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

Order Instituting Rulemaking Regarding  
Emergency Disaster Relief Program.

R. 18-03-011  
(Filed March 22, 2018)

**COMMENTS OF THE COUNTY OF SANTA CLARA  
ON ASSIGNED COMMISSIONER'S RULING AND PROPOSAL**

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Dated: April 3, 2020

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**I. Introduction**

The County of Santa Clara (“County”) respectfully submits the following comments on the Assigned Commissioner’s Ruling and Proposal (“Proposal”), filed on March 6, 2020, as part of the California Public Utilities Commission’s (“Commission’s”) Order Instituting Rulemaking Regarding Emergency Disaster Relief Program.<sup>1</sup> The County appreciates the opportunity to provide comments on the Proposal and strongly supports efforts from the Commission to ensure resilient and dependable communications networks during Public Safety Power Shutoff (PSPS) events and disasters.

**II. Background**

The County has a population of approximately 1.9 million over 1,312 square miles of land.<sup>2</sup> It is one of the most populous counties in the state, and the most populous county in Northern California.<sup>3</sup> Its population consists about one fourth of the Bay Area’s total population. The unincorporated area of the County, which lies within the Pacific Gas and Electric Company (“PG&E”) service territory, contains both Tier 2 and Tier 3 High Fire Threat Districts.<sup>4</sup> Approximately 10,047 people live within a Tier 2 High Fire Threat District in the unincorporated

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<sup>1</sup> The County is filing a Motion for Party Status concurrently with these comments.

<sup>2</sup> *E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2018 and 2019*, State of California Department of Finance (May 2019), <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>.

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

<sup>4</sup> *CPUC FireMap*, California Public Utilities Commission, <https://ia.cpuc.ca.gov/firemap/> (last visited Mar. 11, 2020).

area of the County, and approximately 5,025 people live within a Tier 3 High Fire Threat District.<sup>5</sup>

The County experienced two PG&E-instituted PSPS events during the month of October 2019: October 9-12, 2019 and October 26-28, 2019. The County was also warned of a third event to begin on October 29, 2019 that ultimately did not take place within the County. The October 9-12, 2019 PSPS event had a maximum outage duration of 66 hours and impacted approximately 34,600 customer accounts (approximately 86,500 individuals<sup>6</sup>) within the County.<sup>7</sup> The October 26-28, 2019 PSPS event had a maximum outage duration of 94 hours and impacted approximately 25,300 customer accounts (approximately 63,250 individuals) within the County.<sup>8</sup>

The County has a vested interest on behalf of its residents in the area of emergency disaster relief, particularly with regards to communications resiliency. The Santa Clara County Fire Department provides first responder fire service in some areas of the County that are located within High Fire Threat Districts. The County is also a provider of critical services to its residents.<sup>9</sup>

It is essential for the County's emergency managers to be notified of the areas that are anticipated to be without cellular coverage as it affects the methods that the emergency managers will use to alert and warn vulnerable individuals and the general public. As summarized in a Commission staff paper from 2019:

There is currently a lack of transparency, however, around communication infrastructure that is vital for first responders to understand, including: cell tower location, what carriers are on what tower, whether towers have battery backup and resilient communications backhaul, how [Wireless Emergency Alerts] messages are distributed, how rapidly alert messages can be promulgated, and information pertaining to whether alert messages were distributed. There are also various issues

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<sup>5</sup> Public Safety Power Shutoff Annex: Hazard-Specific Annex to the County of Santa Clara Emergency Operations Plan, at 26 (Oct. 2019), <http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=195821&MeetingID=12135>.

<sup>6</sup> When PG&E refers to the number of "customers" impacted, it is referring to the number of customer *accounts*. Generally, the number of individuals affected can be estimated by multiplying the number of customer accounts by 2.5 or 3 people. *Electric Utility Power Shutoffs: Identifying Lessons Learned and Actions to Protect Californians: Background, Oversight Hearing Before the S. Comm. on Energy, Utilities and Communications*, 2019-20 Leg. Sess., (Cal. 2019), [https://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/11-18-19\\_background\\_2.pdf](https://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/11-18-19_background_2.pdf).

<sup>7</sup> *Community Wildfire Safety Program: Santa Clara County Housing, Land Use, Environment, and Transportation Committee*, PG&E (Feb. 20, 2020), <http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=198634&MeetingID=12241>.

<sup>8</sup> *Id.*

<sup>9</sup> For example, the County owns and operates three hospitals, all of which have acute care facilities.

with consistent access to communication services in situations where there is a loss of power, particularly in rural areas with limited cell coverage.<sup>10</sup>

The County has requested that PG&E provide the County's Office of Emergency Management with the location of telecommunication sites within the County that are not equipped with backup power.<sup>11</sup> The County's emergency managers rely on cell towers to utilize the County's alerting and warning system. Telecommunication sites are a chief component of the Wireless Emergency Alerts system, which allows cell phone customers to receive geographically targeted emergency alerts.<sup>12</sup> To date, PG&E has declined to provide the location of telecommunication sites in advance of PSPS events, citing "competitive issues."<sup>13</sup>

### **III. Discussion**

PG&E has indicated that it plans to implement PSPS events for at least the next 10 years.<sup>14</sup> The County, as a provider of first responder and critical services, is intent on ensuring that it is able to communicate to, and receive communications from, its residents during PSPS events and disasters. Because the County's residents are located within Tier 2 and Tier 3 High Fire Threat Districts, which are prone to outage events and wildfires, the County wishes to ensure that communications services are reliable and resilient in these areas, particularly during PSPS events and disasters.

#### **A. Ensuring Resiliency in Communications Provider Networks**

##### **1. Applicability of Requirements**

The County supports the Proposal's definition of applicability "to all companies owning, operating, or otherwise responsible for infrastructure that provides or otherwise carries 9-1-1,

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<sup>10</sup> *Safety Principles for Communications Providers*, California Public Utilities Commission at 4 (Apr. 2, 2019), [https://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/Utilities\\_and\\_Industries/Communications\\_-\\_Telecommunications\\_and\\_Broadband/Reports\\_and\\_Presentations/Principles%20for%20Comm%20Providers%20Final%203-29-19%20\(003\).pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Communications_-_Telecommunications_and_Broadband/Reports_and_Presentations/Principles%20for%20Comm%20Providers%20Final%203-29-19%20(003).pdf) [hereinafter *Safety Principles*].

<sup>11</sup> Housing, Land Use, Environment, and Transportation Committee (HLUET) Regular Meeting at 1:41 (Feb. 20, 2020), <http://sccgov.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=12241&Format=Agenda>.

<sup>12</sup> *Wireless Emergency Alerts*, Federal Communications Commission, <https://www.fcc.gov/consumers/guides/wireless-emergency-alerts-wea> (last visited Mar. 11, 2020).

<sup>13</sup> Housing, Land Use, Environment, and Transportation Committee (HLUET) Regular Meeting at 1:43 (Feb. 20, 2020), <http://sccgov.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=12241&Format=Agenda>.

<sup>14</sup> *Pacific Gas and Electric Company 2020 Wildfire Mitigation Plan Report Updated Rulemaking 18-10-007*, at 4-27 (Feb. 28, 2020), [https://www.pge.com/pge\\_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/wildfire-mitigation-plan/2020-Wildfire-Safety-Plan.pdf](https://www.pge.com/pge_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/wildfire-mitigation-plan/2020-Wildfire-Safety-Plan.pdf).

voice, text messages, or data.”<sup>15</sup> In 2018, 81% of 9-1-1 calls were made from wireless phones.<sup>16</sup> As of December 2017, California had 41.8 million wireless subscriptions, approximately 7 times greater than the number of traditional phone lines and 5 times the number of Voice over Internet Protocol lines.<sup>17</sup> “To adequately provide rural residents the public safety they deserve, emergency responders have to be kept in the loop” “when the local 9-1-1 system is not operating.”<sup>18</sup> During the October 2018 wildfires, “341 cell sites went off line; 72,000 people had difficulty reaching 9-1-1, some due to the inability of the 9-1-1 system to ‘move the signal.’”<sup>19</sup>

### **3. Definition of Resiliency**

The County requests that resiliency be defined as “the ability to continue providing essential services without interruption during disasters and power outages, including PSPS events.”<sup>20</sup>

### **4. Backup Power Requirement**

The County requests that repeater sites be included in the list of essential communications equipment in the Proposal.<sup>21</sup> Additionally, the County requests that the Proposal require service to be sufficient to “maintain access for all customers to 9-1-1 service; to receive emergency notifications; to access web browsing for emergency notices; and allow continuity of communication and data sharing among emergency responders, public safety partners, and critical facilities and infrastructure operators.”<sup>22</sup>

The County supports the 72-hour backup power requirement in the Proposal. The October 9-12, 2019 PSPS event had a maximum outage duration of 66 hours within the County, and the October 26-28, 2019 PSPS event had a maximum outage duration of 94 hours within the

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<sup>15</sup> *Assigned Commissioner’s Ruling and Proposal*, R. 18-03-011, California Public Utilities Commission, at App. A-2 (Mar. 6, 2020), <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M328/K685/328685793.PDF> [hereinafter *Proposal*].

<sup>16</sup> *Safety Principles* at 5.

<sup>17</sup> *Id.* at 6.

<sup>18</sup> *Id.* at 2 (quoting state Senator Mike McGuire).

<sup>19</sup> *Id.* at 3 (quoting Mark Ghilarducci, Director of Cal OES).

<sup>20</sup> *See, e.g.*, David Turetsky, *Toward More Resilient Communications Networks*, Federal Communications Commission (Oct. 28, 2013), <https://www.fcc.gov/news-events/blog/2013/10/28/toward-more-resilient-communications-networks>.

<sup>21</sup> *Proposal* at App. A-3.

<sup>22</sup> *Ibid.*

County.<sup>23</sup> PG&E has indicated that PSPS events in the future will be shorter in duration.<sup>24</sup> Requiring 72 hours of backup power would also be consistent with Senate Bill 431, which is currently in the State Assembly.<sup>25</sup>

## 5. Backup Power Plans

The County suggests that “clean energy backup” be defined as backup power that uses solar energy, wind energy, hydropower, geothermal energy, bioenergy, nuclear power, or fuel cells to generate electricity.<sup>26</sup> The County also requests that the “annual targets for reduction of fossil fuel generation” be established by the Commission and mandatory.

The County requests that the Proposal specify the entity responsible and the process for approval of the backup power plans and waivers submitted by the Providers. The County also requests that, if a waiver is sought due to specific existing federal, state, tribal or local law, that the application for a waiver detail the efforts made by the Provider to comply with the laws cited, including any coordination efforts with the entities responsible for enforcement of the laws. The County also requests that the Commission require Providers to coordinate with local government entities while drafting the backup power plans.

The County strongly supports the Proposal’s requirement for “Providers to share critical facility location information to emergency responders to enhance the ability to defend vital facilities against wildfire damage and ensure facility redundancy.”<sup>27</sup> The County requests that Providers be required to share the location of “facilities with and without battery backup, fixed generation, and mobile generator hookups” in advance of fire season each year. The cell site location information should be updated during prior to and during each PSPS event as needed. The County strongly agrees that “having this information ahead of a disaster will enable state and local emergency responders to improve situational awareness...[and] knowing the location of cell sites, including whether sites are operational, will enhance the ability of emergency

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<sup>23</sup> *Community Wildfire Safety Program: Santa Clara County Housing, Land Use, Environment, and Transportation Committee*, PG&E (Feb. 20, 2020),

<http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=198634&MeetingID=12241>.

<sup>24</sup> See, e.g., *Pacific Gas and Electric Company 2020 Wildfire Mitigation Plan Report Updated Rulemaking 18-10-007*, at 5-2, 5-3 (Feb. 28, 2020), [https://www.pge.com/pge\\_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/wildfire-mitigation-plan/2020-Wildfire-Safety-Plan.pdf](https://www.pge.com/pge_global/common/pdfs/safety/emergency-preparedness/natural-disaster/wildfires/wildfire-mitigation-plan/2020-Wildfire-Safety-Plan.pdf).

<sup>25</sup> S.B. 431, Reg. Sess. (Cal. 2019).

<sup>26</sup> See, e.g., *Clean Energy*, U.S. Department of Energy, <https://www.energy.gov/science-innovation/clean-energy> (last visited Mar. 12, 2020).

<sup>27</sup> *Proposal* at 6.

responders to effectively target the distribution of emergency alerts.”<sup>28</sup> “For any emergency alert system to be effective, wireless communications providers must make available certain information such as cell tower location.”<sup>29</sup>

The County strongly supports the Proposal’s requirement for Providers to “annually submit geographic information system (GIS) information with the specific location of network facilities and backhaul routes to the Commission.”<sup>30</sup> The County also supports the Proposal’s direction for Commission staff to “make [the information from the Providers] available to state and local emergency responders upon verification of procedural and substantive protections equivalent to federal confidentiality statutes and rules.”<sup>31</sup> The County requests that the Commission specify which federal confidentiality statutes and rules might apply and how the confidentiality statutes and rules are to be addressed through procedural and substantive protections. The Proposal would require Providers to “submit this information within six months of the effective date of formal Commission adoption.”<sup>32</sup> As the Providers should already have this information in their possession, the County requests that the deadline for submission be within one month of the effective date of the adoption of this Proposal to ensure that the information is received prior to the start of fire season.

## **7. Emergency Operations Plans**

The County agrees that Providers should be required to provide their Emergency Operations Plans and Emergency Contact Information to local emergency response organizations annually, and requests that the Proposal specify that the Providers do so prior to the start of fire season every year. Similarly, the County requests that the annual Emergency Preparedness Exercises occur prior to fire season each year as well.

## **8. Current Mitigation Efforts**

The County also strongly supports the Proposal’s requirement that the Providers provide, in advance of the upcoming 2020 wildfire season, “if communication service outages as a result of future public safety power shutoff events are expected” as well as the “specific locations and reasons where network outages are expected.” If there are any confidentiality concerns

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<sup>28</sup> *Proposal* at App. A-5 (emphasis added).

<sup>29</sup> *Safety Principles* at 7.

<sup>30</sup> *Proposal* at App. A-5.

<sup>31</sup> *See ibid.*

<sup>32</sup> *Id.* at App. A-6.

regarding provision of this information to the general public, the County requests that the shapefile be provided to local emergency managers through a secure data transfer portal or pursuant to a Confidentiality Agreement. It is essential for local emergency managers to be notified of the areas without cellular coverage as it affects the methods that the emergency managers will use to alert and warn the public.

**IV. Conclusion**

The County appreciates the opportunity to work with the Commission to move towards the maintenance of resilient and dependable communications networks during PSPS events and disasters.

Respectfully submitted April 3, 2020, at San Francisco, California.

/s/ Tiffany M. Lin

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