



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

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Order Instituting Rulemaking Regarding  
Emergency Disaster Relief Program.

Rulemaking 18-03-011  
(Filed September 23, 2019)

**OPENING COMMENTS OF THE UTILITIES CONSUMERS' ACTION NETWORK  
(UCAN) ON THE ASSIGNED COMMISSIONER'S RULING AND PROPOSAL.**



William "Lee" Biddle  
Staff Attorney  
Utility Consumers' Action Network  
3405 Kenyon Street  
Suite 401  
San Diego, CA 92110  
619-696-6966

March 27, 2020

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Pursuant to the Assigned Commissioner's Ruling and Proposal dated March 6, 2020, the Utility Consumers' Action Network ("UCAN") provides opening comments in R. 18-03-11 in accordance with the revised Phase II schedule in this proceeding.

**I. Introduction**

The stated purpose of Phase II of this proceeding is to promote the Commission's goal of requiring resiliency in planning in areas prone to outage events and wildfires, with the goal of putting these measures in place before Summer 2020. UCAN generally agrees that the Proposal will be an effective way to accomplish this goal, subject to modest modifications.

Because the Assigned Commissioner's Ruling is largely focused on seeking specific information from communication service providers, UCAN's opening comments are limited in scope. However, UCAN expects to provide broader reply comments on all aspects of the communication service provider's opening comments.

**II. Opening Comments**

Pursuant to the Assigned Commissioner's Ruling, UCAN identifies by number the specific issues on which it is commenting.

**4.1 Proposal For Ensuring Resiliency in Communications Provider Networks**

Issue 1- Applicability of Requirements: UCAN supports the broad application of the requirements as outlined in the Proposal to all companies owning, operating, or otherwise responsible for infrastructure that provides or otherwise carries 9-1-1, voice, text messages, or data.

The ultimate goal of this proceeding is to solve the problem that “emergency calls and notifications often fail during disasters such as wildfires, floods, and earthquakes, leaving the public in a communications void and, at critical times, in peril.”<sup>1</sup> In order to promote this goal, the Commission must include all the critical links in the chain that carries this communication. Even if the companies within D.19-08-25’s more limited definition of communications service providers fully comply with resiliency requirements, their efforts will mean little if another company they rely upon to support their infrastructure does not meet the same requirements.

Based on the extensive discussion of the scope of the Commission’s jurisdiction in D.19-08-25, the Commission seems well prepared to address challenges that may be made to this broader definition of “communications service providers.”<sup>2</sup> Clearly, the Commission can broadly regulate the provision of 9-1-1 service. Moreover, communications companies directly or indirectly benefit from use of the public rights of way and/or radio frequencies. They should not expect to benefit from these public resources without some need to provide for the public in times of emergency.

At worst, even if the Commission ultimately is prevented from imposing these requirements on certain companies, the Commission’s efforts will have helped identify those communications companies who resist efforts to promote resilience and it will promote the need for similar resiliency planning on national level.

## **5. Backup Power Plans**

While UCAN believes the resiliency requirements should be broadly imposed, including the requirement for 72-hour back-up power, UCAN suggests that communications providers be permitted flexibility in meeting this requirement. The amount of power required for 72 hours of operations will likely vary greatly between various links in the communications infrastructure. Simple batteries may be sufficient for certain infrastructure, which other links may need extensive power capacity.

Moreover, the Commission is actively promoting microgrids through ongoing proceeding R.19-09-009. Part of what makes microgrids attractive is that they may permit a limited group of

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<sup>1</sup> R. 18-03-11, Assigned Commissioner’s Ruling of March 6, 2020 at p.2.

<sup>2</sup> D.19-08-25 at p. 8-15.

customers to generate their own power through joint investment, rather than each individual developing their own backup power. The final Proposal should explicitly recognize that communications providers can develop or join into microgrids if they are sufficiently reliable to provide the required 72 hours of service, and in such situations the communication facility does not need to have its own single purpose back-up capacity on site.

### **6. Emergency Operations Plan**

UCAN agrees with the Proposal's requirements that detailed emergency plans must be developed by all links in the chain of the communications system. UCAN's only suggestion is that the Proposal indicate that communications providers must participate in any De-Energization Exercise conducted by the local electric utility in addition to any other Emergency Preparedness Exercise that it may conduct internally or in conjunction with others. The specific requirement will promote maximum cooperation with the local utility and ensure the communication providers are addressing the most likely events that will stress the communications system.

### **III. Conclusion**

UCAN appreciates the opportunity to provide these comments on the Assigned Commissioner's Proposal. UCAN looks forward to reviewing the opening comments of other stakeholders and contributing to the development of a more robust and reliable communications system.

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Respectfully submitted,

By: \_\_\_\_\_/s/ \_\_\_\_\_

William "Lee" Biddle  
Staff Attorney  
Utility Consumers' Action Network  
3405 Kenyon St. Suite 401  
San Diego CA, 92110  
619-696-6966  
lee@ucan.org