Attachment A

Assembly Bill No. 2393

CHAPTER 776

An act to add Sections 776, 2872.5, and 2892.1 to the Public Utilities Code, relating to telecommunications, and making an appropriation therefor.

[Approved by Governor September 29, 2006. Filed with Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2393, Levine. Telecommunications: emergency service.

(1) Existing law authorizes the Public Utilities Commission to supervise and regulate every public utility, including telephone corporations, and to do all things necessary and convenient in the exercise of its power and jurisdiction. The existing Public Utilities Act requires the commission to prescribe rules for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility and requires the public utility to furnish the commodity or render the service within the time and upon the conditions provided in the rules of the commission.

This bill would require the commission, in a single rulemaking or other appropriate proceeding, not to exceed 18 months in duration, to consider the need for performance reliability standards, and to develop and implement performance reliability standards, for backup power systems installed on the property of residential and small commercial customers by a facilities-based provider of telephony services, upon determining that the benefits of the standards exceed the costs. The bill would require the commission, before January 1, 2008, to prepare and submit to the Legislature a report on the results of the proceeding.

Under existing law, a violation of an order or direction of the commission is a crime.

Because the provisions of this bill are part of the act and require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by creating a new crime.

(2) Existing law authorizes the commission to control and regulate the use of automatic dialing-announcing devices, which are automatic equipment that incorporates a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and that, working alone or in conjunction with other equipment, can disseminate a prerecorded message to the telephone number being called. Existing law exempts from that commission regulation law enforcement agencies, fire protection agencies, public

health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, placing calls through automatic dialing-announcing devices to provide public service information relating to public safety, information concerning police or fire emergencies, or warnings of impending or threatened emergencies.

This bill would require the commission, in consultation with the Office of Emergency Services and the Department of General Services, to open an investigation to determine whether standardized notification systems and protocol should be utilized by the above-described entities to facilitate notification of affected members of the public of local emergencies. The bill would prohibit the commission from establishing standards for notification systems or standard notification protocol unless it determines the benefits of the standards exceed the cost. The bill would require the commission, before January 1, 2008, to prepare and submit to the Legislature a report on the results of the proceeding, including recommendations for funding notification systems and any statutory modifications needed to facilitate notification of affected members of the public of local emergencies.

(3) Existing provisions of the Warren-911-Emergency Assistance Act establishes the number "911" as the primary emergency telephone number for use in the state.

This bill would require the commission, in consultation with the Office of Emergency Services and the Department of General Services, to open an investigative or other appropriate proceeding to identify the need for telecommunications service systems not on the customer's premises to have backup electricity to enable telecommunications networks to function and to enable the customer to contact a public safety answering point operator during an electrical outage, to determine performance criteria for backup systems, and to determine whether certain recommendations for backup systems have been implemented by telecommunications service providers operating in California. The bill would require the commission to develop and implement performance reliability standards if it determines doing so is in the public interest and determines that the benefits of the standards exceed the costs. The bill would require the commission to determine the feasibility of the use of zero greenhouse gas emission fuel cell systems to replace diesel backup power systems. The bill would require the commission, before January 1, 2008, to prepare and submit to the Legislature a report on the results of the proceeding.

(4) The bill would appropriate $596,719 from moneys derived from regulatory fees deposited in the Public Utilities Commission Utilities Reimbursement Account in the General Fund for costs incurred by the commission in the implementation of the bill.

(5) 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.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 776 is added to the Public Utilities Code, to read:

776. (a) The commission shall, in a single rulemaking or other appropriate proceeding, not to exceed 18 months in duration, consider the need for performance reliability standards and, upon making the determination pursuant to subdivision (c), develop and implement performance reliability standards, for all backup power systems installed on the property of residential and small commercial customers by a facilities-based provider of telephony services. Those standards shall do all the following:

(1) Establish minimum operating life.

(2) Establish minimum periods of time during which a telephone system with a charged backup power system will provide the customer with sufficient electricity for emergency usage.

(3) Establish means to warn a customer when the backup power system's charge is low or when the system can no longer hold a charge.

(b) The commission, in developing and implementing any standards in accordance with subdivision (a), shall consider current best practices and technical feasibility for establishing battery backup requirements.

(c) The commission shall not implement standards in accordance with this section unless it determines that the benefits of the standards exceed the costs.

(d) Before January 1, 2008, the commission shall prepare and submit to the Legislature a report on the results of the proceeding.

SEC. 2. Section 2872.5 is added to the Public Utilities Code, to read:

2872.5. (a) The commission, in consultation with the Office of Emergency Services and the Department of General Services, shall open an investigative proceeding to determine whether standardized notification systems and protocol should be utilized by entities that are authorized to use automatic dialing-announcing devices pursuant to subdivision (e) of Section 2872, to facilitate notification of affected members of the public of local emergencies. The commission shall not establish standards for notification systems or standard notification protocol unless it determines that the benefits of the standards exceed the costs.

(b) Before January 1, 2008, the commission shall prepare and submit to the Legislature a report on the results of the proceeding, including recommendations for funding notification systems and any statutory modifications needed to facilitate notification of affected members of the public of local emergencies.

SEC. 3. Section 2892.1 is added to the Public Utilities Code, to read:

2892.1. (a) For purposes of this section, "telecommunications service" means voice communication provided by a telephone corporation as defined in Section 234, voice communication provided by a provider of satellite telephone services, voice communication provided by a provider of mobile telephony service, as defined in Section 2890.2, and voice communication provided by a commercially available facilities-based provider of voice communication services utilizing voice over Internet Protocol or any successor protocol.

(b) The commission, in consultation with the Office of Emergency Services and the Department of General Services, shall open an investigative or other appropriate proceeding to identify the need for telecommunications service systems not on the customer's premises to have backup electricity to enable telecommunications networks to function and to enable the customer to contact a public safety answering point operator during an electrical outage, to determine performance criteria for backup systems, and to determine whether the best practices recommended by the Network Reliability and Interoperability Council in December 2005, for backup systems have been implemented by telecommunications service providers operating in California. If the commission determines it is in the public interest, the commission shall, consistent with subdivisions (c) and (d), develop and implement performance reliability standards.

(c) The commission, in developing any standards pursuant to the proceeding required by subdivision (b), shall consider current best practices and technical feasibility for establishing battery backup requirements.

(d) The commission shall not implement standards pursuant to the proceeding required by subdivision (b) unless it determines that the benefits of the standards exceed the costs.

(e) The commission shall determine the feasibility of the use of zero greenhouse gas emission fuel cell systems to replace diesel backup power systems.

(f) Before January 1, 2008, the commission shall prepare and submit to the Legislature a report on the results of the proceeding.

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.

SEC. 5. The sum of five hundred ninety-six thousand seven hundred nineteen dollars ($596,719) is hereby appropriated from the Public Utilities Commission Utilities Reimbursement Account in the General Fund for costs incurred by the Public Utilities Commission in the implementation of this act. That sum shall be allocated from those moneys in the Public Utilities Commission Utilities Reimbursement Account

derived from the imposition of regulatory fees pursuant to Section 431 of the Public Utilities Code, and shall not include moneys in the Public Utilities Commission Utilities Reimbursement Account derived from the imposition of penalties pursuant to Sections 405 and 406 of the Public Utilities Code.

(END OF ATTACHMENT A)