.

(3) The local publicly owned electric utility or electrical cooperative shall, on or before January 1, 2020, and not less than annually thereafter, present its wildfire mitigation plan in an appropriately noticed public meeting. The local publicly owned electric utility or electrical cooperative shall accept comments on its wildfire mitigation plan from the public, other local and state agencies, and interested parties, and shall verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate.

(c) The local publicly owned electric utility or electrical cooperative shall contract with a qualified independent evaluator with experience in assessing the safe operation of electrical infrastructure to review and assess the comprehensiveness of its wildfire mitigation plan. The independent evaluator shall issue a report that shall be made available on the internet website of the local publicly owned electric utility or electrical cooperative, and shall present the report at a public meeting of the local publicly owned electric utility's or electrical cooperative's governing board.

SEC. 4. (a) Section 2.1 of this bill incorporates amendments to Section 8386 of the Public Utilities Code proposed by both this bill and Senate Bill 70. That section of this bill shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 8386 of the Public Utilities Code, (3) Senate Bill 167 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 70, in which case Sections 2, 2.2, and 2.3 of this bill shall not become operative.

(b) Section 2.2 of this bill incorporates amendments to Section 8386 of the Public Utilities Code proposed by both this bill and Senate Bill 167. That section of this bill shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 8386 of the Public Utilities Code, (3) Senate Bill 70 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Senate Bill 167, in which case Sections 2, 2.1, and 2.3 of this bill shall not become operative.

(c) Section 2.3 of this bill incorporates amendments to Section 8386 of the Public Utilities Code proposed by this bill, Senate Bill 70, and Senate Bill 167. That section of this bill shall become operative only if (1) all three bills are enacted and become effective on or before January 1, 2020, (2) all three bills amend Section 8386 of the Public Utilities Code, and (3) this bill is enacted after Senate Bill 70 and Senate Bill 167, in which case Sections 2, 2.1, and 2.2 shall not become operative.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Attachment C.

Senate Bill No. 670

CHAPTER 412

An act to add Section 53122 to the Government Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 670, McGuire. Telecommunications: community isolation outage: notification.

Existing provisions of the Warren-911-Emergency Assistance Act establish the number “911” as the primary emergency telephone number for use in the state and require the provision of enhanced service capable of selective routing, automatic number identification, or automatic location identification. The act requires a telephone corporation serving rural telephone areas that cannot provide enhanced 911 emergency telephone service capable of selective routing, automatic number identification, or automatic location identification to present to the Office of Emergency Services a comprehensive plan detailing a schedule by which their facilities will be converted to be compatible with the enhanced emergency telephone system.

This bill would require the Office of Emergency Services, on or before July 1, 2020, to adopt, by regulation, appropriate thresholds for what constitutes a community isolation outage, as provided, and issue a specified notice for that regulation by January 1, 2020. The bill would, upon the adoption of those regulations, require a provider of telecommunications services, as defined, that provides access to 911 service to notify the office, as provided, whenever a community isolation outage limiting the provider’s customers’ ability to make 911 calls or receive emergency notifications occurs, within 60 minutes of discovering the outage. The bill would make the office responsible for notifying any applicable county office of emergency services, the sheriff of any county, and any public safety answering point affected by the outage. The bill would require the community isolation outage notification to the office to be provided by a medium specified by the office, and to include the telecommunications service provider’s contact name, a calling number to be staffed as specified, a description of the estimated area affected, and the approximate communities affected by the outage. The bill would require the telecommunications service provider to notify the office of the estimated time to repair the outage and when service is restored. The bill would require the office, except as provided, to keep the community isolation outage notifications confidential.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Digest Key

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53122 is added to the Government Code, to read:

53122. (a) For purposes of this section, the following definitions apply:

(1) "Office" means the Office of Emergency Services.

(2) "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.

(b) (1) On or before July 1, 2020, the office, by regulation, shall adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the risks to public health and safety resulting from the outage.

(2) In adopting regulations pursuant to paragraph (1), the office shall comply with the rulemaking process in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, and issue, on or before January 1, 2020, the notice required by Section 11346.5.

(3) Notwithstanding any other law, the office may issue emergency regulations in accordance with the process in Section 11346.1 if necessary to meet the deadline in paragraph (1).

(c) Upon the adoption of regulations pursuant to subdivision (b), all providers of telecommunications service that provide access to 911 service shall notify the office 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 the office shall be responsible for notifying any applicable county office of emergency services, the sheriff of any county, and any public safety answering point affected by the outage. The community isolation outage notification to the office shall be by a medium specified by the office, 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 communities, including cities, counties, and regions, affected by the outage. The telecommunications services provider shall also notify the office by a medium specified by the office of both of the following:

(1) The estimated time to repair the outage.

(2) When achieved, the restoration of service.

(d) The telecommunications service provider shall ensure that the calling number provided to the office with the community isolation outage notification is staffed by a contact person who shall be available to respond to inquiries about the outage at all times until the provider notifies the office that service has been restored.

(e) Except as provided in subdivision (c), the office shall keep community isolation outage notifications confidential and shall not disclose the contents of the notifications.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 53122 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Federal Communications Commission has stated that telecommunications outage reports contain "sensitive data, which requires confidential treatment" because the data "could be used by hostile parties to attack those [telecommunications] networks, which are part of our Nation's critical information infrastructure" (In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications (Aug. 19, 2004, FCC 04-188)), and the Public Utilities Commission already treats information regarding telecommunications outages submitted to the commission as confidential. Therefore, the Legislature finds that the interest in public disclosure of contemporaneous telecommunications outage information submitted to the Office of Emergency Services is outweighed by the interest in protecting public safety.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that regulations addressing community isolation service outages, which can endanger the public's health and safety by limiting the public's ability to make 911 calls or receive emergency notifications, are in place for the 2020 fire season, it is necessary for this act to take effect immediately.

Attachment D.

ENROLLED SEPTEMBER 13, 2021
PASSED IN SENATE SEPTEMBER 09, 2021
PASSED IN ASSEMBLY SEPTEMBER 08, 2021
AMENDED IN ASSEMBLY SEPTEMBER 02, 2021
AMENDED IN ASSEMBLY JULY 09, 2021
AMENDED IN ASSEMBLY JUNE 24, 2021
AMENDED IN SENATE APRIL 28, 2021
AMENDED IN SENATE MARCH 23, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL **NO. 341**

Introduced by Senator McGuire
(Coauthors: Senators Dahle, Dodd, Glazer, and Nielsen)
(Coauthors: Assembly Members Berman, Gallagher, Levine, and Wood)

February 09, 2021

An act to amend Section 53122 of the Government Code, and to amend Section 910 of, and to add Section 776.2 to, the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 341, McGuire. Telecommunications service: outages.

(1) Existing law requires the Office of Emergency Services, on or before July 1, 2020, by regulation, to adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the risks to public health and safety resulting from the outage. Existing law requires all providers of telecommunications service that provide access to 911 service to notify the office whenever a community isolation outage occurs that limits their customers' ability to make 911 calls or receive emergency notifications. Existing law requires those community isolation outage notifications to include certain information, including a description of the estimated area and community affected by the outage.

This bill would require each of those providers of telecommunications service to maintain on its internet website a public outage map showing that provider's outages, and would require the office, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those maps, as specified. The bill would authorize the office to provide the commission with all of the information provided to it as part of a telecommunications service provider's community isolation outage notification and require the office to aggregate that data and post that aggregated data on its internet website.

(2) Under the California Constitution and the Public Utilities Act, the commission has regulatory authority over public utilities, including telephone corporations. The act requires the commission to develop and implement performance reliability standards for backup power systems installed on the property of residential and small commercial customers by facilities-based providers of telephony services upon determining that the benefits of the standards exceed the costs.

This bill would require the commission, in consultation with the office, to develop and implement backup electricity rules to require providers of telecommunications service to submit resiliency plans to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for at least 72 hours, except as provided.

(3) The act requires the commission to develop, publish, and annually update a report that contains specified information, including an accounting of the commission's transactions and proceedings from the prior year, together with other facts, suggestions, and recommendations that the commission deems of value to the people of the state.

This bill would require that the report additionally include a description of the actions taken by the commission using the information provided to it by the office, as described in paragraph (1), a summary of deenergization event trends and the effect of deenergization events on telecommunications service and public safety, and an analysis of how the impacts of deenergization events on telecommunications service could be mitigated.

(4) Under existing law, a violation of the act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because certain provisions of this bill would be parts of the act and because a violation of a commission action implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53122 of the Government Code is amended to read:

53122. (a) For purposes of this section, the following definitions apply:

(1) "Office" means the Office of Emergency Services.

(2) "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.

(b) (1) (A) On or before July 1, 2020, the office, by regulation, shall adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the risks to public health and safety resulting from the outage.

(B) On or before July 1, 2022, the office, in consultation with the Public Utilities Commission, by regulation, shall adopt requirements for the public outage maps maintained by telecommunications service providers pursuant to subdivision (f). Those requirements shall include the format of, requirements for updating, and the level of detail to be included in the public outage maps derived from community isolation outages, and shall 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.

(2) In adopting regulations pursuant to paragraph (1), the office shall comply with the rulemaking process in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(3) Notwithstanding any other law, the office may issue emergency regulations in accordance with the process in Section 11346.1 if necessary to meet the deadlines in paragraph (1).

(c) (1) Upon the adoption of regulations pursuant to subparagraph (A) of paragraph (1) of subdivision (b), all providers of telecommunications service that provide access to 911 service shall notify the office 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 the office shall be responsible for notifying any applicable county office of emergency services, the sheriff of any county, and any public safety answering point affected by the outage. The community isolation outage notification to the office shall be by a medium

specified by the office, and shall include the telecommunications service provider's contact name and calling number, a description of the estimated area affected by the outage, and the approximate communities, including cities, counties, and regions, affected by the outage. The telecommunications service provider shall also notify the office by a medium specified by the office of both of the following:

(A) The estimated time to repair the outage.

(B) When achieved, the restoration of service.

(2) The office may provide the Public Utilities Commission with all of the information provided to it pursuant to paragraph (1).

(3) The office shall aggregate the data provided to it pursuant to paragraph (1) and shall post that aggregated data on its internet website. The aggregated data shall not name individual telecommunications service providers.

(4) The Public Utilities Commission shall treat any confidential information obtained from the office pursuant to this section consistent with its processes, including General Order 66-D, and statutory requirements for maintaining confidential information otherwise received from telecommunications service providers.

(d) The telecommunications service provider shall ensure that the calling number provided to the office with the community isolation outage notification is staffed by a contact person who shall be available to respond to inquiries about the outage at all times until the provider notifies the office that service has been restored.

(e) Except as provided in subdivision (c), the office shall keep community isolation outage notifications confidential and shall not disclose the contents of the notifications.

(f) 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.

SEC. 2. Section 776.2 is added to the Public Utilities Code, to read:

776.2. (a) For purposes of this section, "telecommunications service" has the same meaning as defined in Section 2892.1, but does not include voice communication provided by a provider of satellite telephone service.

(b) As part of a new or existing proceeding, the commission, in consultation with the Office of Emergency Services, shall develop and implement backup electricity rules to require providers of telecommunications service to submit resiliency plans to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for at least 72 hours, except as provided in subdivision (c).

(c) In developing and implementing backup electricity rules pursuant to subdivision (b), the commission shall consider best practices, the feasibility of the rules, and stakeholder input. In considering best practices and feasibility, the commission may authorize, in appropriate circumstances, providers of telecommunications service to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for less than 72 hours.

(d) This section does not require the commission to modify the communications resiliency requirements adopted in commission Decision 20-07-011 (July 16, 2020), Decision Adopting Wireless Provider Resiliency Strategies, or Decision 21-02-029 (February 11, 2021), Decision Adopting Wireline Provider Resiliency Strategies.

SEC. 3. Section 910 of the Public Utilities Code is amended to read:

910. (a) The commission shall develop, publish, and annually update a report that contains all of the following information:

(1) A workplan that describes in clear detail the scheduled proceedings and other decisions that may be considered by the commission during the calendar year.

(2) Performance criteria for the commission and the executive director, and an evaluation of the performance of the executive director during the previous year based on criteria established in the prior year's workplan.

(3) An accounting of the commission's transactions and proceedings from the prior year, together with other facts, suggestions, and recommendations that the commission deems of value to the people of the state. The accounting shall include the activities that the commission has taken, and plans to take, to reduce the costs of, and the rates for, water and

energy, including electricity, to improve the competitiveness of the state's industries, including agriculture, and, to the extent possible, shall include suggestions and recommendations for the reduction of those costs and rates.

(4) A description of activities taken and processes instituted to both solicit the input of customers from diverse regions of the state in ratesetting and quasi-legislative proceedings and to process that input in a way that makes it usable in commission decisionmaking. The report shall describe the successes and challenges of these processes, the effect of resource constraints, and efforts to be made during the calendar year to further the goal of increased public participation.

(5) A list of the public meetings held outside San Francisco in the previous year, and a schedule of meetings anticipated to be held outside San Francisco during the coming year.

(6) A description of the actions taken by the commission using the information provided to it pursuant to Section 53122 of the Government Code, a summary of deenergization event trends and the effect of deenergization events on telecommunications service and public safety, and an analysis of how the impacts of deenergization events on telecommunications service could be mitigated.

(b) (1) The commission shall submit the report required pursuant to subdivision (a) to the Governor and the Legislature, in compliance with Section 9795 of the Government Code, no later than February 1 of each year.

(2) The commission shall post the report in a conspicuous area of its internet website and shall have a program to disseminate the information in the report using computer mailing lists to provide regular updates on the information to those members of the public and organizations that request that information.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Ensuring 911 Service on Mobile Phones During Wildfires, High Winds, Ice and Snow Storms and Other Disasters

To: Clackamas County Commissioners

From: Emergency Preparedness Council

October 17, 2023

Introduction:

The bylaws of the Clackamas County Emergency Preparedness Council (EPC), ratified 9.26.2023, under Article III Goals C. allows the following.

- Advocate for policy and system changes that improve the disaster preparedness in Clackamas County.
- Optional activities could include providing oral and written testimony on behalf of the EPC to the appropriate government level.
- Helping to identify partners of support for preparedness.
- Participating in legislative activities.

The EPC has identified the need for a policy change to improved disaster preparedness regarding maintaining power to cell towers during power outages. Maintaining power to cell towers is important for emergency communications during power outages. For example, the EPC has prepared a list of cell phone apps that allow a person to stay situationally aware before, during and after a natural disaster. There is a saying "weather aware is weather prepared." Therefore, it is important to maintain cell service at all stages of an emergency. The EPC has also learned that people who live in the Mt. Hood Corridor had reduced cell service for 3 days and then lost their cell service during Public Safety Power Shutoff (PSPS) of the 2020 wildfire. The PSPS lasted 6 days leaving people without cell service and a fire burning 15 miles from them.

Independent of what the Mount Hood Corridor experienced; former Representative Lori Kuechler recognized this problem in Oregon from her own personal experience. She gave a presentation on the issue in 2022 (Attachment A).

Therefore, the EPC is asking the BCC allow us to fulfill our goals of providing oral and written testimony on behalf of the EPC to the appropriate government level, identify partners of support, and participate in legislative activities. In this case, we are proposing to take to the legislature the three bills passed by the California Legislature and hope to combine them in one bill to address the same issues the EPC and Mt. Hood Corridor Wildfire Partnership have identified. See Solution below for more details.

Summary:

Picture yourself in a crisis, desperately reaching for your cell or landline phone to dial 911, only to find there's no service or dial tone. Regrettably, this is a recurring nightmare for countless individuals in Oregon, one that strikes multiple times each year when a storm hits or there is a Public Safety Power Shutoff. It's a nightmare that is occurring frequently due to the expansive and intensifying wildfires and other natural disasters in the state. In times of disaster or widespread emergency, the absence of access to emergency services and critical public alerts via phone, cell or internet places lives in grave jeopardy. Most landlines now use the same fiber optics that provides internet service. Thus, no power means no cell, landline, or

internet service.

On Labor Day, 2020, Portland General Electric (PGE) cut the power to the Mt. Hood Hwy 26 corridor due to an unpredicted high wind event during extreme high risk fire conditions. Over 5,000 full time residents not only lost power, but were left with very weak cell phone signals when the cell towers switched to generator backup. The shut-off that was supposed to last only 24-48 hours went on for six full days with the Riverside fire raging only 15 miles to the south. A change in wind direction to the south would have driven the fire into the Mt. Hood community. On day three of the power outage, the cell towers ran out of fuel for their backup generators and cell service went down completely. This is an area that is unable to get broadcast television signals and the emergency AM radio stations were not sending out anything but static. The only way to find out what was happening with the nearby fire was to get into the car and drive to Sandy, 15-25 miles away and check the cell phone where service was available. That drive could have put the person into the fire. Thus, the Mt. Hood corridor community was unable to receive emergency updates and stay situationally aware of what was happening.

The panic was real as residents were unable to call emergency services, get PGE updates, or accurate fire information. It was a terrifying three days of not knowing what was going on during a natural disaster. It was unacceptable.

Problem:

At present, there are no mandates in place demanding that cell towers situated within High Fire Threat Zones or anywhere in Oregon establish and adhere to performance reliability standards. As it stands, when cell towers experience outages, the outage disrupts 911 services or the capacity of emergency agencies to issue vital alerts to cell phones, and there exists no easy fallback option for citizens. The absence of a mandate for cell tower sites to maintain backup power sources places residents in regions susceptible to natural calamities at an elevated level of peril.

Solution:

The Clackamas County Emergency Preparedness Council is requesting the Clackamas County Board of Commissioners allow us to communicate with the Governor and Oregon Legislature informing them of the need to adopt legislation requiring cell service providers to have a minimum power backup for 14 days and address other notification issues. The EPC, with the Office of Disaster Management and other partners, would follow through with this legislation that would be similar to California's Senate Bills SB 560 [McGuire, 2019. Wildfire mitigation plans: deenergizing of electrical lines: notifications: mobile telephony service providers, Attachment B], SB 670 [McGuire, 2019. Telecommunications: community isolation outage: notification, Attachment C] and SB 341 [McGuire, 2021. Telecommunications service: outages, Attachment D].

The EPC and Mt. Hood Corridor Wildfire Partnership will also reach out and gather support in a collaborative effort.

The Legislation Would do the Following:

Require the PUC to develop and implement performance reliability standards for backup power systems. This would ensure that in the event of a power outage, backup power systems are both reliable and effective.

All cell towers located in High Fire Threat Zones and other areas of Oregon will need to develop appropriate standards. Some of these standards include:

- Establish a minimum operating life for backup power systems of no less than 14 days.
- Establish means to warn a customer and emergency responders when the backup power system is low or when the transceiver system can no longer be supported by the backup power system.

- The commission shall collect data necessary to identify the mobile telephony service base transceiver station infrastructure.

The legislation would ensure that our residents, as well as state and local emergency responders, have the crucial information they need to save lives.

Conclusion:

The EPC asks for your vote of approval to fulfill our bylaw goals and work with the new Office of Disaster Management lead by Daniel Nibouar to proceed with this legislative effort. We realize that this effort may not be successful in 2024, but the awareness that is built in 2024 may make it possible to be successful in the 2025 legislation session.

Regards,

Malia Kupillas, Chair of the Clackamas County Emergency Preparedness Council

Attachment A. Former Rep. Lori Kuechler, House District 22, Emergency Communications During Power Outages. Prepared December, 2022

Attachment B. California SB 560 [McGuire, 2019. Wildfire mitigation plans: deenergizing of electrical lines: notifications: mobile telephony service providers.]

Attachment C. California SB 670 [McGuire, 2019. Telecommunications: community isolation outage: notification.]

Attachment D. California SB 341 [McGuire, 2021. Telecommunications service: outages]