

**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  
(Issued March 22, 2018)

**CITY OF SAN JOSÉ'S COMMENTS ON  
ASSIGNED COMMISSIONER'S RULING AND PROPOSAL**

RICHARD DOYLE  
City Attorney

NORA FRIMANN  
Assistant City Attorney

LUISA ELKINS  
Senior Deputy City Attorney

YUE-HAN CHOW  
Senior Deputy City Attorney  
Office of the City Attorney  
200 East Santa Clara Street, 16th Floor  
San José, CA 95113-1905  
Tele: (408) 535-1953  
Email: [yue-han.chow@sanjoseca.gov](mailto:yue-han.chow@sanjoseca.gov)

*Attorneys for the City of San José*

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ASSIGNED COMMISSIONER’S RULING AND PROPOSAL**

Pursuant to the Assigned Commissioner’s Ruling and Proposal (“Proposals”) dated March 6, 2020, the City of San José (“San José”) hereby files its Comments on the Proposals (“Comments”).

**I. INTRODUCTION**

San José appreciates the opportunity to comment on the Proposals. Ensuring the continuity of communication services is vital for communities enduring a Public Safety Power Shutdown (“PSPS”) event as well as other emergencies. For some people in need of urgent assistance, it may make the difference between life and death. Furthermore, as the current COVID-19 public health emergency progresses, many businesses that were forced and able to move their operations online likely asked employees to continue working remotely without a definite end in sight. In this environment, a resilient communication services system is a lifeline for California businesses and the overall state economy.

Drawing from local government’s experience with prior PSPS events is useful. During the October 9, 2019 PSPS, two communication service providers (“Providers”) reached out to San José for help in ensuring the resiliency of their facilities. AT&T reached out to San José to discuss its energy needs and ability to provide service during the PSPS event because San José has one of the largest AT&T First Net installations in the country. T-Mobile also asked San José

for help locating 50 backup-generators so that it could continue to provide service to its customers. San José believes this cooperative relationship with these Providers greatly benefited its residents in ensuring they had access to phone and internet capabilities during the PSPS.

San José generally agrees with the Proposals, but it limits its comments only to some of them with proposed modifications or objections, as described below.

## II. COMMENTS

### SECTION 3: DEFINITION OF RESILIENCY

The definition of resilience should be expanded to clarify that it is intended to achieve the objective of this Rulemaking, which is that Providers should be able to provide essential services without interruption during power outages and other emergency events.

- **Proposed language** (*in italics and underlined*):

“Resiliency” – the ability to recover from or adjust easily to adversity or change – is achieved by Providers through a variety of strategies *intended to ensure that essential services are provided without interruption during power outages and other emergency events*, including but not limited to the following...

### SECTION 4: BACKUP POWER REQUIREMENT

- (a) **Please provide comments on the proposed backup power requirement.**

Regarding the definition of “cellular sites” in the requirement, San José encourages that this be specified to mean macro cellular sites (including, but not limited to, towers, monopolies and rooftop installations and co-locations). This is because small cells are not designed for backup power, and it does not make sense to re-engineer them for backup power given their higher frequencies and limited coverage range during an emergency. The cost outweighs the potential benefit of modifying small cells for backup power.

- **Proposed language** (*in italics and underlined*):

All Providers shall have on-site emergency backup power to support all essential communications equipment including but not limited to, switching centers, central offices, wire centers, head ends, network nodes, field cabinets, remote terminals, and macro cellular sites (such as towers, monopolies, rooftop installations, and co-locations or their functional equivalents) necessary to maintain service for a minimum of 72 hours immediately following a power outage. Service must be sufficient to maintain access for all customers to 9-1-1 service, to receive emergency notifications, and to access web browsing for emergency notices.

**(b) How should “outage” be defined?**

- **Proposed language** (*in italics and underlined*):

“Outage” is defined as loss of power regardless of the cause (e.g., PSPS events, acts of nature, planned outages, etc...)

## **SECTION 5: BACKUP POWER PLANS**

While the Proposal lists information the Providers must include in the Backup Power Plans they will submit to the Communications Division Director, the Proposal should also require Providers to share those Backup Power Plans with state and local emergency responders, as well as local government agencies (including cities’ emergency managers and their respective offices or divisions), subject to the confidentiality provisions described in Section 5(d).

In addition, in drafting their Backup Power Plans, Providers should consult with local government agencies to ensure coordination of efforts for possible efficiencies. This is particularly important if Providers may request the assistance of local agencies to locate backup generators, supplement refueling trucks if they run short, and generally keep residents connected.

As wildfire season in California is only months away, San José also recommends an expedited timeline for the submission of Backup Power Plans to the Communications Division. San José recommends that Providers be required to submit their Plans within two months from the adoption of the decision. However, if the Commission determines that a two-month period is not enough time for Providers to prepare comprehensive plans, then San José recommends that the Communications Division be directed to set up a deadline that would ensure that the Backup Power Plans are in place before the next wildfire season.

- **Proposed language** (*in italics and underlined*):

Providers shall submit their backup power plans to the Communications Division Director within ~~six~~ two months from the adoption of the decision. *In drafting these plans, Providers shall consult with local government agencies to ensure coordination of efforts for possible efficiencies.* Providers shall annually submit updates to their plans, including detail on any changes and compliance of new facilities that are built, to the Communications Division Director. *Providers shall share their initial backup power plans and annual updates plans with state and local emergency responders, as well as local government agencies (including cities’ emergency managers and their respective offices or divisions), subject to the confidentiality provisions described in Section 5(d).* Communications Division is directed to develop, and adopt standards, templates, and a schedule for reporting requirements.

**(a) Clean Energy Generation**

The Clean Energy Generation portion of the Proposal allows the Providers to define what are “reasonable” efforts to use clean energy backup power options before using diesel generators to meet the backup power requirement. This vague standard should not be within the Providers’

sole discretion. The Communications Division should set mandatory clean backup power resource targets that are consistent with the state’s clean energy and greenhouse gas reduction statutes and establish a review/enforcement mechanism to ensure that Providers take this requirement seriously. Lastly, the use of the term “diesel generators” does not acknowledge that natural gas may be another fossil fuel backup power source; the term “fossil fuel generators” should be used instead.

- **Proposed language** (*in italics, underlined, or struckthrough as appropriate*):  
Providers shall utilize clean energy backup power options (e.g., battery, solar, wind, fuel cell, etc.) as *reasonable* before using diesel generators to meet the backup power requirement and as directed by the Communications Division’s standards for Backup Power Plans.

**(b) Critical Facility Location Information Sharing**

San José supports this proposal. Its Emergency Operations Center (EOC), which directs resources and services to outage areas during PSPS events, would be unable to perform its duties without GIS information about critical facilities. The EOC would otherwise have to invest in researching the macro cellular sites for which San José has issued permits to map the critical locations on its own. Moreover, macro cellular sites neighboring a jurisdiction often serve the jurisdiction, but local government may not fully be aware of the communications infrastructure necessary for its emergency services. This information is important for local government’s own resiliency efforts.

**(c) Critical Infrastructure Resiliency, Hardening and Location Information Sharing**

San José also supports this proposal. The requirement for Providers to annually submit GIS information with the specific location of network facilities and backhaul routes to the

Communications Division allows for this information to be updated with newly-permitted macro cellular sites.

In addition to the location of network facilities and backhaul routes, San José recommends that Providers also be required to submit critical data for each such location, such as size of the backup battery and/or generator, the estimated time on air without any grid power, the generator fuel type, and the name/contact information for the refueling service company or companies on contract. Supply chains were strained during the PSPS events when all the telecoms were using the same refueling companies. For example, during the October 25 PSPS event, Santa Clara County could not confirm the maintenance of a critical radio site, which transmits 911 calls to fire and police radio channels. The county could not be certain the refueling service company would be able to dispatch a truck. San José initiated assistance to refuel the generators powering the radio site, although in the end, the contracted refueling service truck arrived before San José's reached the tower. Knowing the companies on contract to refuel can help agencies get ahead of refueling supply chain bottlenecks in the next emergency.

The final GIS data provided should also be compliant with standard file types so jurisdictions can use it in ArcGIS layers.

Requiring Providers to submit the information specified in this section of the Proposals within six months of the effective date of formal Commission adoption is far too late. Wildfire season is less than three months away; the deadline must be pushed up to meet the possibility of upcoming PSPS events. Providers should already have much of this information, and the Communications Divisions should make this information available to state and local emergency responders, as well as local government agencies, before wildfire season.

Finally, San José urges the Commission to adopt a uniform confidentiality agreement which would be used by all Providers as soon as possible so that state and local emergency responders, local government agencies, including cities and CCAs, can begin accessing this important information without delay. The requirement for a “verification of procedural and substantive protections equivalent to federal confidentiality statutes and rules” is vague enough that precious time may be wasted negotiating what this means instead of focusing on more important emergency preparedness matters. Confidentiality, while important, cannot stand in the way of local agencies providing services to their residents during a crisis. Notably, Providers must apply for permits for critical infrastructure like macro cellular sites, and their locations are therefore a matter of public record. The Commission should take this into account when determining what level of confidentiality is required.

- **Proposed language** (*in italics, underlined, or ~~struckthrough~~ as appropriate*):

Providers shall annually submit to the Communications Division GIS information with the specific location of network facilities, ~~and~~ backhaul routes, and other critical data such as the size of the backup battery and/or generator, the estimated time on air without any grid power, the generator fuel type, and the name/contact information for the refueling service company or companies on contract. The Communications Division shall process and consolidate the information from all Providers and make it available to state and local emergency responders upon verification of procedural and substantive protections equivalent to federal confidentiality statutes and rules. The final GIS data shall be compliant with standard file types to allow jurisdictions to use it in ArcGIS layers.



The Communications Division shall analyze this information, in coordination with emergency responders, to identify locations in the state where actions must be taken to harden communications infrastructure for risk, including areas and communities where fiber backhaul routes do not have adequate hardening or physical redundancy (e.g., a single fiber cut could result in the loss of communications to a significant population). Providers shall submit this information within ~~six~~ two months of the effective date of formal Commission adoption. The Communications Divisions shall make this information available to state and local emergency responders, as well as local government agencies, before wildfire season.

Within two months from the effective date of formal Commission adoption, the Communications Division shall also develop a uniform confidentiality agreement with input from stakeholders to facilitate the exchange of information between Providers and state and local government agencies and emergency responders.

## **SECTION 6: EMERGENCY OPERATIONS PLANS**

San José supports the Proposal’s requirement that Providers provide their Emergency Operations Plans and Emergency Contact Information to local emergency response organizations within their service territories. San José also supports the Proposal’s requirement that Providers provide certain specified information three times a day to emergency responders for the duration of a disaster or PSPS event. San José recommends, however, that the terms “emergency response organizations” and “emergency responders” include cities’ emergency managers and their respective offices or divisions. Providing this information only to the fire departments, police departments, and/or paramedics is not enough. A city as large as San José provides emergency response services to over 1 million people, as well as mutual aid to other

jurisdictions. San José has an Office of Emergency Management to oversee the planning and response to emergencies; once an emergency arises, San José's Emergency Operations Center is activated, and all coordination between the different departments happens here. If Providers fail to share their Emergency Operations Plans with local government departments like San José's Office of Emergency Management, then San José's emergency response and ability to help its own residents and the Providers will be severely limited.

San José also supports the Proposal's requirement that Providers post an outage map, description of anticipated outage impacts, and expected restoration times on its website and social media accounts. Based on its experience with the PSPS events, San José emphasizes that this information must be accurate and timely. One of the electric investor-owned utilities had outage maps that vastly overestimated the service area that would be affected; this greatly impeded San José's ability to determine how best to direct its resources to help its residents. Similarly, San José supports the requirement that Providers share information with local media and provide updates to local and state elected officials and public safety stakeholders. San José requests that the local elected officials and public safety stakeholders include those from cities, not just counties. During the PSPS events, San José officials and the Office of Emergency Management had trouble getting accurate and timely information directly; the electric investor owned utilities insisted on funneling relevant information through the county first, which would in turn provide it for the cities. This resulted in a great deal of confusion and frustration during an already chaotic situation, through no fault of the county. Particularly for cities as large as San José, inclusion in the communication of updated outage locations and expected restoration times is necessary for the efficient direction of resources and assistance to residents.

- **Proposed language** (*in italics and underlined*):

Providers shall annually provide their Emergency Operations Plans and Emergency Contact Information to state emergency response organizations and local emergency response organizations (*including cities' emergency managers and their respective offices or divisions*) within their service territories.

### III. CONCLUSION

San José appreciates the opportunity to file its Comments on the Proposals. Generally, San José supports the Proposals but cautions the Commission to bear in mind that local government agencies, such as cities, provide emergency response services and should be apprised of outages and resiliency plans by Providers. Local emergency response efforts also should not be hampered by lengthy negotiations about confidentiality agreements. It is critical for local government agencies to identify Providers' critical facilities and review their Backup Power and Emergency Operation Plans in time for wildfire season, which is only months away.

Respectfully submitted,

RICHARD DOYLE  
City Attorney

/s/ Yue-Han Chow  
Yue-Han Chow  
Senior Deputy City Attorney  
Office of the City Attorney  
200 East Santa Clara Street, 16th Floor  
San José, CA 95113-1905  
Tele: (408) 535-1900  
Email: yue-han.chow@sanjoseca.gov

*Attorneys for the City of San José*

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