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**PUBLIC UTILITIES COMMISSION**

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SAN FRANCISCO, CA 94102-3298

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TO PARTIES OF RECORD IN RULEMAKING 18-03-011:

This is the proposed decision of Commissioner Michael Picker. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's August 15, 2019 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ MICHELLE COOKE for  
Anne E. Simon  
Chief Administrative Law Judge

AES:mph  
Attachment

Decision PROPOSED DECISION OF COMMISSIONER PICKER  
(Mailed 7/16/2019)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking  
Regarding Emergency Disaster Relief  
Program.

Rulemaking 18-03-011

**DECISION ADOPTING AN EMERGENCY DISASTER RELIEF PROGRAM FOR  
COMMUNICATIONS SERVICE PROVIDER CUSTOMERS**

## TABLE OF CONTENTS

| Title  | Page |
|--|------|
| DECISION ADOPTING AN EMERGENCY DISASTER RELIEF PROGRAM FOR COMMUNICATIONS SERVICE PROVIDER CUSTOMERS ..... | 2    |
| Summary .....  | 2    |
| 1. Background .....  | 3    |
| 2. Jurisdiction .....  | 8    |
| 3. Issues Before the Commission .....  | 10   |
| 4. Discussion and Analysis .....   | 12   |
| 4.1. Action Taken When Disaster Strikes .....  | 13   |
| 4.1.1. Position of Parties .....   | 14   |
| 4.1.2. Discussion .....  | 18   |
| 4.2. Expansion of 211 Service .....  | 20   |
| 4.2.1. Position of Parties .....   | 21   |
| 4.2.2. Discussion .....  | 22   |
| 4.3. Action Taken During Disaster .....  | 22   |
| 4.3.1. Position of Parties .....   | 23   |
| 4.3.2. Discussion .....  | 25   |
| 4.4. Public Awareness of Customer Protections .....  | 29   |
| 4.4.1. Position of Parties .....   | 30   |
| 4.4.2. Discussion .....  | 33   |
| 4.5. Administrative Compliance Actions Taken Pre- and Post-Disaster .....                                  | 36   |
| 4.5.1. Position of Parties .....   | 36   |
| 4.5.2. Discussion .....  | 37   |
| 4.6. Cost Recovery .....   | 38   |
| 4.6.1. Discussion .....  | 38   |
| 5. Phase II .....  | 38   |
| 5.1. Next Steps .....  | 38   |
| 5.1.1. Conclusion .....  | 40   |
| 6. Comments on Proposed Decision .....   | 41   |
| 7. Assignment of Proceeding .....  | 41   |
| ORDER .....  | 51   |

**DECISION ADOPTING AN EMERGENCY DISASTER RELIEF PROGRAM FOR COMMUNICATIONS SERVICE PROVIDER CUSTOMERS****Summary**

This Decision adopts an emergency disaster relief program for customers of communications service providers (emergency disaster relief program). This emergency disaster relief program is designed to ensure that communications service provider customers who experience a housing or financial crisis due to a disaster keep vital services and receive support in the wake of a disaster.

Communications service providers shall implement the emergency disaster relief program upon a declared state of emergency by the governor of California or the president of the United States when a disaster has either resulted in the loss or disruption of the delivery or receipt of utility service, or resulted in the degradation of the quality of utility service. The mandated customer protections shall become effective on the date such declaration of emergency is made and shall conclude no sooner than twelve (12) months from the date of the original emergency proclamation, or as appropriately determined by the Governor's Office of Emergency Services. Communications service providers are encouraged to do more to support customers and thus, are not barred from implementing additional assistance programs of their own to augment the protections these rules provide.

Nothing in this proceeding changes any of the notice, communication, outreach or other requirements of the Commission's ongoing Wildfire Mitigation Plan and de-energization proceedings or any decisions issued in Rulemakings (R.) 18-10-007 and R.18-12-005.

This proceeding remains open to consider additional issues raised by communications service providers and stakeholders.

## **1. Background**

The California Public Utilities Commission (Commission) established Rulemaking (R.) 18-03-011 to adopt an emergency disaster customer relief program for entities under this Commission's jurisdiction. This proceeding is predicated upon Resolutions M-4833 and M-4835. Those Resolutions required the electric, gas, communications, and water utilities and service providers to take reasonable and necessary steps to help Californians affected by a series of devastating wildfires across California.

The customer protections established in Resolutions M-4833 and M-4835 created specific, mandated protections for the customers of our regulated electric, natural gas, water and sewer, and communications service providers who suffer injury or damage from disasters, like wildfires. The Resolutions enumerated several communications service provider customer protections in addition to those provided through the LifeLine program.<sup>1</sup>

The protections adopted in Resolutions M-4833 and M-4835 were designed to ensure that Californians who experienced housing or financial crises due to disaster did not lose access to vital communications services. However, those protections were narrower than what we are considering here, and were limited to those specific incidents identified in the resolutions.

Experience shows us that using the resolution process for each disaster is not responsive or timely enough given the unexpected occurrence and critical nature of such disasters. As a result of this Rulemaking, we established interim

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<sup>1</sup> Resolution M-4833 at 10-16.

measures in Decision (D.) 18-08-004, which affirmed the provisions of Resolutions M-4833 and M-4835 as temporary disaster relief protection measures for customers until this proceeding developed a permanent emergency disaster relief program.

In D.18-08-004, protection measures required of communications service providers (*e.g.*, telephone companies) were divided into three categories: (1) landline providers (*e.g.*, 911/E911 providers, LifeLine Providers, Facilities-based providers of Voice-over-Internet or [VoIP], Carriers of Last Resort or COLRs); (2) wireless providers (*e.g.*, those not residentially based that provide access to E911 and LifeLine services); and (3) non-facilities based LifeLine providers.

However, for the purposes of this decision, the categories will be defined as follows: (1) facilities-based and non-facilities based landline providers (*e.g.*, 911/E911 providers, LifeLine providers, providers of Voice-Over-Internet Protocol [VoIP], Carriers of Last Resort [COLRs], and other landline providers that do not fall into the aforementioned groups); (2) wireless providers (*e.g.*, those that provide access to E911 and/or LifeLine services), (2A) facilities-based wireless providers, and (2B) non-facilities-based wireless providers, (*e.g.* resellers and mobile virtual network operators [MVNOs]).

California LifeLine rules and guidance for all categories of providers will be provided in a subsequent decision.

D.18-08-004 established the following requirements applicable to landline providers:<sup>2</sup> (1) waiver of one-time activation fee for establishing remote call forwarding, remote access to call forwarding, call forwarding features and

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<sup>2</sup> D.18-08-004 at 8.

messaging services; (2) waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services; (3) waiver of the service charge for installation of service at the temporary location of the customer again when the customer moves back to the premises, or new permanent location of the customer and again when the customer moves back to the premises; (4) waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an inside wiring plan; (5) waiver of the fee for up to five free jacks and associated wiring for inside wiring plan customer upon their return to their permanent location; (6) waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location; (7) delay of the California LifeLine Renewal Process and suspension of the de-enrollment for non-usage rules; and (8) implementation of the outreach methods set forth in Resolution M-4835. This Decision makes the above mentioned, eight requirements also applicable to providers of VoIP service, although items seven and eight remain as interim protections.

D.18-08-004 established the following the requirements applicable to wireless providers:<sup>3</sup> (1) the deployment of mobile equipment, including Cells on Wheels and Cells on Light Trucks, to supplement service in areas that need additional capacity to ensure access to 911/E911 service; (2) the provision of device charging stations in areas where impacted wireless customers seek refuge from fires; (3) the provision of WiFi access in areas where impacted wireless customers seek refuge from fires; and (4) the provision of “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to

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<sup>3</sup> D.18-08-004 at 9-10.

fires. In addition, the Commission urges wireless carriers to allow customers to defer or phase payment for coverage charges for data, talk, and text for defined periods of time; and the Commission urges wireless carriers to extend payment dates for service for defined periods of time for impacted customers.

This Decision will make the first three requirements in this paragraph applicable to all facilities-based wireless providers (category 2A) and the provisions of 4-6 applicable to both facilities-based wireless providers (category 2A) and resellers and non-facilities-based wireless providers (category 2B).

Here, we establish a permanent emergency disaster relief program that communications service providers are mandated to implement for their customers in the event of a declared emergency. A permanent disaster relief program ensures predictability and consistency, and will direct carriers to establish the systems and procedures necessary to provide swift and substantive assistance to affected customers.

### **1.1. California's 2017 Wildfire Season**

Autumn 2017 will be remembered for the terrible wildfires that devastated numerous communities in Northern and Southern California.

On October 8, 2017, multiple fires broke out throughout Northern California. In less than 24 hours, more than 18 fires began burning in at least seven counties across the state. By the time the fires were contained two weeks later, more than 200,000 acres of land were devastated, property damaged, and dozens of lives were lost. The fires damaged utility infrastructure providing electricity, communications, water, and gas service to tens of thousands of Californians.



On October 9 and 10, 2017, Governor Brown declared states of emergency in the Counties of Butte, Lake, Mendocino, Napa, Nevada, Orange, Solano, Sonoma, and Yuba.<sup>4</sup>

On October 9, 2017, the Canyon Fire began burning in Southern California, resulting in additional evacuations and damage to utility infrastructure.

### **1.2. California's 2018 Wildfire Season**

California experienced a record-breaking fire season in 2018. More than 8,000 fires burned close to 2,000,000 acres throughout the state,<sup>5</sup> and these devastating fires resulted in billions of dollars in damage and numerous lives lost.

In Northern California, the Mendocino Complex Fire grew to more than 300,000 acres. The Carr Fire, near Mount Shasta, wreaked havoc on Shasta County and the town of Redding. The 175,000-acre Carr Fire prompted nearly 40,000 evacuations and burned more than 1,000 homes to become the sixth most destructive fire in the State's history. The Ferguson Fire near Yosemite National Park became the largest fire in Sierra National Forest history.

In Southern California, the Holy Fire grew over thousands of acres and prompted more than 20,000 evacuations and threatened more than 7,000 homes. The fire spilled over the Orange County line into Riverside County. At least a dozen structures were damaged because of the Holy Fire.

In Fall 2018, the Camp Fire of Northern California burned more than 150,000 acres and leveled entire towns. It destroyed over 18,000 structures – including homes, churches, and stores – and took the lives of more than

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<sup>4</sup> The Governor's Proclamations are available at: <https://www.gov.ca.gov/aneews.php?id=2-2017-October>.

<sup>5</sup> [https://www.predictiveservices.nifc.gov/intelligence/2018\\_statsumm/fires\\_acres18.pdf](https://www.predictiveservices.nifc.gov/intelligence/2018_statsumm/fires_acres18.pdf).

85 people. CalFIRE reported that at least 13,503 residences, 514 businesses, and 4,404 barns, sheds, and other buildings burned in the Camp Fire.

Simultaneously, the Woolsey Fire in Southern California broke out between Los Angeles and Ventura counties. The Woolsey Fire burned almost 100,000 acres damaging countless structures, homes, lands and parks across much of Southern California.

### **1.3. Stakeholder Participation**

This proceeding involved extensive stakeholder participation and multiple, all-party public workshops (Workshops) that the Commission hosted in partnership with the Governor’s Office of Emergency Services (CalOES). Stakeholder and public discussion focused on the implementation of the customer protections adopted in Resolutions M-4833 and M-4835; the communications service providers’ emergency response and coordinated emergency response between industry and local, state, and federal first responders; as well as a reflection on insights and lessons learned from recent wildfires.

## **2. Jurisdiction**

The Commission has broad jurisdiction over “public utilities”<sup>6</sup> and “telephone corporations.”<sup>7</sup> A “public utility” includes every “telephone corporation” where service is performed, or a commodity is delivered to the public or any portion thereof.<sup>8</sup> A “telephone corporation” includes “every corporation or person owning, controlling, operating, or managing any

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<sup>6</sup> Pub. Util. Code § 216.

<sup>7</sup> Pub. Util. Code § 234.

<sup>8</sup> Pub. Util. Code § 216.

telephone line for compensation in this state.”<sup>9</sup> A “telephone line” includes “all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, or controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.”<sup>10</sup>

Thus, the means by which service is provided – analog, wireless technology or Internet protocol (IP) technology – does not affect whether the provider is a public utility telephone corporation. However, Section 710 does place restrictions on the Commission’s regulatory authority over VoIP and other IP-enabled services. Section 710 prohibits the Commission from “exercising regulatory jurisdiction or control” over VoIP and IP-enabled services except as required or delegated by federal law, expressly provided in statute, or as provided in Section 710. However, Section 710 contains a number of exceptions that preserve the Commission’s authority over some functions involving VoIP and IP-enabled services. We believe that Section 710 also allows the Commission to impose the mandates of Section 451, which states: “every public utility shall furnish and maintain such adequate, efficient, just and reasonable service instrumentalities, equipment, and facilities including telephone facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees and the public.”<sup>11</sup> The Commission also retains authority to regulate NG911/911/E911 services whether or not the technology used is IP-enabled.

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<sup>9</sup> Pub. Util. Code § 234.

<sup>10</sup>Pub. Util. Code § 233.

<sup>11</sup>Pub. Util. Code § 451.

Both before and after Section 710 was enacted, the Commission routinely granted applications for Certificates of Public Convenience and Necessity (CPCNs) filed by VoIP providers, if the applicant is otherwise eligible for a CPCN. Those decisions state that the provider is a “public utility” and a “telephone corporation.”<sup>12</sup> Further, the exceptions in Section 710 themselves indicate residual authority over providers of VoIP and IP-enabled services because the Commission would only have such authority if those providers are public utility telephone corporations. We discuss our authority as it applies to each category of carrier below.

### 3. Issues Before the Commission

Parties filed comments in response to the Scoping Memo issued on July 13, 2018. As set forth in the Scoping Memo, the issues to be addressed for communications service providers are:

- a. Emergency Proclamation:** Whether post-disaster emergency customer protections should automatically apply to residential and small business customers when the Governor of California issues a formal state of emergency proclamation. If yes, should the emergency customer protections apply if: (1) the disaster results in the loss, disruption of the delivery, or receipt of, service to the customer; and/or (2) the disaster results in the degradation of the quality of service to the customer?
- b. Period of Implementation:** Shall the emergency customer protections commence upon a state of emergency and conclude no sooner than twelve (12) months from the date of commencement or as appropriately determined by CalOES?

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<sup>12</sup> In such cases, all regulatory requirements apply because the provider is voluntarily submitting to the Commission’s jurisdiction. But the provider must be a “telephone corporation” to apply for a CPCN under Public Utilities Code section 1001.

- c. Compliance:** Shall the Commission require the providers to file an advice letter demonstrating compliance with the activation of customer protections, or should another method be used to demonstrate compliance?
- d. Emergency Customer Protections:** Should the Commission adopt the customer protections from Resolutions M-4833 and M-4835, with or without modifications? What modifications, if any, should be made?
- e. Coordination with local, state, and federal agencies:** Should the Commission require the providers to provide information to other government entities at an aggregated level that cannot be used to identify a specific customer, to give assistance to only those affected by a disaster?
- f. Public Awareness of Customer Protections:** Should the Commission direct the providers to develop proposals to maximize customer awareness regarding the availability of these disaster relief customer protections in specific emergency and disaster situations? Should customer awareness proposals, if required, be implemented via an advice letter, or through some other method?

Parties who participated in the communications carrier portions of this proceeding and filed comments include: (1) Calaveras Telephone Company, Cal-Ore Telephone Company, Ducor Telephone Company, Foresthill Telephone Company, Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Company, Pinnacles Telephone Company, The Siskiyou Telephone Company, Volcano Telephone Company, and Winterhaven Telephone Company (Small LECs); (2) Consolidated Communications of California Company (Consolidated); (3) AT&T;<sup>13</sup> (4) The Utility Reform Network,

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<sup>13</sup> Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) and its affiliates AT&T Corp. (U 5002 C); Teleport Communications America, LLC (U 5454 C); and AT&T Mobility LLC (New Cingular Wireless PCS, LLC (U 3060 C); AT&T Mobility Wireless Operations Holdings, Inc.

Center for Accessible Technology and National Consumer Law Center (Joint Consumers); (5) CTIA; (6) The Utility Consumers' Action Network (UCAN); (7) Citizens Telecommunications Company of California, Inc., Frontier Communications of the Southwest, Inc., and Frontier California, Inc., (Frontier); (8) MCImetro Access Transmission Services (MCImetro); (9) California Association of Competitive Telecommunications Companies (CALTEL); (10) Public Advocates Office; (11) Cox California Telcom, L.L.C., (Cox); (11) California Cable and Telecommunications Association (CCTA); (12) TracFone Wireless, Inc., (TracFone); (13) Cellco Partnership (Verizon Wireless); (14) Sprint Communications Company L.P., Sprint Spectrum L.P., and Virgin Mobile USA, L.P. (Sprint); and (15) The National LifeLine Association (NaLA).

#### **4. Discussion and Analysis**

This decision establishes a state-wide approach to provide customers with essential communications service functions across a range of potential threats and emergencies. Continuity of services and sustaining essential functions are shared responsibilities of the Commission, its counterparts across the State government, and entities regulated by the Commission. It is critical to sustain or restore essential communication functions and deliver critical services under disastrous conditions. This decision includes actions necessary to help meet basic customer needs after a catastrophic incident has occurred.

Our emergency disaster relief program helps ensure that the State can effectively respond to disasters that affect service, including those with cascading effects. This response will help stabilize communities in the wake of a disaster

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(U 3021 C); and Santa Barbara Cellular Systems, Ltd. (U 3015 C)) are collectively referred to hereinafter as "AT&T."

that affects utility customers, ensure the restoration of basic services, assist with restoring community functionality, and support access to resources that facilitate recovery.

#### **4.1. Action Taken When Disaster Strikes**

The State of California has a responsibility to protect the health and safety, and to preserve the lives and property of the people of California.

The California governor has the power to proclaim the existence of a disaster or extreme peril to the safety of persons and property within the state. These disasters are often caused by conditions such as air pollution, fire, flood, storm, sudden and severe energy shortage, earthquake, volcanic eruption, or other similar conditions. By reason of their magnitude, these conditions are or are likely to be beyond the capabilities of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of the government to provide relief. For our part, the Commission has a responsibility to mitigate the effects of a natural or man-made emergency that result from the degradation or disruption of utility service in times of disaster.

In the scoping memo, we asked parties whether certain post-disaster emergency protections should be in place and apply for customers of communications service providers in a given area when the governor of California issues a formal state of emergency declaration covering that area. We also asked parties if the trigger for the activation of the emergency customer protections should be: (1) the disaster has resulted in the loss, disruption of the delivery, or receipt of, utility service to the customer; and/or (2) the disaster results in the degradation of the quality of utility service to the customer.

Additionally, in the rulings of the Assigned Administrative Law Judge, parties were asked whether the period over which to apply emergency customer

protections should commence upon the issuance of the emergency declaration and conclude no sooner than twelve (12) months from the date of commencement or as appropriately determined by the Governor's Office.

#### **4.1.1. Position of Parties**

Joint Consumers believe that "disruption" should mean a loss of dial tone, no connection, or otherwise non-functioning service.<sup>14</sup> Joint Consumers propose that degraded service should include situations where service is not completely out, but callers still encounter poor service quality, including, but not limited to, static, failure to connect, fast busy signal, and/or dropped calls.<sup>15</sup> Joint Consumers believe that state-level emergency declarations made by the governor of California as well as federal and local emergency declarations should trigger the emergency disaster relief program.<sup>16</sup> In addition, Joint Consumers propose a 24-hour threshold for service disruption or degradation as a trigger for certain customer protections (*i.e.*, waiver of fees for call forwarding), while other customer protections may need to be deployed less than 24 hours after loss of service (*i.e.*, deployment of Cells on Wheels and Cells on Light Trucks).<sup>17</sup>

CCTA argues that an emergency declaration – either made by the governor of California or a federal emergency declaration – should not mandate a "one-size-fits-all" approach to customer protection measures. Rather, CCTA argues that the Commission should recognize that providers need "flexibility to

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<sup>14</sup> Joint Consumers Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 2.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> *Id.* at 5.

<sup>17</sup> *Id.* at 3-5.



tailor their response to each unique disaster.”<sup>18</sup> Further, CCTA argues that a “disruption” of voice service should mean that a customer cannot make or receive a voice call because the disaster has rendered the service nonfunctional and the customer is unable to make a 911 call.<sup>19</sup> CCTA asserts that “degradation” of voice service means that voice service, while not necessarily completely nonfunctional, is so affected by the given disaster event that a customer cannot routinely make and/or receive voice calls.<sup>20</sup> CCTA argues the Commission should not adopt a single rule with a single timeframe and should instead, adopt a “flexible approach” that can be tailored to the specifics of each disaster, customer needs, and utility services at issue.<sup>21</sup>

Frontier argues that the Commission should leave it to each provider to assess impact to services and should not trigger the emergency disaster relief program.<sup>22</sup> Additionally, Frontier argues that the Commission should define “disruption of the delivery or receipt of utility service” as when a customer has lost a basic dial tone due to the declared disaster event.<sup>23</sup> Frontier asserts that the Commission should interpret and define the “degradation and quality of utility service” as when the quality of the basic dial tone is such that calls cannot be completed due to the declared disaster event.<sup>24</sup>

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<sup>18</sup> CCTA Comments on Assigned Commissioner and Administrative Law Judge’s Ruling Noticing Workshops and Ordering Workshop Statements at 6.

<sup>19</sup> CCTA Preliminary Workshop Comments at 5-6.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 7.

<sup>22</sup> Frontier Comments on Assigned Commissioner and Administrative Law Judge’s Ruling Noticing Workshops and Ordering Workshop Statements at 2.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

Consolidated and the Small LECs assert that the communications providers themselves are in the best position to determine when a disaster has caused sufficiently material disruption or degradation to trigger the disaster relief programs identified in our interim decision, D.18-08-004.<sup>25</sup> Consolidated also argues that not all emergencies are the same, regardless of who issues the declaration of emergency, and any rule providing for emergency customer protections should direct relief only where it is warranted.<sup>26</sup>

AT&T asserts that the Commission should not require communications providers to offer customer assistance after a governor-declared state of emergency and argues that communications providers are “best able to determine the extent of any ‘disruption’ or ‘degradation’ of service.”<sup>27</sup> However, AT&T asserts that a “disruption” or “degradation” of service means a call cannot be placed or received. AT&T asserts that customer relief cannot be given when a disaster causes a single customer for single day to be out of service.<sup>28</sup>

Cox argues that a “one-size-fits-all” approach is not in the public interest and could ultimately limit or restrict the type of support customers would otherwise receive from their carrier of choice in a governor-declared state of emergency.<sup>29</sup>

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<sup>25</sup> Consolidated Comments on Assigned Commissioner and Administrative Law Judge’s Ruling Noticing Workshops and Ordering Workshop Statements at 2-3; Small LECs Comments on Assigned Commissioner and Administrative Law Judge’s Ruling Noticing Workshops and Ordering Workshop Statements at 3.

<sup>26</sup> *Id.* at 3.

<sup>27</sup> AT&T Preliminary Workshop Comments at 2.

<sup>28</sup> *Id.* at 2-3.

<sup>29</sup> Reply Comments of Cox on Assigned Commissioner’s Scoping Memo at 3.

Cal Advocates asserts that there is a need for Commission oversight of post-emergency customer protection measures. Cal Advocates argues that the assistance and support provided to the victims of the 2017 wildfires from communications service providers were not consistently applied and were difficult to quantify. Cal Advocates also argue that, regardless of the contention by providers that they will continue to assist customers without a clear, consistent set of rules, there is a “need for customers to know what they can rely upon in the future.”<sup>30</sup>

CTIA and Verizon Wireless<sup>31</sup> assert that the definition of “disruption” or “degradation” of utility service should be where there is a significant event (e.g., affecting a very large number of customers for a period of time significantly longer than one day).<sup>32</sup> CTIA asserts that any definition of disruption or degradation of wireless services should focus on outages that are extremely widespread and long lasting.<sup>33</sup> CTIA argues the Commission lacks authority to prescribe any measures or impose a duration of time for implementation of those measures.<sup>34</sup>

Similarly, AT&T argues that the Commission should not require communications providers to offer customer assistance after a governor-declared state of emergency, even where there is loss of utility service.<sup>35</sup>

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<sup>30</sup> Reply Comments of Cal Advocates on the Assigned Commissioner’s Scoping Memo at 2.

<sup>31</sup> Cellco Partnership (Verizon Wireless) Comments to Assigned Commissioner and Administrative Law Judge’s Ruling at 1-2.

<sup>32</sup> CTIA Workshop Comments at 4-5.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 6.

<sup>35</sup> AT&T Mobility Preliminary Workshop Comments at 2.

Finally, TracFone argues the Commission should not adopt the same duration of emergency customer protection measures across industries unless there is a compelling justification.<sup>36</sup>

#### **4.1.2. Discussion**

Natural and manmade disasters are becoming more frequent, far-reaching, and their effects are more widespread. Preserving safety and security in the wake of natural and manmade disasters is paramount. An emergency declaration by the governor of California or president of the United States is the appropriate trigger to automatically implement the emergency customer relief program. Using an emergency declaration by the governor of California or president of the United States as a trigger, will minimize confusion and set a clear precedent on how and when the emergency disaster customer relief program is activated. We disagree with the industry's argument that a "one-size-fits-all" approach is unnecessary, and that flexibility should be allowed during times of crises.

A state or federal emergency declaration signals a shared understanding of needs, capabilities, and large-scale coordinated action between the Commission, CalOES, CalFIRE, local entities and communications service providers. It establishes a greater sense of empowerment and integration of resources.

We therefore direct the communications service carriers to implement the emergency customer protections, discussed below, upon the declaration of a state of emergency by the governor, or the president of the United States, where the disaster has caused (1) a disruption of the delivery or receipt of utility

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<sup>36</sup> Tracfone Wireless Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Opening Workshop Statements at 2.

service; and/or (2) the degradation of the quality of the utility service to residential and small business customers. The customer protections shall commence upon the issuance of the emergency proclamation and conclude no sooner than twelve (12) months from the date of commencement or as appropriately determined by CalOES.

We adopt the recommendations from the parties to define “disruption” as: (1) loss of dial tone; (2) no connection or otherwise non-functioning service; or (3) circumstances in which the caller cannot make or receive a voice call because the disaster has rendered the service nonfunctional and so, the caller is unable to make a 911 call. We adopt the recommendations from parties to define “degradation” as: situations where service is not completely out, but callers still encounter poor service quality, including, but not limited to, static, failure to connect, a fast busy signal, and/or dropped calls, including 911 calls.

We agree with Joint Consumers that a 24-hour threshold for service disruption or degradation should be a trigger for certain customer protections (*e.g.*, waiver of fees for call forwarding) while other customer protections may need to be deployed less than 24 hours after loss of service (*e.g.*, deployment of Cells on Wheels and Cells on Light Trucks).<sup>37</sup>

Finally, all customers whose utility service is disrupted or degraded, within an area that is declared to be in a state of emergency by the governor or president, shall be covered by the protections we set forth here. We disagree with CTIA and AT&T that disaster relief should apply only if a disaster-induced

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<sup>37</sup> Joint Consumers on Assigned Commissioner and Administrative Law Judge’s Ruling Noticing Workshops and Ordering Workshop Statements at 3-5.

service disruption affects a very large number of customers.<sup>38</sup> We decline to adopt a regulation that considers raw numbers of affected customers because such a regulation would limit the availability of disaster relief for customers living in disaster impacted areas or rural areas. We agree with Joint Consumers that, because rural customers may be more isolated and harder to reach as a result of service outages, service may be harder to restore in rural areas. In addition, rural areas often have high percentages of low-income residents. Therefore, the emergency relief measures the Commission establishes may be even more important in helping these communities survive an emergency and rebuild following a disaster.<sup>39</sup>

#### **4.2. Expansion of 211 Service**

211 service plays a critical role in providing information and support in times of disaster. For example, 211 service could assist residents of affected areas in accessing information about evacuation, shelter, food, and medical and recovery services, and provides public officials with feedback from callers about changing conditions.

In the Assigned Administrative Law Judge's ruling, parties were asked whether 211 providers and CalOES could work collaboratively to improve the benefits of 211 service and how any coordination or outreach efforts by communications providers of voice services could make 211 emergency service more helpful to Californians during an emergency.

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<sup>38</sup> CTIA Preliminary Workshop Statement at p. 4; AT&T Preliminary Workshop Statement at pp. 2-3.

<sup>39</sup> Joint Consumers on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 4.

#### 4.2.1. Position of Parties

The Joint Consumers state that as part of alleviating the burdens on 911 during disasters, telecommunications providers can work with the Commission and emergency service providers to disseminate information about 211 service.<sup>40</sup> Joint Consumers asserts that the 211 service can take calls relating to important but non-urgent concerns such as evacuations and shelters, leaving 911 for emergencies. This would reduce network congestion on the 911 network.<sup>41</sup>

CCTA states that the Commission should “recall that 211 service is not an emergency 911 equivalent service and should not be treated as an emergency service.”<sup>42</sup> CCTA argues that 211 calls do not share those critical 911 routing features, or related costs, and are carried over normal business lines that do not have the same reliability and restoration priority of a 911 trunk.<sup>43</sup> CCTA asserts that 211 service may be able to provide access to information regarding where emergency shelters are located and how to obtain post-emergency assistance.<sup>44</sup> CCTA believes substantial concerns would arise if 211 providers give direction regarding how and where to evacuate – potentially life and death information that requires direct guidance from emergency providers and similarly trained officials as provided through 911, reverse 911, and other services directly controlled by emergency officials.<sup>45</sup>

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<sup>40</sup> *Id.* at 6.

<sup>41</sup> *Id.*

<sup>42</sup> CCTA Preliminary Workshop Comments at 3.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

CTIA, AT&T and Frontier object to the inclusion of 211 service in this proceeding.<sup>46</sup>

#### **4.2.2. Discussion**

We agree with comments by Joint Consumers and recommend that communications service providers work with Commission staff and state emergency services entities on educating Californians about 211 service and where such service exists. This service may be particularly valuable during an emergency because it can provide an easy and accessible way to disseminate information about disaster-specific services and developments, using a communication channel that is widely available and familiar. These outreach efforts to raise awareness of 211 services and their use during emergencies can include bill inserts, text alerts, and other advertising media. We believe 211 service is an important resource for accurate disaster-relief related information, and that wider knowledge of 211 services would benefit Californians and channel non-urgent calls currently sustained by 911 away to another experienced service. Therefore, we direct the industry to work collaboratively with Commission staff and our sister government agencies on measures to instill greater awareness of 211 service.

#### **4.3. Action Taken During Disaster**

Taking action during a disaster is necessary to reduce the negative impact of that disaster. In the Scoping Memo and subsequent Assigned Administrative Law Judge rulings, parties were asked whether the Commission should adopt

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<sup>46</sup> CTIA Workshop Comments at 4; Frontier Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 1; AT&T Mobility Preliminary Workshop Comments at 1-2.



the customer protections from Resolutions M-4833 and M-4835 and our interim decision, D.18-08-004, with or without modification.

#### **4.3.1. Position of Parties**

CTIA argues that the Commission lacks jurisdiction to impose the disaster response measures as regulatory mandates on wireless carriers in California, arguing that most of the requirements adopted in D.18-08-004 imposed on wireless carriers are preempted by federal law.<sup>47</sup>

AT&T asserts that deploying customer assistance in times of disaster should be left to the people with actual knowledge of the effects of the disaster on its network and its customers and their community.<sup>48</sup>

Frontier contends that the emergency customer protections should be given only to affected customers and should be based on how long the customer is without a basic dial tone due to the event.<sup>49</sup>

Joint Consumers maintain that all customers should benefit from disaster relief protections and this principle should apply regardless of the size of the serving carrier.<sup>50</sup> Joint Consumers also urge us to adopt a timeframe for the disaster relief measures to remain in effect; they argue that the default should be that the protections are available to customers for the same length of time regardless of the industry offering the protections.<sup>51</sup>

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<sup>47</sup> CTIA Workshop Comments at 7-8, citing to Application of CTIA and AT&T Application for Rehearing of D.18-08-004.

<sup>48</sup> AT&T Preliminary Workshop Comments at 4.

<sup>49</sup> Frontier Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 3.

<sup>50</sup> Joint Consumers on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 6.

<sup>51</sup> *Id.* at 7.

The Small LECs<sup>52</sup> and Consolidated<sup>53</sup> argue that all customers should have the benefit of the customer protections established in this proceeding, but exemptions from specific requirements should be given in the case of smaller providers.<sup>54</sup> The Small LECs ask us to consider exemptions and economies of scale from specific proposals as the customer protections are established.<sup>55</sup>

CCTA<sup>56</sup> and Cox<sup>57</sup> ask that we recognize the benefits of providers having flexibility to support their customers with tailored relief measures once disaster strikes.

Cal Advocates supports a minimum baseline of protections in the aftermath of a disaster.<sup>58</sup> Based on data requests, Cal Advocates asserts that AT&T could not document the number of customers that benefited from the assistance and protections it offered in response to Resolutions M-4833 and M-4835.<sup>59</sup> Cal Advocates also contends that AT&T did not supply any documentation that customer service representatives were trained and informed of the protections.<sup>60</sup> Similarly, Cal Advocates asserts that Frontier could not supply it with any quantification or estimates of the number of customers that

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<sup>52</sup> Small LECs Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 4; Consolidated Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 3-4.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> CCTA Preliminary Workshop Comments at 7-8.

<sup>57</sup> Pre-Workshop Comments of Cox at 2.

<sup>58</sup> Cal Advocates Preliminary Workshop Comments at 2.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

received their offered protections.<sup>61</sup>

Verizon Wireless argues that it is unnecessary to apply the directives in D.18-08-004, and by consequence, Resolutions M-4833 and M-4385, for wireless carriers.<sup>62</sup> Likewise, TracFone contends that wireless providers should be exempt from D.18-08-004, and by consequence, M-4833 and M-4835, and there should not be a standardized period of time to implement the customer protections unless there is a compelling justification.<sup>63</sup>

#### **4.3.2. Discussion**

We recognize the need for disaster preparedness and disaster relief as California experiences the harsh effects of climate change, which increase the probability and severity of disasters like wildfires. We adopt the customer protections from Resolutions M-4833, M-4835, and D.18-08-004 for customers of the following communications companies within our jurisdiction as set forth below, with the exception of the protections specific to the California LifeLine Program.<sup>64</sup> The protections for California LifeLine Program participants will be addressed separately from this Decision.

The customer protections for facilities based and non-facilities based landline providers (*e.g.*, 911/E911 providers, LifeLine providers, providers of

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<sup>61</sup> *Id.*

<sup>62</sup> Cellco Partnership (Verizon Wireless) Comments to Assigned Commissioner and Administrative Law Judge's Ruling at 2.

<sup>63</sup> Tracfone Wireless Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Opening Workshop Statements at 2.

<sup>64</sup> The protections specific to the California LifeLine Program adopted in D. 18-08-004 are the delay of the California LifeLine Renewal Process, suspension of the de-enrollment for non-usage rules, and the outreach methods stipulated in Res. M-4835.

VoIP, COLRs, and other landline providers that do not fall into the aforementioned groups) are:<sup>65</sup>

1. Waiver of one-time activation fee for establishing remote call forwarding, remote access to call forwarding, call forwarding features and messaging services;
2. Waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services;
3. Waiver of the service charge for installation of service at the temporary or new permanent location of the customer and again when the customer moves back to the premises;
4. Waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an Inside Wire Plan;
5. Waiver of the fee for up to five free jacks and associated wiring for Inside Wiring Plan customer upon their return to their permanent location;
6. Waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location;<sup>66</sup>

We believe these protections are consistent with and further the objectives of our statutory mandate under Section 451: “to regulate public utilities to ensure that customers receive safe and reliable service at just a reasonable rates.”<sup>67</sup> This decision authorizes a narrow scope of billing and customer relief in the aftermath

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<sup>65</sup> Cal. Pub. Util. Comm., Resolution M-4833, *Emergency Authorization and Order Directing Utilities to Implement Emergency Consumer Protections to Support Residential Customers of the October 2017 California Wildfires*, at 10-16; Cal. Pub. Util. Comm., Resolution M-4835, *Emergency Authorization and Order Directing Utilities to Implement Emergency Consumer Protections Related to the December 2017 California Wildfires to Support Residential and Non-Residential Customers*, at 8-13.

<sup>66</sup> *Id.*

<sup>67</sup> Pub. Util. Code § 451.

of a disaster, such as a wildfire, when the governor or president has declared a state of emergency. The customer relief measures we adopt here are intended to protect the health and safety of California residents and businesses. We disagree with parties' arguments that the Commission is expressly preempted by federal law from exercising our police power in recognizing the governor of California's power to declare a state of emergency, or in the alternative, the president's power to declare a state of emergency, and provide Californians with relief in times of crisis.

The consumer protections for wireless providers (e.g., those that provide access to E911 and/or Lifeline services) follow. Items 1-6 apply to (2A) facilities-based wireless providers, and items 4-6 apply to (2B) resellers and non-facilities-based wireless providers, (e.g. mobile virtual network operators [MVNOs]).<sup>68</sup>

1. Deploy mobile equipment, including Cells on Wheels and Cells on Light Trucks, to supplement service in areas that need additional capacity to ensure access to 911/E911 service;
2. Provide device charging stations in areas where impacted wireless customers seek refuge from fires; and
3. Provide WiFi access in areas where impacted wireless customers seek refuge from fires.

The following are directed to all facilities-based and non-facilities based wireless providers, including resellers:<sup>69</sup>

4. Provide "loaner" mobile phones to impacted customers whose mobile phones are not accessible due to fires.

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<sup>68</sup> D.18-08-004 at 9.

<sup>69</sup> *Id.*

5. The Commission urges wireless carriers to allow customers to defer or phase payment for coverage charges for data, talk, and text for defined periods time; and
6. The Commission urges wireless carriers to extend payment dates for service for defined periods of time for impacted customers.

We disagree with CTIA's argument that the Commission lacks authority to impose these disaster relief measures as regulatory mandates to wireless carriers. We are mindful that the Federal Telecommunications Act, 47 USC 332(c)(3)(A), contains a prohibition on state regulatory authority, which reads in pertinent part: "no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service."<sup>70</sup> Yet, at the same time, CTIA over-states the scope of the federal regulatory scheme, as the very same sentence in that provision of federal law includes the following phrase: "except that this paragraph shall not prohibit a State from regulating the other terms and conditions of commercial mobile services."<sup>71</sup>

The measures we adopt here do not concern the rates wireless providers may charge their customers. The fact that complying with these measures may produce increased business costs for the providers – which may, in totality, amount to an incidental effect – does not equate to "rate regulation." Nor do these measures in any way restrict or attempt to otherwise regulate the ability of wireless providers to enter the California telecommunications market. Indeed, wireless service providers offer service statewide in California.

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<sup>70</sup> See 47 USC 332(c)(3)(A).

<sup>71</sup> *Id.*

Finally, 47 USC 332(c)(3)(A) does not preempt state police power, and that is what we exercise here, in adopting measures to ensure public safety through a functioning communications network in the event of one or more emergencies. The duty to furnish and maintain safe equipment and facilities that provide just and reasonable service falls squarely on California's telecommunication carriers.<sup>72</sup> Accordingly, we reject CTIA's and the wireless industry's argument that the Commission is prohibited from imposing these emergency measures on wireless service providers.

The emergency disaster relief protections we establish here encourage consumer protection, support service restoration, and facilitate community functionality and relief in the wake of a disaster.

Protections specific to California LifeLine Program participants, including those receiving service from non-facilities based wireless service providers, will be addressed separately in this proceeding.

#### **4.4. Public Awareness of Customer Protections**

Time and again, disasters demonstrate how demographic and socio-economic factors exacerbate the impact of catastrophes. It is important to ensure that all customers are aware of these emergency customer protections before a disaster occurs so that during times of crises, customers have equal access to these protections. Throughout this proceeding,<sup>73</sup> we asked whether the Commission should direct the utilities to develop proposals to maximize

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<sup>72</sup> D.16-08-021 at 28.

<sup>73</sup> Assigned Commissioner and Administrative Law Judge's Ruling Seeking More Information on Emergency Disaster Relief Program, February 5, 2019.

customer awareness regarding the availability of these disaster relief customer protections in specific emergency and disaster situations.

#### **4.4.1. Position of Parties**

Joint Consumers argue that customer education regarding disaster protections should happen before and during a disaster.<sup>74</sup> Joint Consumers also contend that there needs to be a reporting requirement; first, to the Commission about the providers' customer education and outreach plan, and then at the conclusion of a disaster, a report to the Commission of what happened, what worked and what may be done differently.<sup>75</sup> Joint Consumers assert that targeting outreach efforts to vulnerable populations is necessary, with easy-to-read descriptions of the emergency disaster communications customer protections and how to access emergency alerts and notifications.<sup>76</sup>

Consolidated states it provides information about emergency services and processes to a third-party independent directory publisher that prints and distributes directories to all premises in Consolidated's serving area.<sup>77</sup> Additionally, Consolidated states it communicates emergency measures through: (1) press releases; (2) public service announcements; (3) its website; (4) outbound call messaging; (5) email communications; (6) direct-mail; and (7) partnerships with emergency crews and other utilities.<sup>78</sup>

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<sup>74</sup> Joint Consumers on Assigned Commissioner and Administrative Law Judge's Ruling at 17.

<sup>75</sup> *Id.* at 18.

<sup>76</sup> *Id.* at 19.

<sup>77</sup> Consolidated Comments on the Assigned Commissioner Administrative Law Judge's Ruling Seeking More Information at 6.

<sup>78</sup> *Id.*



Verizon Wireless asserts that it conducts customer education outreach on its own and through its membership in CTIA.<sup>79</sup> Verizon Wireless states that it: (1) uses social media to update customers and local media on matters like network status, store openings, charging stations and other mobile support locations, and the availability of free service to customers in the affected area when offered; (2) posts such information online with updates and additional details of recovery efforts through a dedicated website link; (3) has created an online emergency resource center to provide easier access to this information; (4) uses customer care representatives (who are generally notified of major outage events) to assist customers in finding available information on service restoration status and how affected customers can take advantage of free voice and text service (when offered).<sup>80</sup>

CCTA argues that its members should have flexibility in an emergency to distribute information because conditions during an emergency vary hour-by-hour as recovery proceeds and services are restored or alternatives become available.<sup>81</sup> CCTA further states that its members use a script for customer service representatives, which describes information relative to the customer's service and disaster related response.<sup>82</sup>

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<sup>79</sup> Verizon Wireless Comments on the Assigned Commissioner Administrative Law Judge's Ruling Seeking More Information at 12.

<sup>80</sup> *Id.*

<sup>81</sup> CCTA Comments on the Assigned Commissioner and Administrative Law Judge's Ruling Seeking More Information at 9.

<sup>82</sup>*Id.*

Cal Advocates argues that all communications companies should proactively notify disaster-stricken customers of available protections.<sup>83</sup> Cal Advocates asserts that because communications services may be disrupted or degraded, the Commission should require companies to broadcast information over radio as well as broadcast through other media channels and on company websites,<sup>84</sup> and notes that despite the availability of the protections required by Resolutions M-4833 and M-4835, there is no indication of the number of customers which received these protections.<sup>85</sup>

CTIA states that its members are part of the Wireless Resiliency Cooperative Framework<sup>86</sup> and the Commission should follow that approach for ensuring customers receive critical information about disaster preparedness and relief.<sup>87</sup>

AT&T argues that it leverages its websites, social media presence, text messages, and customer service representatives at call centers and retail stores to disseminate and explain disaster-related information and provide assistance to customers.<sup>88</sup> In addition to providing on-site assistance at local shelters and

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<sup>83</sup> Cal Advocates Preliminary Workshop Comments at 2-3.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> The Federal Communications Commission adopted an order expressing its support for a voluntary industry commitment and framework (Wireless Resiliency Cooperative Framework) to promote resilient wireless communications and situational awareness during disasters.

<sup>87</sup> Reply Comments of CTIA on the Assigned Commissioner and Administrative Law Judge's Ruling Seeking More Information at 11-12.

<sup>88</sup> AT&T Reply Comments in Response to Assigned Commissioner and Administrative Law Judge' Ruling Seeking More Information at 3.

community resource centers in the midst of disasters, AT&T also engages local officials and stakeholders to further spread customer assistance information.<sup>89</sup>

Frontier argues that educating customers about the emergency disaster relief customer protections should be left to each provider since the provider may have its own best methods, such as public notice, email, and website.<sup>90</sup>

#### **4.4.2. Discussion**

Raising awareness about the existence of the emergency customer protections before a disaster occurs is vital, so that when disasters do occur, customers are prepared. Here, we establish a baseline set of required outreach and education activities to ensure each communication service provider's plan is robust to reach affected customers. Therefore, in addition to what the communications service providers are currently doing to conduct outreach, we direct the communications service providers to, at minimum, implement ongoing and continuous outreach to customers that clearly communicate the emergency customer protections, including:

- Community outreach;
- Radio
- Webpages;
- Outbound emails;
- Media advisories;
- Social media posts;
- Company websites
- Outbound dialing;

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<sup>89</sup> *Id.*

<sup>90</sup> Frontier Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 3.

- Customer Contact Centers to provide customers impacted by the disaster information regarding service interruptions, restoration efforts, along with relief support;
- Community outreach centers;
- Local governments;
- Targeted outreach to highly impacted customers;
- Direct mail;
- Newsletters;
- City/County assistance centers;
- Trained staff at local assistance centers to work in-person with affected customers;
- Partnering with community-based organizations that serve income eligible customers to ensure awareness of available customer protections; and
- Communicate customer protections in accessible formats for customers with disabilities impacting their ability to use standard forms of communications.

The communications service carriers shall begin conducting this outreach upon the effective date of this decision. The communications service providers have the flexibility to create a mix of tactics utilized at strategic times to reach customers and aid them in their understanding of these programs. The communications service providers shall communicate the timelines of the customer protections clearly to customers.

The communications service providers are not barred from implementing more customer outreach programs to increase awareness about the emergency customer protections. We encourage and support their efforts to raise maximum awareness about the customer protections before a disaster occurs so customers are prepared should tragedy strike.

Consistent with Public Utilities Code section 8386(c)(16)(B), we required the electric, natural gas, water and sewer utilities to communicate these customer protections in several languages. Specifically, Section 8386(c)(16)(B) mandates that the utilities' plan for community outreach and public awareness before, during, and after a wildfire (disaster) be communicated 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. For continuity and consistency with the electric, natural gas, water, and sewer utilities, and taking official notice of United States Census data pursuant to Rule 13.9 of the Commission's Rules of Practice and Procedure, the Commission determines that the following languages are the three most common languages used in the state other than English or Spanish: Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese. In addition to those languages, the communication service providers should provide outreach in Korean and Russian, where these languages are prevalent in the company's service territory. The communications service providers shall communicate these customer protections as part of their plan for community outreach and public awareness before, during, and after a wildfire or other disaster in the above languages.

Should we adopt additional language outreach requirements in other proceedings, including adding less prevalent languages, we may address adoption of such requirements in this proceeding, with appropriate process.

Finally, within 60 days from the effective date of this decision, the communications service carriers shall file a Tier 1 Advice Letter setting forth a plan for customer outreach of these emergency customer protections in English, Spanish, Chinese (including Cantonese, Mandarin, and other Chinese

languages), Tagalog, and Vietnamese as well as Korean and Russian where those languages are prevalent within the utilities' service territories.

#### **4.5. Administrative Compliance Actions Taken Pre- and Post-Disaster**

In the rulings of the Assigned Administrative Law Judge, parties were asked what compliance reporting should occur to notify the Commission of the implementation of the emergency customer protections and what final reporting should be required.

##### **4.5.1. Position of Parties**

Cox asserts that advice letter filings are not necessary in the event of a governor-declared state of emergency.<sup>91</sup> TracFone states that wireless resellers should be exempt from any requirements in this proceeding.<sup>92</sup> CTIA argues that the Commission has no authority to impose any regulatory mandates on wireless carriers.<sup>93</sup> Frontier asserts that advice letter filings are not necessary and should not be required because restoration times may vary. Frontier further states that, if necessary, providers can respond to Commission staff inquiries regarding restoration of service.<sup>94</sup>

Joint Consumers argue that an advice letter process or a semi-annual report is a critical feedback loop to ensure the emergency customer protection rules are effective.<sup>95</sup>

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<sup>91</sup>Pre-workshop Comments of Cox at 2.

<sup>92</sup>Tracfone Wireless Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Opening Workshop Statements at 2.

<sup>93</sup> Workshop Comments of CTIA at 4.

<sup>94</sup> Frontier Comments on Assigned Commissioner and Administrative Law Judge's Ruling Noticing Workshops and Ordering Workshop Statements at 2.

<sup>95</sup>Reply Comments of Joint Consumers of Assigned Commissioner and Administrative Law judge's Ruling Noticing Workshops and Ordering Workshop Statements at 19.

Cal Advocates asserts that some carriers could not document the number of customers that benefited from the assistance and protections offered in response to Resolutions M-4833 and M-4835.<sup>96</sup> Cal Advocates contends that AT&T did not supply any documentation that customer service representatives were trained and informed of the protections.<sup>97</sup> Similarly, Cal Advocates asserts that Frontier could not supply it with any quantification or estimates of the number of customers who received their offered protections.<sup>98</sup>

#### **4.5.2. Discussion**

We agree with Joint Consumers' position that advice letter filings are necessary in order to ensure that emergency consumer rules are effective. Therefore, the communications service providers are directed to file a Tier 1 Advice Letter within 15 days of a declared state of emergency notifying the Commission of their implementation of the emergency customer protections. The communications service provider must attest that they have complied with all required actions that are applicable to the type of service they provide. After the conclusion of the disaster or at the default, 12-month conclusion of the customer protection period, the communications service providers shall file another Tier 1 Advice Letter detailing the protections offered, outreach efforts, and customer impacts.

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<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

#### **4.6. Cost Recovery**

The Small LECs argue that the question of cost-recovery for disaster relief should be included in this proceeding.<sup>99</sup>

##### **4.6.1. Discussion**

D.17-12-024 and D.12-01-032 find that the Small LECs may use the annual CHCF-A Tier 3 advice letter process to request recovery through a fire hazard prevention memorandum account (FHPMA), to be verified by staff and assessed for reasonableness of recorded costs. The Small LECs are directed to comply with the requirements of D.17-12-024 and D.12-01-032.

#### **5. Phase II**

##### **5.1. Next Steps**

Throughout the course of this proceeding, we engaged with stakeholders to determine the best way forward for communications service providers, the Commission, CalOES, CalFIRE, and other emergency agencies to ensure that necessary information is clearly communicated and coordinated during times of crises through a resilient network.

On November 1, 2018, the Commission and CalOES held a joint-all party public workshop where the parties considered this topic, among others. At the workshop, Commission staff with CalOES officials, questioned parties about coordinated engagement between industry and government emergency services.

Joint Consumers stated that “all Californians [should be] provided relief efforts regardless of who their providers are .... And if [there are people] in an

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<sup>99</sup> Small LECs Comments on Assigned Commissioner and Administrative Law Judge’s Ruling Noticing Workshops and Ordering Workshop Statements at 6.



area that's more sparsely populated, [those residents] might even have more need to receive [customer protections]..."<sup>100</sup>

Alternatively, in response to questions presented, the carriers largely remained silent. Joint Consumers took issue with the industry's lack of response and participation at the workshop. Joint Consumers stated:

"... it is very telling, the unwillingness of respondents and carriers to respond or participate on these issues of how to serve their actual customers who are experiencing emergencies. Certainly, protections that only apply until service is restored is fundamentally inadequate when the very premise of this proceeding is to help in the recovery to customers who are impacted by a disaster. So the economic impact on a community that has suffered from wildfires, as we all know, lasts much longer than the actual duration of utility service being disrupted, and, certainly the financial relief measures that are under discussion, like availability of payment plans for people who might lose income, need to go beyond restoration of service."<sup>101</sup>

Verizon Wireless stated it has shared metrics with critical public safety entities that include customer service levels, network availability, call performance, data performance, and text performance.<sup>102</sup> Verizon wireless also stated that, "[the] turn around [is] also variable. That's why it's not easy for the provider to put the finger on the pulse of every single issue in such a manner."<sup>103</sup>

In response, a CalOES official stated:

At the end of the day, our customers are your customers. If they can't get out to us, they can't get to anybody else. And if we can't provide that service, your credibility and ours is going to be zero at the end of the day. I'll just make that as

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<sup>100</sup> CPUC and CalOES Workshop Transcript at 92-93.

<sup>101</sup> *Id.* at 110-111.

<sup>102</sup> *Id.* at 112.

<sup>103</sup> *Id.* at 112.

clear as I can. If I can't make a 911 call, if I can't hear from the cellular, and I can't do it on 911, at the end of the day, we're not going to survive, period. ... We've got to be more transparent, we've got to share things in more real time. At the end of the day, we want to protect people's lives and property. That's what it's going to take... it doesn't really matter whether we're on hardline, cellular, or VoIP. If we don't develop systems so the public is aware, and we're also aware in different communities and different parts of the country, it will much harder for us to provide service that's out there.<sup>104</sup>

### **5.1.1. Discussion**

During disasters, when people are rushing out of a threatened area or having to communicate with 911 centers, the communication link is critical for life-saving operations. Phase II of this rulemaking will focus on having a resilient and dependable communications grid that aids first responders and communicates with the public in a timely manner. California's communications system is our most essential component for public safety, and Phase II will focus on enhancing communications from this public safety component. Phase II will consider fines and citations for non-compliance with our orders. A subsequent Scoping Memo in this proceeding will be issued.

D.18-08-004 included three relief measures for California LifeLine Program participants: delay of the California LifeLine Renewal Process, suspension of the de-enrollment for non-usage rules, and the outreach methods adopted in Resolution M-4835. On May 14, 2019, the Assigned Administrative Law Judge issued a ruling seeking comment on a Staff Proposal for relief measures for California LifeLine participants residing in counties impacted by disasters. Specifically, this Staff Proposal presented options and requested comment aimed

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<sup>104</sup> *Id.* at 113-114.

toward dealing with situations when the Federal Communications Commission does not grant the Commission a waiver of the federal Lifeline program's rules pertaining to the annual recertification process and/or de-enrollment for non-usage. Separately in this proceeding, the Commission expects to consider permanent relief measures for California LifeLine participants affected by disasters.

## **6. Comments on Proposed Decision**

The proposed decision of President Michael Picker in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_ by \_\_\_\_\_.

## **7. Assignment of Proceeding**

Michael Picker is the assigned Commissioner and Colin Rizzo is the assigned ALJ in this proceeding.

## **Findings of Fact**

1. On October 8, 2017, multiple wildfires broke out throughout Northern California.
2. On October 9 and 10, 2017, Governor Edmund G. Brown, Jr., declared states of emergency in the Counties of Butte, Lake, Mendocino, Napa, Nevada, Orange, Solano, Sonoma, and Yuba due to fires.
3. In 2017, the Commission required California's regulated electric, natural gas, water, and sewer utilities to offer specific customer protections for those affected by the 2017 wildfires in Resolutions M-4833 and M-4835.
4. Resolution M-4833 and M-4835 offered the following customer protections for residential communications customers: (1) a waiver of the one-time

activation fee for establishing Remote Call Forwarding, Remote Access to Call Forwarding, Call Forwarding features and Messaging services; (2) a waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding features and messaging services; (3) a waiver of the service charge for installation of service at the temporary or new permanent location of the customer and again when the customer moves back to the original premises; (4) a waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an Inside Wire plan; (5) a waiver of the fee for up to five free jacks and associated wiring for Inside Wire Plan customers upon their return to their permanent location; and (6) a waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location.

5. Decision 18-08-004 established the following the requirements applicable to wireless providers:<sup>105</sup> (1) the deployment of mobile equipment, including Cells on Wheels and Cells on Light Trucks, to supplement service in areas that need additional capacity to ensure access to 911/E911 service; (2) the provision of device charging stations in areas where impacted wireless customers seek refuge from fires; (3) the provision of WiFi access in areas where impacted wireless customers seek refuge from fires; and (4) the provision of “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to fires. In addition, the Commission urges wireless carriers to allow customers to defer or phase payment for coverage charges for data, talk, and text for defined periods of time; and the Commission urges wireless carriers to extend payment dates for service for defined periods of time for impacted customers.

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<sup>105</sup> D.18-08-004 at 9-10.

6. Resolutions M-4833 and M-4835 required LifeLine emergency protections and outreach.

7. In 2018, a series of gubernatorial states of emergency were declared as a result of wildfires in the Counties of Lake, Siskiyou, San Diego, Santa Barbara, Riverside, Shasta, Mariposa, Mendocino, Napa, Butte, Los Angeles, Ventura, and Colusa.

8. On August 9, 2018, the Commission issued an interim decision, D.18-08-004, affirming the provisions of Resolutions M-4833 and M-4835 as interim disaster relief emergency customer protections for utility customers.

9. United States Census data show that the top three primary languages used in California other than English and Spanish are Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese.

10. It is critical to sustain or restore essential communications functions, deliver critical communications services, and supply communications to customers and emergency officials following a declared state of emergency.

11. 211 service plays a critical role in providing information and support in times of disaster, such as evacuations, shelter, food, medical and recovery information and provides public officials with feedback from callers about changing conditions.

### **Conclusions of Law**

1. Under Pub. Util. Code §§ 216 and 234, the Commission has broad jurisdiction over “public utilities” and “telephone corporations.”

2. Under Pub. Util. Code § 216, a “public utility” includes every “telephone corporation” where service is performed, or a commodity is delivered to the public or any portion thereof.

3. Under Pub. Util. Code § 234, “telephone corporation” includes “every corporation or person owning, controlling, operating, or managing any telephone line for compensation in this state.”

4. Under Pub. Util. Code § 233, a “telephone line” includes “all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, or controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.” Thus, the means by which service is provided -analogy wireless or internet protocol (IP)-enabled technology- does not affect whether the provider is a public utility telephone corporation.

5. Pub. Util. Code § 710 set restrictions on the Commission’s regulatory authority over Voice over Internet Protocol (VoIP) and other IP-enabled services.

6. Under Pub. Util. Code § 710, the Commission is prohibited from “exercising regulatory jurisdiction or control” over VoIP and IP-enabled services except as required or delegated by federal law, expressly provided in statute, or as provided in § 710.

7. Under Pub. Util. Code § 710, there are a number of exceptions that preserve the Commission’s authority over some functions involving VoIP and IP-enabled services. Among other things, the Commission retains the authority to enforce Pub. Util. Code § 451 which states that “every public utility shall furnish and maintain such adequate, efficient, just and reasonable service instrumentalities, equipment, and facilities including telephone facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees and the public.” The Commission also retains authority to regulate NG911/911/E911 services whether or not the technology used is IP-enabled.

8. Both before and after Pub. Util. Code § 710 was enacted, the Commission has routinely granted applications for Certificates of Public Convenience and Necessity (CPCNs) filed by VoIP providers, if the applicant is otherwise eligible for a CPCN. Those decisions state that the provider is a “public utility” and a “telephone corporation.”

9. The exceptions in Pub. Util. Code § 710 themselves indicate residual authority over providers of VoIP and IP-enabled services because the Commission would only have such authority if those providers are public utility telephone corporations.

10. It is reasonable to authorize a narrow scope of billing and customer relief in the aftermath of a disaster, such as a wildfire, when the governor of California or president of the United States declares a state of emergency.

11. Federal law does not prohibit the Commission from exercising its own police power in the event of a declaration of emergency and provide Californians a narrow scope of relief in times of crisis.

12. Federal law, under 47 USC 332(c)(3)(A) does not prohibit a State from regulating other terms and conditions of commercial mobile services.

13. It is reasonable to identify examples of facilities-based and non-facilities based landline providers, for the purposes of this decision, as 911/E911 providers, LifeLine providers, providers of Voice-Over-Internet Protocol (VoIP), Carriers of Last Resort (COLRs), and other landline providers that do not fall into the aforementioned groups.

14. It is reasonable to identify examples of wireless providers (*e.g.*, those that provide access to E911 and/or LifeLine services) as category (2A) facilities-based wireless providers and as category (2B) non-facilities-based wireless providers (*e.g.*, resellers and mobile virtual network operators).

15. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to implement the emergency customer protections when the governor of California or the president of the United States declares a state of emergency and where the state of emergency has disrupted the delivery or receipt of utility service and/or the degradation of the quality of utility service to communications service provider customers.

16. It is reasonable to define disruption of the delivery or receipt of utility service when a disaster(s) has resulted: (1) loss of dial tone; (2) no connection or otherwise non-functioning service; (3) cannot make or receive a voice call because the disaster has rendered the service nonfunctional and is unable to make a 911 call.

17. It is reasonable to define degradation of service as situations where service is not completely out, but callers still encounter poor service quality, including, but not limited to, static, failure to connect, fast busy signal, and/or dropped calls, including 911 calls.

18. It is reasonable to adopt a 24-hour threshold for service disruption or degradation as a trigger for certain customer protections (*e.g.*, waiver of fees for call forwarding) while other customer protections may need to be deployed less than 24 hours after loss of service (*e.g.*, deployment of Cells on Wheels and Cells on Light Trucks).

19. It is reasonable for all customers whose communications service is disrupted or degraded, within an area that is declared to be in a state of emergency by the governor of California or president of the United States to be covered under the protections set forth here.



20. It is reasonable to prohibit the conclusion of the implementation of the mandated customer protections no sooner than twelve (12) months from the date of the emergency proclamation or as appropriately determined by the Governor's Office of Emergency Services.

21. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, to provide the following mandated protections to their customers who are in a disaster-affected area under a covered emergency declaration by the governor of California or president of the United States: (a) waiver of one-time activation fee for establishing remote call forwarding, remote access to call forwarding, call forwarding features and messaging services; (b) waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services; (c) waiver of the service charge for installation of service at the temporary or new permanent location of the customer and again when the customer moves back to the premises; (d) waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an inside wiring plan; (e) waiver of the fee for up to five free jacks and associated wiring for inside wiring plan customer upon their return to their permanent location; and (f) waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location.

22. It is reasonable to require the category 2A wireless providers, as defined in Conclusion of Law 14, to give customers who are in a disaster-affected area under a covered emergency declaration by the governor of California or president of the United States: (a) deployment of mobile equipment, including Cells on Wheels and Cells on Light Trucks, to supplement service in areas that need additional capacity to ensure access to 911/E911 service; (b) provide device

charging stations in areas where impacted wireless customers seek refuge from fires; (c) provide WiFi access in areas where impacted wireless customers seek refuge from fires; (d) provide “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to fires; (e) to consider allowing customers to defer or phase payment for coverage charges for data, talk, and text for defined periods time; and (f) to consider extending payment dates for service for defined periods of time for impacted customers.

23. It is reasonable to require the category 2B wireless providers, as defined in Conclusion of Law 14, to provide the following mandated protections to their customers who are in a disaster affected area under a covered emergency declaration by the governor of California or president of the United States: (a) to provide “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to fires; (b) consider allowing customers to defer or phase payment for coverage charges for data, talk, and text for defined periods time; and (c) to consider extending payment dates for service for defined periods of time for impacted customers.

24. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to file a Tier 1 Advice Letter within 15 days of a declared state of emergency attesting that they have complied with all required actions, designated based on the type of service they provide.

25. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to file a Tier 1 Advice Letter documenting compliance with the mandates in this decision, twelve months following a qualifying event.

26. It is reasonable to give the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, the discretion to apply or implement additional relief efforts that are unique to its customer experience, to the specific type of damage resulting from a disaster, or to apply applicable customer protections for customers indirectly affected by the disaster when fairness and equity require auxiliary efforts to supplement the rules set forth here.

27. 211 service plays a critical role in providing information and support in times of disaster, such as evacuations, shelter, food, medical and recovery information and provides public officials with feedback from callers about changing conditions.

28. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, to work collaboratively with Commission staff and our sister government agencies on measures to instill greater awareness of 211 services.

29. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to conduct the following outreach and awareness to their customers that clearly communicate the customer protections before a disaster occurs and during a disaster: (a) community outreach; (b) webpages; (c) outbound emails; (d) media advisories; (e) social media posts; (f) outbound dialing; (g) customer contact centers to provide customers impacted by the disaster information regarding service interruptions, restoration efforts, along with relief support; (h) community outreach centers; (i) targeted outreach to highly impacted customers; (j) direct mail; (k) newsletters; (l) city/county assistance centers; (m) trained staff at local assistance centers to work in-person with impacted customers; (n) partnering with community-based organizations that serve income-eligible

customers to ensure awareness of available customer protections; (o) local governments; (p) radio; and (q) communicate customer protections in accessible formats for customers with disabilities impacting their ability to use standard forms of communications.

30. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to begin conducting outreach to their customers about these protections upon the effective date of this decision.

31. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to have flexibility to create a mix of tactics utilized at strategic times to reach customers and aid them in their understanding of the emergency disaster relief programs.

32. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to communicate the timelines of the customer protections clearly to customers.

33. Official notice is taken, pursuant to Rule 13.9 of the Commission's Rules of Practice and Procedure, that United States Census data shows that the top three primary languages used in California other than English and Spanish are Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese.

34. It is reasonable to require the landline providers, as defined in Conclusion of Law 13, and wireless providers, as defined in Conclusion of Law 14, to communicate these emergency disaster relief customer protections in English, Spanish, Chinese (including Cantonese, Mandarin and other Chinese languages), Tagalog, and Vietnamese as well as Korean and Russian, where prevalent within the communications service provider service territories.

35. It is reasonable to adopt additional language outreach requirements in other proceedings, including adding less prevalent languages, with appropriate process.

36. It is reasonable to require the Small Independent Local Exchange Carriers to use the annual California High Cost Fund-A advice letter process, as stated in Decision 17-12-024 and Decision 12-01-032, to request recovery through a fire hazard prevention memorandum account (FHPMA), to be verified by staff and assessed for reasonableness of recorded costs.

## O R D E R

**IT IS ORDERED** that:

1. The Commission's adopted emergency disaster customer relief protections shall apply to facilities-based and non-facilities-based landline providers (*e.g.*, 911/E911 providers, LifeLine Providers, providers of voice-over-internet protocol, Carriers of Last Resort, and other landline providers that do not fall into the aforementioned groups), and wireless providers' (*e.g.*, those that provide access to E911 and/or LifeLine services, specifically those that are facilities-based wireless providers and those that are non-facilities-based wireless providers such as resellers and mobile virtual network operators) customers in affected areas in a state of emergency declared by the California Governor's Office or the President of the United States and shall remain in effect pursuant to the timelines established in this Decision. The interim protections for California LifeLine participants adopted in Decision 18-08-004 remain in effect until permanent protections for the California LifeLine Program are adopted separately in this proceeding. Nothing in this Decision bars or otherwise prohibits the communications service providers from implementing their own disaster

assistance programs to supplement these adopted emergency customer protections.

2. In the event the governor of California or a president of the United States declares a state of emergency which has either resulted in the loss or disruption of the delivery or receipt of utility service and/or resulted in the degradation of the quality of utility service, landline and wireless providers, as identified in Ordering Paragraph 1, shall file a Tier 1 Advice Letter within 15 days of the Governor's state of emergency proclamation reporting compliance with implementing this Decision's mandated emergency disaster relief customer protections and outreach activities.

3. Landline providers, as defined in Ordering Paragraph 1, shall provide the following mandated protections to their customers who are in a disaster-affected area under a covered emergency declaration by the governor of California or president of the United States: (a) waiver of one-time activation fee for establishing remote call forwarding, remote access to call forwarding, call forwarding features and messaging services; (b) waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services; (c) waiver of the service charge for installation of service at the temporary or new permanent location of the customer and again when the customer moves back to the premises; (d) waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an inside wiring plan; (e) waiver of the fee for up to five free jacks and associated wiring for inside wiring plan customer upon their return to their permanent location; and (f) waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location.

4. Facilities-based wireless providers, such as those that provide access to E911 and/or LifeLine services shall provide the following mandated protections to their customers who are in a disaster affected area under a covered emergency declaration by the governor of California or president of the United States:

(a) deploy of mobile equipment, including Cells on Wheels and Cells on Light Trucks, to supplement service in areas that need additional capacity to ensure access to 911/E911 service; (b) provide device charging stations in areas where impacted wireless customers seek refuge from fires; (c) provide WiFi access in areas where impacted wireless customers seek refuge from fires; (d) provide “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to fires; (e) consider allowing customers to defer or phase payment for coverage charges for data, talk, and text for defined periods time; and (f) consider extending payment dates for service for defined periods of time for impacted customers.

5. Non-facilities based wireless providers, wireless resellers and mobile virtual network operators that provide access to E911 and/or LifeLine services shall provide the following mandated protections to their customers who are in a disaster affected area under a covered emergency declaration by the governor of California or president of the United States: (a) provide “loaner” mobile phones to impacted customers whose mobile phones are not accessible due to fires; (b) consider allowing customers to defer or phase payment for coverage charges for data, talk, and text for defined periods time; and (c) consider extending payment dates for service for defined periods of time for impacted customers.

6. Nothing in this proceeding is intended to conflict with, change, or supersede the outcomes of Rulemaking 18-12-005 where we adopted de-energization (public safety power shut off) guidelines.

7. Landline and wireless providers, as identified in Ordering Paragraph 1, shall file a Tier 1 Advice Letter at the default, 12-month conclusion of customer protection period, or as reasonably determined by the Governor's Office of Emergency Services, detailing the mandated protections offered to the customer affected by the disaster, the start and end periods customers received the emergency customer protections, the outreach efforts conducted, the customer impacts, and basic metrics – that can be measured or estimated– such as the number of consumers that received each of the available protections over the course of the year.

8. Landline and wireless providers, as identified in Ordering Paragraph 1, shall file a Tier 1 Advice Letter 60 days from the effective date of this decision, setting forth a plan for customer outreach of these protections in English, Spanish, Chinese (including Cantonese, Mandarin, and other Chinese languages), Tagalog, and Vietnamese, as well as Korean and Russian where those languages are prevalent within the landline and wireless service providers' (as identified in Ordering Paragraph 1) service territories.

9. Landline providers, as identified in Ordering Paragraph 1, shall work collaboratively with Commission staff and our sister government agencies on measures to instill greater awareness of 211 services.

10. Landline and wireless service providers, as identified in Ordering Paragraph 1, shall begin conducting outreach to their customers about these protections upon the effective date of this decision.

11. Rulemaking 18-03-011 remains open.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.