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COMMENT OF THE CALIFORNIA CABLE & TELECOMMUNICATIONS ASSOCIATION ON RULING REQUESTING COMMENTS ON WIRELINE PROVIDER RESILIENCY STRATEGIES

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COMMENTS OF THE CALIFORNIA CABLE & TELECOMMUNICATIONS ASSOCIATION ON RULING REQUESTING COMMENTS ON WIRELINE PROVIDER RESILIENCY STRATEGIES

Pursuant to the Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies dated July 22, 2020 ("Ruling"), the California Cable & Telecommunications Association ("CCTA")\(^1\) submits these comments in response to several of the questions presented in the Ruling.

I. INTRODUCTION

CCTA applauds the Commission’s recognition that one-size-fits-all network resiliency rules are not appropriate given the different architecture and use among providers, including differences between wireless and wireline networks. The Commission issued a decision for wireless providers that establishes wireless-specific resiliency strategies designed to maintain a minimum level of service and coverage during a disaster or a commercial power outage.\(^2\) It was appropriate for the Commission to address wireless and wireline services in separate decisions given the vast differences between the networks underlying these services and the manner in which they are used by consumers. Having addressed wireless resiliency strategies, the Commission now revisits its inquiry into wireline-specific resiliency strategies by seeking additional formal comment on wireline issues. Among other things, the Ruling invites further comment on the alternative network resiliency framework offered by CCTA. CCTA’s alternative network resiliency framework for wireline providers meets the Commission’s stated objective of “maintaining resilient and dependable communications networks that aid first

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\(^1\) CCTA is a trade association consisting of cable providers that have collectively invested more than $40 billion in California’s broadband infrastructure since 1996 and whose systems pass approximately 96% of California’s homes.

responders and allow the public to communicate reliably during emergencies catastrophes,”3 while appropriately balancing costs and benefits as required under California law.4 As highlighted in CCTA’s answers below and in the separately filed comments of its members, CCTA’s resiliency framework for wireline providers accomplishes these goals by ensuring that, in Tiers 2 and 3 High Fire-Threat Districts (“HFTDs”), wireline facilities can provide for 72 hours of uninterrupted service to their fire, police station, hospital, emergency command center, and wireless backhaul customers during a power outage.

II. RESPONSES TO QUESTIONS POSED IN THE RULING

A. Comment on Whether Applying a 72-hour Backup Power Requirement is Reasonable for Wireline Companies

The Ruling’s summary of party positions aptly describes why CCTA and other wireline providers view a blanket 72-hour backup power requirement for wireline companies as unreasonable. The Ruling correctly notes that “a backup power requirement for wireline providers would be burdensome, and have limited public benefit, as relatively few customers have backup generators at their homes or backup batteries for their customer premises equipment (e.g., cordless phone, VoIP phone, router, modem, desktop computer).”5 CCTA agrees that a 72-hour backup power mandate would provide very limited benefits and squander enormous network resources given that very few consumers have backup power sources for in-home equipment required to access wireline services. CCTA and its members have described other concerns as well. For example, we posed the unanswered question of how could it be safe or sound public policy to require communications providers to maintain full energization of network facilities throughout California communities at the very time electric utilities have determined conditions are too unsafe to continue providing electricity to their customers.6 CCTA and wireline companies also pointed to the billions of dollars of costs7 required to attempt

3 Assigned Commissioner’s Ruling and Proposal at 1 (March 6, 2020).
4 See Pub. Util. Code § 321.1, which requires the Commission to “assess the consequences of its decisions, including economic effects” and to “take all necessary and appropriate actions to assess the economic effects of its decisions and to assess and mitigate the impacts of its decisions on customer, public, and employee safety.”
5 Ruling at p. 4.
6 CCTA Comments at p. 3; Comcast Comments at p. 2; Charter Comments at p. 7; Cox Comments at pp. 11 and 28.
7 See, for example, AT&T Comments at p. 3; Charter Comments at pp. 16-17; Comcast Comments at pp. 35-36; ExteNet Comments at p. 4.
to duplicate the commercial power grid in order to deliver 72 hours of backup power throughout communications provider networks. Those costs would ultimately be borne by consumers and would be unequivocally unreasonable in the absence of any full cost-benefit analysis that would show a countervailing consumer benefit of equal or greater magnitude.

CCTA’s prior comments proposed an alternative resiliency framework for wireline networks that would help ensure uninterrupted service to meet a community’s most critical communications needs during extended power outages. That alternative plan is addressed in the next section.

B. Comment on the Wireline Industry Proposal

1. Is this proposal reasonable?

Given the circumstances that public safety power shutoff (“PSPS”) events and other emergencies create for critical facilities in Tier 2 and 3 HFTDs, CCTA’s proposal is reasonable because it will help ensure that Californians have functioning emergency services and much-relied-upon wireless services in times of extended outages. As D.20-07-011 appropriately recognized, 88 percent of calls to 911 came from wireless devices, which “reflects the fact that consumers and first responders rely heavily on communication services – especially, data and wireless communications,” during emergencies.\(^8\) CCTA’s proposal is practical because it addresses this proceeding’s objective to maintain service in the most critical areas, can be implemented in an efficient and reasonable manner, and would not require the impractical and prohibitively costly replication of the commercial power grid, with all the risks to public safety that would entail.

2. Is it reasonable for non-critical customers to lose wireline communications during a power outage?

Cable networks have been designed to maintain operation of network facilities in the event of ordinary commercial power outages that last for several hours. But as noted above, in-home equipment for many wireline services will not function without commercial power and requires its own backup power source. CCTA members have built the world’s most powerful information technology platform, which is dynamic enough to help America meet the challenges and unprecedented network demands resulting from the current COVID-19 pandemic. However, these networks ultimately rely on commercial power and were not

\(^8\) D.20-07-011 at p.92.
designed to replace the long-term loss of commercial power. The Commission recognized this when it reminded electric customers that electric grid outages may occur for planned and many unplanned reasons, and such outages can impact essential services, including 911 and other emergency communications.\(^9\) Thus, determining the reasonableness of an extended power outage’s impact on the general population should take into account whether the underlying power outage was reasonably managed by the responsible investor-owned electric utility (“IOU”). As the California Fire Chiefs Association (“CFCA”) explained in its comments on the Proposed Decision for wireless providers, “[t]here is no real substitute for commercial power and no practical way to arrange backup power for the countless essential critical equipment types and services consumers need, including dialysis machines, wheelchairs, and pharmaceutical refrigeration.”\(^{10}\)

Moreover, where the IOU’s determination to shut off power to mitigate the risk of fire is reasonable, the expectation that wireline communications providers and residential customers must take actions that may negate those efforts or even increase fire risk through widespread use and refueling of generators is unreasonable. This is especially true where, as a result of D.20-07-011, Californians in the areas most vulnerable to wildfires and PSPS events will have access to wireless communications services during a power outage up to 72 hours. CCTA’s alternative framework – with its focus on critical facility customers and wireless facilities – offers a way of mitigating the potential safety risks associated with requiring communications providers to act as electric utility substitutes. But ultimately, the most reasonable approach to limiting the loss of wireline communications during power outages is for the Commission to ensure that the IOUs exercise improved judgment and restraint in deciding the scope, scale, and duration of PSPS events.

3. **Is the proposed list of critical facility customers sufficient?**

The aim of CCTA’s proposed framework is to reduce the greatest downstream public safety risk of power shutoffs by ensuring uninterrupted service to wireless providers as well as fire and police stations, hospitals, and emergency command and dispatch center customers during power outages. That list of critical facility customers is based on the recognition that

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\(^{10}\) See Comments of the California Fire Chiefs Association on the Proposed Decision of Commission Batjer (“CFCA Comments”) dated July 1, 2020 at p. 3.
those customer facilities are designed to operate through extended power outages via their own backup power systems. CCTA’s proposed framework is consistent with CFCA’s recommendation for the Commission to “focus on the most urgent communications needs for public safety.”\(^\text{11}\) CFCA also agrees that “ensuring that wireless facilities, fire stations, police stations, hospitals, and emergency command and dispatch centers in Tier 2 and 3 [HFTDs] remain connected during power outages is critical.”\(^\text{12}\)

CCTA’s proposed framework also includes uninterrupted service to wireless providers as backhaul customers. CCTA’s proposal is consistent with the Commission’s findings that the vast majority of Californians use wireless services, especially to call 911, and that wireless services are relied upon by first responders during an emergency.\(^\text{13}\) The CCTA proposal’s focus on providing backup power to facilities that provide wireless backhaul will help ensure that the majority of Californians maintain wireless service during power shutoffs.

4. **What components of wireline networks need to remain in service in order to maintain service for wireless carrier customers?**

As noted, the cable industry has made a commitment to help ensure facilities supporting wireless backhaul services in Tier 2 and 3 HFTDs will remain powered. While individual cable companies may take customized approaches to optimize their respective provision of services, typical network components used in those configurations would likely include a fiber-based connection to a wireless facility connected directly to a regional “headend” or to a series of distribution “hubs” that, in turn, are connected to a headend.

5. **Are the five proposed conditions reasonable? What is the significance of each of these conditions?**

CCTA’s proposal offers the Commission a meaningful, realistic, and effective alternative to ensure that first responders and other critical facilities in HFTDs have access to reliable service during an emergency. The five proposed conditions allow us to make that commitment by identifying and addressing circumstances that would otherwise undermine our ability to deliver the service described:

The condition requiring the customer’s facility to be powered and located in the wireline provider’s territory is necessary to ensure that communications equipment used at

\(^{11}\) CFCA Comments at p. 2.  
\(^{12}\) Id.  
\(^{13}\) See D.20-07-011 at 4.
that facility will actually work when connected to wireline service. It would make no sense for a wireline provider to invest in extended backup power for its network if the customer is unable to use its services because of a lack of power at its own facility. Similarly, the requirement that the operator owns the network ensures control of that network for the installation of relevant backup power resources.

The condition that the wireline provider is able to obtain the necessary access, permits and/or other relevant approvals to install and maintain equipment, as long as doing so does not present risk of harm to persons or property speaks to the obvious practical and safety concerns with widespread deployment of generators and other backup power sources in the HFTDs. The condition that the wireline provider can determine the method to ensure the 72 hours of service to each customer facility recognizes that there are differences in network configurations and the characteristics of each facility.

The significance of the operator’s facilities having not been damaged and any backup power equipment being safely accessible by workers for refueling and other maintenance purposes should be self-evident. Unlike wireless networks, which use a relatively small number of towers to provide coverage throughout a geographic area, wireline networks use a highly distributed outdoor plant that must remain undamaged, powered, and connected to each customer’s premises to provide service.

Finally, the PSPS requirement that the IOU has provided the mandatory 48 to 72 hours’ advance notice and other information to the operator, consistent with standards set for notification to public safety partners in the Guidelines adopted in D. 19-05-042, and further notification guidelines applicable to public safety partners established in that proceeding, is essential for operators to ready necessary equipment, staff and other resources for timely deployment.

6. **How will the specific customers within each of the critical facility categories be identified?**

Each CCTA member is better positioned to answer the question concerning the identification of customers with critical facilities.

7. **Will critical facility customers pay an additional premium to receive service that is maintained throughout a loss of power?**

The question of whether customers will be charged an additional fee to receive interrupted service during outages is better addressed by individual wireline service providers.
8. **Is 12 months a reasonable timeline to implement these requirements?**

The Commission should approve a timeframe that allows individual operators to implement the proposed framework through an individualized plan. We urge the Commission to provide each wireline service provider a reasonable amount of time consistent with their network configurations.

C. **Communities Without Sufficient Wireless Coverage**

The Ruling requests comment on the Rural County Representatives of California’s (“RCRC”) concern with continuous access to communications in rural communities that lack “sufficient” wireless coverage.

1. **Is this concern reasonable?**

CCTA is unclear about the circumstances or the reasons that are alleged to have left Bonny Doon without wireless service or traditional telephone service offerings as alternatives to the wireline voice services provided by cable operators. Bonny Doon is presumably served by an incumbent telephone provider serving the area as its carrier of last resort (“COLR”). The wireless coverage maps of Verizon, AT&T Wireless and Sprint (now part of T-Mobile) each show some degree of wireless coverage in Bonny Doon and its environs. Thus, while the inability to reach 911 during a power outage is certainly reason for concern, it is not the case that all residents of Bonny Doon “rely solely on wireline communications,” as the Ruling suggests. Additional backup power requirements for wireline providers in such communities would have little benefit for public safety, particularly where residents lose power required for customer premises equipment. Wireless coverage issues in Bonny Doon and other remote areas would be more effectively addressed by wireless providers, and through CCTA’s proposal to maintain uninterrupted service to wireless backhaul facilities.

2. **Are there other communities without sufficient wireless coverage that rely solely on wireline communications?**

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16 [https://coverage.sprint.com/coveragemap?](https://coverage.sprint.com/coveragemap?).
18 Ruling at 8.
Bonny Doon appears to be the only example in the record of this proceeding of a community that relies on wireline communications (and, as explained above, it is not entirely accurate that its residents “rely solely” on wireline communications). While there may well be other similarly situated communities in California, the granular detail to respond to this is best answered by the wireless providers.

3. **If the wireline industry proposal is adopted, how would these communities receive vital emergency notices, such as evacuation alerts, particularly during a power outage?**

Independent of whether a wireline industry proposal is adopted, the California Governor’s Office of Emergency Services (“CalOES”) and the Commission have established measures to ensure that all California communities receive emergency notices. As noted in CalOES’s Statewide Alert & Warning Guidelines, it is “an inherent responsibility of local government organizations and officials to keep the public informed about natural, human-caused, and technological disasters in addition to what actions they need to take to protect themselves and their families.”19 Those local jurisdictions establish local entities, as defined in the local area alert and warning plan, to provide guidance and support to their communities through coordinated dissemination of alerts and warnings regarding imminent threats to life and health and extraordinary threats to property.

Regarding alerts associated with power outages, the Commission recently revised and expanded the notification obligations imposed on IOUs by D.20-03-004, Decision on Community Awareness and Public Outreach Before, During and After a Wildfire, and D.20-03-004, Decision Adopting Phase 2 Updated and Additional Guidelines For De-Energization of Electrical Facilities. In addition to specific in-language outreach requirements, D.20-03-004 requires all IOUs to utilize all reasonable channels of communication to all populations potentially affected by a de-energization event. The [IOU] shall develop communication and notification plans jointly with CalOES, county and local governments, independent living centers, and representatives of people/communities with access and functional needs. The plans shall anticipate the disruption of traditional communication channels and provide contingency alternatives. In situations where internet, cellular, or landline-based communication services are limited, the [IOU] shall coordinate with public safety partners to use in-language public alerts.

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4. **Should additional requirements be developed for wireline service providers to maintain service in these communities during a power outage?**

The Commission recently established additional requirements to mitigate the impact of power outages on a broad array of California communities. For example, the Commission’s de-energization Guidelines require the IOUs, through collaboration with relevant stakeholders in its service territory, to finalize a community resource center (“CRC”) plan based on local demographic data for meeting a variety of safety needs for access and functional needs and vulnerable populations.\(^{21}\) The IOUs and local governments should ensure that Bonny Doon and other similarly situated communities have an established CRC. The Commission requires that the CRCs should, among other things, provide device charging stations that are capable of powering medical devices, cellular network services, water, chairs, PSPS information representatives, and restrooms. Finally, in the rare instance in which wireless service is not available at the CRC, the IOU should reach out to the areas’ wireless providers or COLR to establish necessary service.

5. **How can these communities be identified?**

As previously mentioned, CalOES’s Statewide Alert & Warning Guidelines underscore that it is the inherent responsibility of local governments to keep their respective residents informed and protected. To assist, CalOES has established a Tactical Communications Unit (“TACCOM”) to coordinate with each respective mutual aid region to assist local and tribal governments in their communications planning to increase resiliency and interoperability. TACCOM is also responsible for identifying gaps in communications and assisting with identifying comprehensive solutions. Additionally, CalOES recently promulgated regulations requiring wireless and wireline providers to submit notice when there is an outage affecting 100 or more customers in a zip code,\(^ {22}\) giving CalOES the ability to notify local governments of the outage. Local governments are best positioned to identify communications shortcomings and to

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\(^{20}\) See Adopted Phase 2 Guidelines in Addition to Appendix A of Decision 19-05-042 and Resolution ESRB-8, D.20-05-051 at Appendix A at p.3.

\(^{21}\) *Id.* at p 5.

\(^{22}\) Cal. Code Regs. tit. 19, §§ 2480.2-.3.
act accordingly. For example, Bonny Doon reportedly has two fire stations for its population of 2,678.\textsuperscript{23} Where local emergency responders become aware of a gap in communications, that information should be shared with county emergency alert officials who, in turn, can seek to rectify or mitigate the communications service shortcoming in collaboration with the area’s wireless providers or COLR.

6. \textbf{Could the Commission’s CalSPEED program be used to identify these communities?}

According to the Commission’s CalSPEED Home Broadband Study description, CalSPEED has focused on home internet testing using DSL, fixed wireless, and cable.\textsuperscript{24} Thus, CalSPEED does not appear to be a viable tool to identify communities that lack adequate wireless coverage.

\section*{III. CONCLUSION}

CCTA appreciates the Commission’s consideration of the views expressed above and urges the Commission to adopt its proposed alternative wireline network resiliency framework.

Respectfully submitted,

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\textsuperscript{23} https://en.wikipedia.org/wiki/Bonny_Doon,_California.
\textsuperscript{24} https://gicwebsrv.csuchico.edu/websites/chbs/dev/about.html