

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Emergency Disaster Relief Program.

Rulemaking 18-03-011

**COMMENTS OF THE PUBLIC ADVOCATES OFFICE
ON ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S
RULING REQUESTING COMMENTS ON WIRELINE
PROVIDER RESILIENCY STRATEGIES**

[PUBLIC VERSION]

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TABLE OF CONTENTS

	<u>Pages</u>
I. INTRODUCTION.....	1
II. RESPONSES TO QUESTIONS IN RULING.....	2
A. Wireline Communications Service Provider Resiliency and Disaster Response Requirements.....	2
1. Definition of Resiliency.....	2
2. Backup Power Requirement	3
a. Time Duration.....	3
b. Deployment	8
c. Service Level Coverage.....	16
d. Public benefit of backup power requirements for wireline companies	17
e. Challenges associated with deployment	19
3. Communications Resiliency Plans	20
4. Waivers	20
5. Emergency Operations Plans	22
a. Wireline Industry Proposal.....	22
b. Communities Without Sufficient Wireless Coverage	29
III. ADDITIONAL CONSIDERATION.....	32
A. The Commission Should Add Enforcement Mechanisms	32
IV. CONCLUSION	33

I. INTRODUCTION

Pursuant to the July 22, 2020 Assigned Commissioner and Administrative Law Judge's (ALJ's) Ruling Requesting Comments on Wireline Provider Resiliency Strategies (Ruling), and ALJ Colin Rizzo's August 7, 2020 Email Ruling granting a 2-day extension, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits these comments.

Previous, recent, and recurring widespread communications outages have compromised the public health and safety of customers, their families, their communities, and first responders. In Decision (D.) 20-07-011, the California Public Utilities Commission (Commission) adopted resiliency requirements for wireless communications networks located in Tier 2 and Tier 3 High Fire Threat Districts (HFTDs) (hereafter referred to as the "Resiliency Requirements"). Cal Advocates supports applying the same network Resiliency Requirements adopted for wireless networks to wireline networks. Wireline networks support both voice and broadband service necessary for California families to participate in distance learning, telework, telehealth, and sign-up to any necessary government assistance programs in addition to communications with first responders. This is particularly the case for those who may not subscribe to wireless service for various reasons or live in a location where wireless does not function well. In these comments, Cal Advocates recommends the following:

- The Commission should adopt the same resiliency definition for wireless providers in D.20-07-011 to apply to wireline communications service providers¹ (wireline service providers). The resiliency definition for wireless networks is appropriate to apply to wireline networks without changes.

Specifically, in response to the questions posed by the Ruling, Cal Advocates recommends the following Resiliency Requirements:

¹ We apply the definition from D.19-08-025, which defines wireline communications service providers as "[f]acilities-based and non-facilities based landline providers include 9-1-1/E9-1-1 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." See D.19-08-025, p. 4. <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M311/K547/311547724.PDF>

- The Commission should require wireline service providers to have 72 hours of backup power and maintain minimum service levels as defined in the D.20-07-011. Wireline service providers should be required to deploy backup power prior to the start of fire season in 2021.
- The Commission should encourage wireline service providers to use clean energy for backup generation.
- The Commission should also extend customer protections beyond HFTDs since Californians outside HFTD experience public safety power shutoffs (PSPS) and other events impacting the availability of utility power.
- The Commission should adopt the same requirements for Communications Resiliency Plans for wireline service providers as they did for wireless.
- The Commission should require wireline service providers to submit Emergency Operations Plans annually.
- The Commission should not adopt the Wireline Industry Proposal referenced in the Ruling's section 2.2. The Wireline Industry Proposal is not reasonable. All wireline customers, not a selected few, should be able to use their voice and broadband service during a power-outage.
- The Commission should include mechanisms for enforcement.

II. RESPONSES TO QUESTIONS IN RULING

A. Wireline Communications Service Provider Resiliency and Disaster Response Requirements.

The comments below are in response to the questions in the Ruling in the order presented.

1. Definition of Resiliency

The Commission should apply the same resiliency definition from D.20-07-011 to wireline service providers. Resiliency is defined as “the ability to recover from or to adjust to adversity or change through an array of strategies including, but not limited to: (a) backup power, (b) redundancy, (c) network hardening, (d) temporary facilities, (e) communication and coordination with other utilities, emergency responders, the public

and finally, and (f) preparedness planning.”² This definition is appropriate and should be adopted for wireline service providers as it represents a thorough list of measures that can be used to improve resiliency.

Some wireline service providers have endorsed the Commission’s resiliency definition already. Frontier’s March 6, 2020 comments generally support the resiliency definition.³ In some cases, wireline service providers claim to use these network resiliency strategies already. Comcast’s April 3, 2020 comments note that it “uses all of [the resiliency strategies in the definition] at various times to help support its network and operations.”⁴ Therefore, these strategies appear to be reasonable, and the definition should be adopted without modification to ensure essential communication services to all wireline customers.

2. Backup Power Requirement

The following section addresses the Ruling’s questions on whether the Commission should adopt the same backup power requirements for wireline service providers as required in D.20-07-011 for wireless providers: (a) a 72-hour backup power requirement for wireline networks, (b) a 12 month timeframe for deploying backup power, and (c) the same minimum service level requirements. The Ruling also asked for comments on (d) the public benefit of the backup power requirement for wireline service providers and (e) challenges associated with deployment of backup power on wireline service provider’s infrastructure.

a. Time Duration

- i) Please provide comment on whether the Commission should adopt this requirement [a 72-hour backup power requirement] for wireline service providers.**

² Decision D.20-07-011, Conclusion of Law 46, p. 138.

³ Frontier California Inc. (U 1002 C) Frontier Communications of California (U 1024 C) Frontier Communications of the Southwest, Inc. (U 1026 C) on March 26, 2020 Assigned Commissioner’s Ruling, April 3, 2020, p. 4.

⁴ Comments of Comcast Phone of California, LLC (U-5698-C) on Assigned Commissioner’s Ruling and Proposal, April 3, 2020, p. 18.

The Commission should adopt a 72-hour backup power requirement for wireline service providers to ensure customers and their families are able to access essential voice and broadband services during power outages. Californians rely on wireline networks that support voice and Internet service to attend school through distance learning, telework, telehealth appointments, and for public safety during emergencies. In the current COVID-19 pandemic, students are relying on an Internet connection to attend school.⁵ Many California school districts in the fall will begin school through distance learning.⁶ If a power outage occurs and the wireline networks don't have backup power in place, the customer's broadband connection will not work which will negatively impact the students access to education. Similarly, many Californians rely on their Internet connection to telework and attend doctor appointments through telehealth. If a power outage occurs and the wireline networks do not have backup power in place, customers will not be able to attend classes, work, or receive medical advice. D. 20-07-011 noted that "80 percent of all calls to 9-1-1 during the 2017 and 2018 wildfires came from wireless devices."⁷ As a result, 20 percent of 9-1-1 calls came from wireline networks. A significant number of emergency calls still originate from wireline networks. Wireline network service outages adversely affect Californians' jobs, health and safety.

Wireline outages were widespread and significant during 2019's PSPS events. On October 28, 2019, over 400,000 wireline subscribers in California lost service. The Federal Communications Commission's (FCC) Disaster Information Reporting System (DIRS) stated that "Cable and wireline companies reported 454,722 (up from 393,735 yesterday) subscribers out of service due to the power shutoffs; this may include the loss

⁵ "Governor Newsom Announces Cross-Sector Partnerships to Support Distance Learning and Bridge the Digital Divide." Office of Governor Gavin Newsom. April 20, 2020. Press Release.

⁶ As of July 17, schools in 32 of California's 58 counties were unlikely to reopen for in-person instruction in the fall. These counties account for over 80% of California's population. Cowan, Jill. "Newsom Order Would Keep Most California Schools Online." New York Times. July 17, 2020.

<https://www.google.com/search?client=firefox-b-l-d&q=citing+news+article> . Lambert, Diana.

"Governor's order means most California school campuses won't reopen at the beginning of school year." EdSource. July 17, 2020. <https://edsource.org/2020/governors-order-means-most-california-school-campuses-wont-reopen-at-the-beginning-of-school-year/636590>

⁷ D. 20-07-011 Finding of Fact 4, p. 123.

of telephone, television, and/or Internet services.”⁸ These widespread outages have the potential to adversely affect thousands of Californians, impacting their health, safety and well-being.

As noted in Cal Advocates’ opening comments on the March 6 Assigned Commissioner’s Ruling and Proposal (Proposal), a 72-hour backup standard would be sufficient to maintain service through 84% of all PSPS de-energizations.⁹ Table 1 below shows the duration of de-energization events that occurred in and outside Tier 2 and Tier 3 HFTDs from 2017-2019. Table 1 shows that 17% of all de-energizations within HFTDs lasted longer than 72 hours. Since many outages occurred in areas spanning both Tier 2 and Tier 3 HFTDs, Table 1 aggregates outages that occur in Tier 2 and Tier 3 HFTDs into one HFTD column. If a 72-hour backup power standard for wireline networks had been in place, it could have prevented wireline communications outages for 83% of the de-energization events in HFTDs and 95% of de-energizations outside of HFTDs from 2017 to 2019.

Table 1: Number of De-Energizations by Duration by HFTD Location (2017-2019) ¹⁰

Outage Duration	HFTD	HFTD (%)	Not HFTD	Not HFTD (%)	All Outages	All Outages (%)
Less Than 24 Hours	399	19%	129	32%	528	21%
Between 24 and 48 Hours	907	44%	215	54%	1,122	46%
Between 48 and 72 Hours	401	19%	36	9%	437	18%
Over 72 Hours	354	17%	20	5%	374	15%
Total	2,061		400		2,461	

⁸ FCC October 28, 2019 DIRS Report - <https://docs.fcc.gov/public/attachments/DOC-360482A1.pdf>

⁹ Public Advocates Office Comments on Assigned Commissioner’s Ruling and Proposal for Communications Service Provider Resiliency and Disaster Response Requirements, Public Advocates Office, April 3 2020, p. 4.

¹⁰ See Utility De-Energization Reports (available at: <https://www.cpuc.ca.gov/deenergization/>). Note that not all PSPS events in the De-Energization Reports have location data, so the percentage of PSPS events in the Table longer than 72 hours does not match the percentage quoted in opening comments.

Furthermore, a 72-hour backup power requirement is needed because wireline service providers are not, on their own, ensuring their networks are operational during a power outage to support customers and their families. During the 2019 PSPS events, Charter lost power at over <<BEGIN CONFIDENTIAL>> <<END CONFIDENTIAL>>.¹¹ Comcast lost power at <<BEGIN CONFIDENTIAL>> <<END CONFIDENTIAL>>, resulting in service outage at <<BEGIN CONFIDENTIAL>> <<END CONFIDENTIAL>> facilities and service impacts to nearly <<BEGIN CONFIDENTIAL>> <<END CONFIDENTIAL>> customers.¹²

Table 2 shows the number of outages and customers impacted by outages affecting Comcast's facilities during the PSPS events of October and November 2019.

Table 2: Number of Service Outages at Comcast Facilities in 2019 PSPS Events ¹³
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Comcast Outage Data Summary	October & November 2019
Total Number Service of Outages	
Total Number of Customers Impacted	
Average Time Out of Service (Hours)	
Median Time Out of Service (Hours)	
Maximum Number of Hours Out of Service	

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Cal Advocates' Reply Comments to the Proposal also showed that a significant number of cable headends and hubs either did not have a backup generator or did not have documentation of a backup generator.¹⁴ Table 3 below updates the information

¹¹ Data analyzed from DR 3, issued to wireline and cable providers on November 7, 2019.

¹² Data analyzed from DR 3, issued to wireline and cable providers on November 7, 2019.

¹³ Data analyzed from DR 3, issued to wireline and cable providers on November 7, 2019.

¹⁴ Reply Comments of the Public Advocates Office on Assigned Commissioner's Ruling and Proposal for Communications Service Provider Resiliency and Disaster Response Requirements, Public Advocates Office, April 17, 2020, Table 6, pp. 13-14.

previously presented to include data on the state of backup power in Frontier’s communications network, under the Central Office and Remote Terminal headings. This data indicates that <<BEGIN CONFIDENTIAL>> <<END CONFIDENTIAL>> of Frontier’s remote terminals do not have generators for backup power and thus would be unable to maintain service for 72 hours or any other amount of time in the event of a power outage.¹⁵ Frontier’s response to Cal Advocates’ DR 3 indicated that the majority of its Central Offices and Remote Terminals had batteries capable of providing up to <<BEGIN CONFIDENTIAL>> <<END CONFIDENTIAL>> of backup power regardless of generator presence.

Table 3: Number of Wireline Facilities with and without Generators¹⁶

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Wireline Facilities	Headends	Hubs	Central Office	Remote Terminal
Has a Generator				
Does not have a generator or is unknown whether it has a generator				

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The Commission should also require wireline service providers to use clean energy for backup generation as much as possible. D. 20-07-011 states that “fossil fuel generation cannot be a long-term resiliency strategy.”¹⁷ As with wireless providers, wireline service providers should be required to use clean energy backup power options before using diesel generators to meet the resiliency requirements. In addition, the Commission should adopt the same requirements for wireline service providers as currently required of wireless providers “to identify the number and specific types of generators they will use, develop cooperative agreements with other utilities, make clean generation feasible, and identify annual targets for the reduction of fossil fuel

¹⁵ Data analyzed from DR 3, issued to wireline and cable providers on November 7, 2019.

¹⁶ Data analyzed from DR 3, issued to wireline and cable providers on November 7, 2019. ¹⁷ D.20-07-011, Decision Adopting Wireless Provider Resiliency Strategies, p. 113.

generation.”¹⁸ Non-polluting fuel cell systems are already commercially available and viable.¹⁹ The California Hydrogen Business Council (CHBC) stated in reply comments to the Assigned Commissioner’s Ruling that fuel cell systems “including those that run on hydrogen, are commercially available and are being used broadly by telecommunication and cable companies for long duration backup power.”²⁰

ii) Is it reasonable to adopt a backup power requirement of reduced duration?

A back-up power requirement that is less than 72 hours is insufficient to ensure Californians have access to emergency communications services during disasters and PSPS events at any time that utility electric power has been lost. As Table 1 above shows, only 19% of de-energization events located in HFTDs lasted 24-hour or less. The Commission should require wireline networks to have 72 hours of backup power to ensure customers and their families can use their wireline communications services, including voice and Internet connection, for the duration of as many outages as possible.

iii) Should this requirement be modified or tailored for wireline service providers? If so, how?

No, the Commission should not modify the 72-hour backup power requirement for wireline service providers.

b. Deployment

i) Please provide comment on whether the Commission should adopt this requirement for wireline service providers.

The Commission should require wireline service providers to enact resiliency strategies and meet the 72-hour backup power requirement within six months of an issued decision, or by May 1, 2021, whichever is sooner, to ensure that these protections are in place for wireline customers by the start of 2021’s fire season. CalFIRE states that “the

¹⁸ D.20-07-011, Decision Adopting Wireless Provider Resiliency Strategies, pp. 100-103.

¹⁹ Reply Comments of the National Fuel Cell Research Center on the Proposed Decision Adopting Wireless Provider Resiliency Strategies, p. 6.

²⁰ Reply Comments of the California Hydrogen Business Council on the Assigned Commissioner’s Ruling and Proposal, p. 3.

fire season in California is starting earlier and ending later each year.”²¹ As Table 4 shows, in the last five years the first wildfires recorded by CalFIRE in excess of 1,000 acres occurred before the end of May.

Table 4: Fire Season Dates 2016-2020²²

Year	2016	2017	2018	2019	2020
First Recorded Fire	19-Apr	7-Feb	8-Jan	1-Jan	15-Feb
First Fire over 1000 Acres	18-May	20-Apr	18-Feb	7-May	3-May
First Fire over 10,000 Acres	23-Jun	18-May	23-Jun	28-Jul	13-Jul

ii) Should this requirement be modified or tailored for wireline service providers? If so, how?

The Commission should extend the 72-hour backup power requirement beyond HFTDs to ensure that all Californians can access essential communications services during outages or disasters. In addition, with Californians sheltering in place during the COVID-19 pandemic, voice and broadband services provided by wireline service providers are critical for customers and communities to continue telework, participate in telehealth, and attend school through distance learning. Cal Advocates estimates that, at most, 7.8 million of the total 39.5 million Californians live within HFTDs.²³ Figure 1 shows a map of California by population density with an overlay of HFTD boundaries. Figure 2 shows an inset of the map from Figure 1 showing the San Francisco Bay Area/Sacramento/Central Valley, and the greater Los Angeles/Orange County/San Diego area. These maps show that most of California’s population lives outside of HFTDs.

²¹ 2020 Fire Season, CalFIRE, <https://www.fire.ca.gov/incidents/2020/>

²² From CalFIRE incident pages for 2020 through 2016. Available at: <https://www.fire.ca.gov/incidents/2020/>, <https://www.fire.ca.gov/incidents/2019/>, <https://www.fire.ca.gov/incidents/2018/>, <https://www.fire.ca.gov/incidents/2017/>, and <https://www.fire.ca.gov/incidents/2016/>

²³ Cal Advocates estimated the population that lives within HFTDs using American Community Survey 5-year estimates. Cal Advocates’ estimate include populations living in census block group that are partially and completed in HFTDs..

Figure 1: Map of California by Population Density and HFTDs

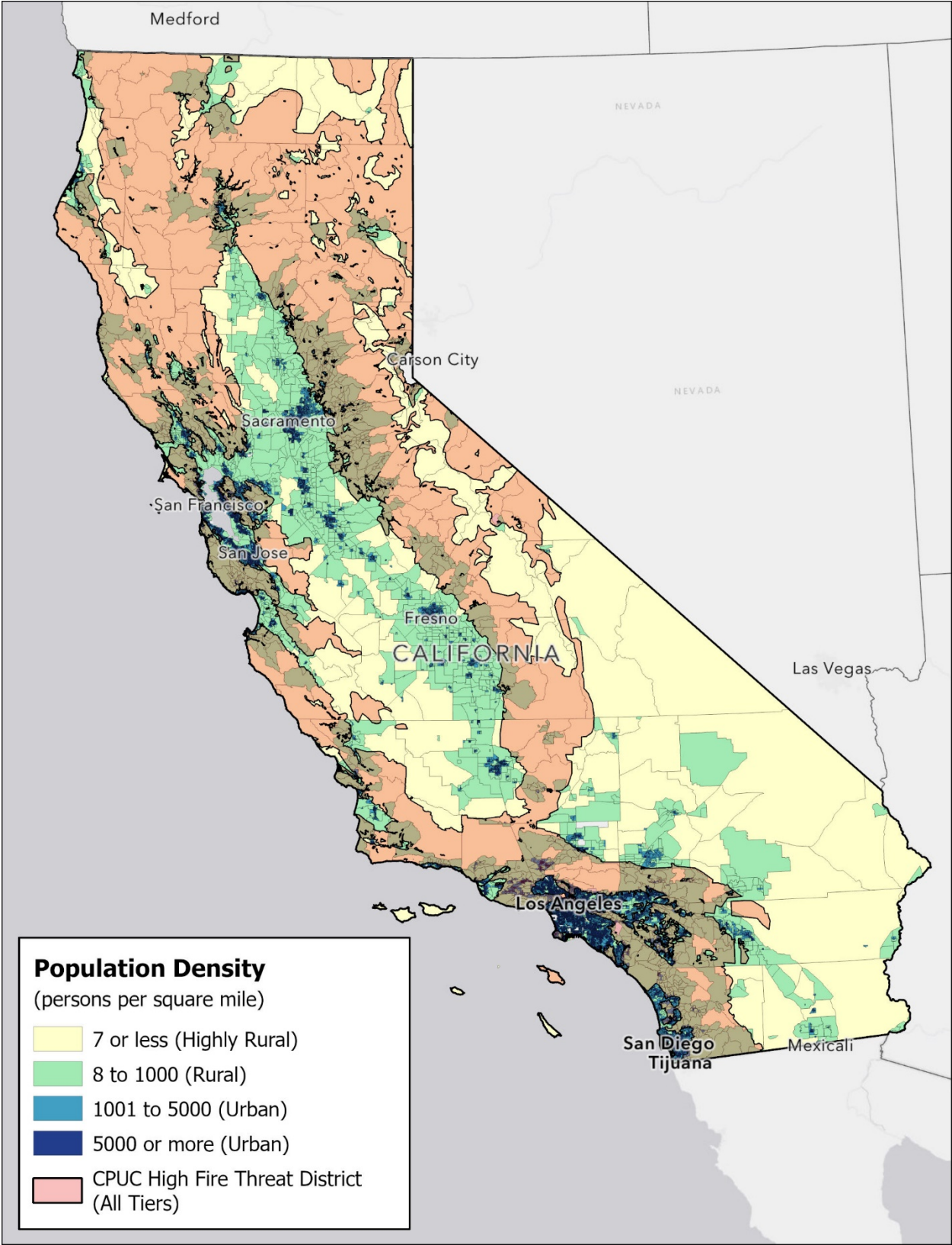
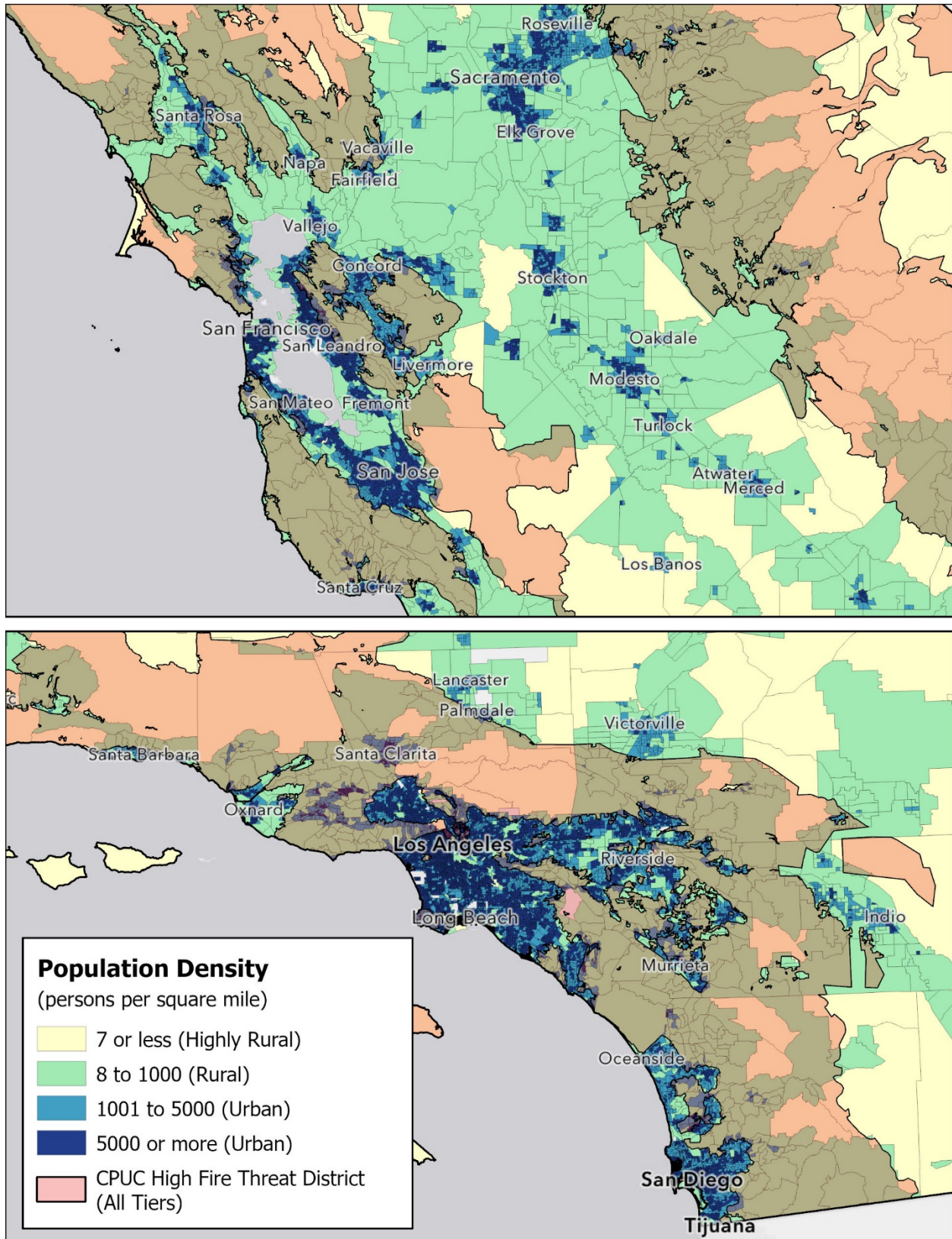


Figure 2: Inset of Map of California by Population Density and HFTDs



As shown in Figure 1 and Figure 2, many areas with high population densities are close to but not in HFTDs. These areas may be impacted by PSPS events related to fires occurring in HFTDs, however customers living in these areas would not receive the protections that only apply to customers served by networks in HFTDs. Table 5 shows three population estimates of the number of Californians affected by PSPS events.²⁴ Cal Advocates estimates that the 2019 PSPS events affected over 3 million Californians living outside of HFTDs (see Table 5).²⁵ By contrast 2019's PSPS events affected 1.5 million Californians living in HFTDs.

Table 5: Estimate of Population Affected by 2019 Fall PSPS Events

Population Affected	Outside of HFTD	Inside HFTD	Total
Conservative Estimate	1,234,845	226,875	1,461,720
Inclusive Estimate	5,460,065	3,276,705	8,736,770
Proportional Calculation	3,003,519	1,549,614	4,553,133

Given that the 2019 PSPS events affected nearly twice as many Californians outside HFTDs as compared to inside HFTDs, the Commission should extend customer protections to areas outside of HFTDs. Table 6 below shows the estimated number of people who were impacted by specific PSPS events in 2019.²⁶ Cal Advocates estimates that more than two thirds of the people affected by the PG&E October 9 to 12, 2019 PSPS were located outside of HFTDs.

²⁴ These estimates use American Community Survey 5-year data which estimates population in non-census years based on census data and population growth trends. The conservative estimates are based on the number of people living in census blocks groups that are completely within HFTDs and PSPS event outlines. The inclusive estimates are based on populations within census block groups that are partially and completely within PSPS event boundaries. The proportional estimate uses the percentage of the census block groups within PSPS event boundaries and inside or outside an HFTD to estimate the population affected. While it's unlikely that these numbers are exactly right, we are confident that the actual number of people affected falls within the range shown in Table 4.

²⁵ Cal Advocates estimate used American Community Survey 5-year estimates and PSPS outage area data provided in Wildfire Mitigation Plan 2020 submissions from each large IOU in relation to R.18-10-007. This number is likely an overestimate, as Cal Advocates' estimate includes populations within census block groups that are partially and completely within HFTDs.

²⁶ Populations estimates are made using the proportional calculation methodology discussed above.

Table 6: Estimate of Population Affected by 2019 PSPS Event

PSPS Event	Outside of HFTD	Inside HFTD	Total	Percent Outside HFTDs
PG&E 10/5-10/6	20,571	38,591	59,162	35%
PG&E 10/9-10/12	1,846,406	860,655	2,707,061	68%
PG&E 10/23-10/25	164,352	280,601	444,953	37%
PG&E 10/26-10/29	1,924,868	1,148,584	3,073,452	63%
PG&E 11/20-11/21	53,052	68,521	121,572	44%
SCE 9/7/2019	14	297	311	4%
SCE 9/16/2019	1,137	5,727	6,864	17%
SCE 9/18/2019	4	5,727	5,731	0%
SCE 9/24/2019	252	392	644	39%
SCE 10/2-10/12	82,344	127,559	209,903	39%
SCE 10/12-10/21	5,036	6,965	12,001	42%
SCE 10/21-10/26	134,844	125,946	260,790	52%
SCE 10/27-11/4	159,005	310,549	469,554	34%
SCE 11/15-11/17	0	1,787	1,787	0%
SCE 11/23-11/26	4,379	15,978	20,357	22%
SDG&E 10/10-10/11	0	259	259	0%
SDG&E 10/20-11/1	4,365	57,647	62,012	7%
SDG&E 11/17	0	4	4	0%

As shown by Table 5 and Table 6, a significant portion of Californians outside of HFTDs were affected by PSPS events in 2019. Figure 3 below visually demonstrates the extent of 2019's PSPS events outside of HFTDs followed by Figure 4 that shows insets of Figure 3's map for the San Francisco Bay Area, Sacramento, and parts of the Central Valley and for the Greater Los Angeles Area.

The Commission should develop wireline requirements that protect customers outside of HFTDs in the forthcoming proposed regulations and extend the protections and resiliency requirements promulgated in D.20-07-011 to areas outside HFTDs in order to ensure that all Californians are protected.

Figure 3: Map of California by Population Density with PSPS Affected Areas Outside HFTDs



Public Safety Power Shutoff (PSPS) Affected Areas Outside of High Fire Threat Districts, 2019 Season

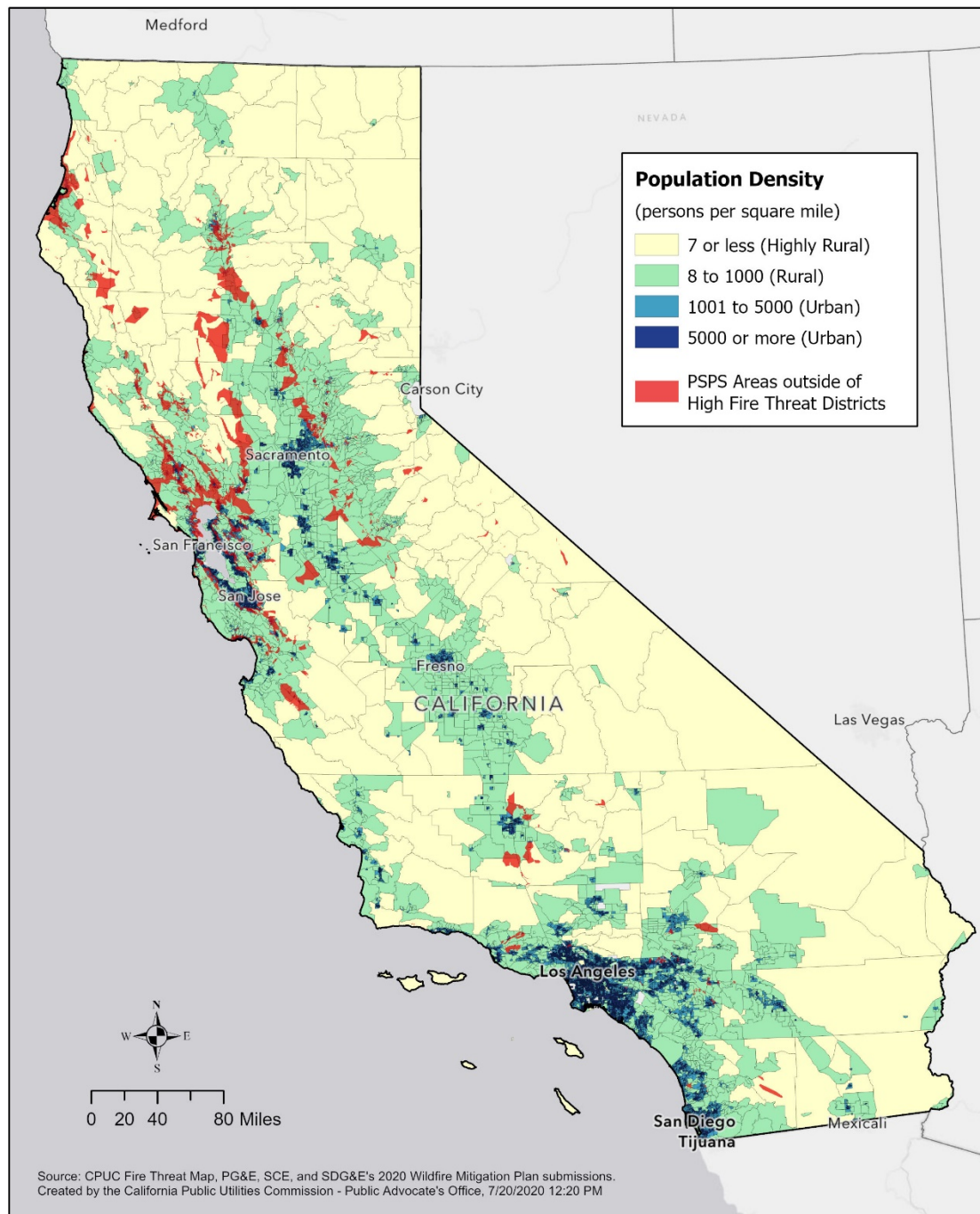
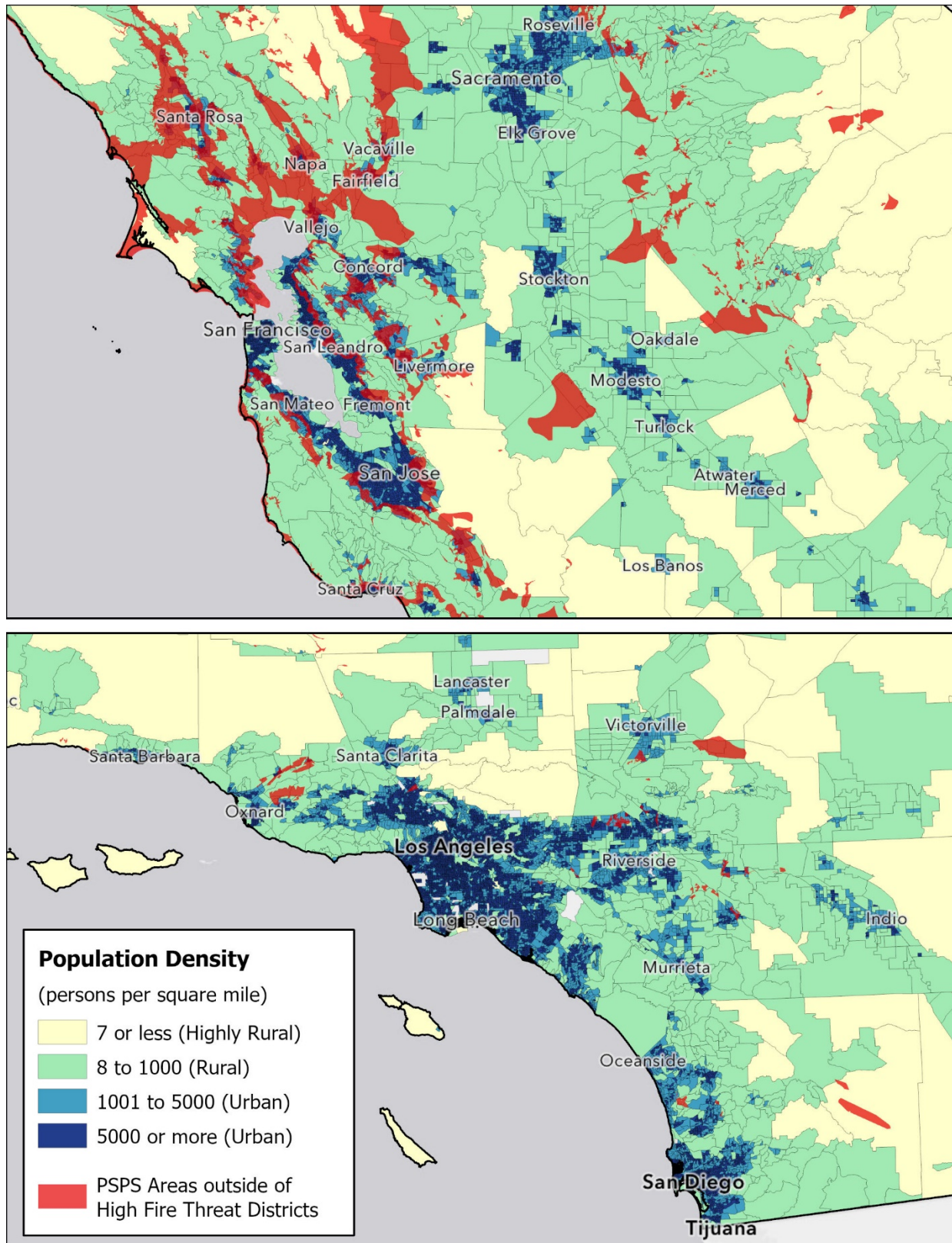


Figure 4: Inset of Map of California by Population Density with PSPS Affected Areas Outside HFTDs



c. Service Level Coverage

i) Please provide comment on whether the Commission should adopt the same requirements as wireless for wireline service providers.

Yes, the Commission should apply the same service level coverage requirements for wireline service providers as required for wireless providers in D.20-07-011. The service level coverage requirements include the ability to maintain a sufficient level of service and coverage to maintain access to 9-1-1 and 2-1-1, maintain the ability to receive emergency notifications, and maintain access to Internet browsing for emergency notices immediately following the event of a disaster or power outage. Vulnerable populations in California, including low income and elderly individuals, are most likely to not have cell phones or smartphones and may be more likely to be reliant on wireline communication networks.²⁷ Hence, it's a matter of public health and safety that wireline networks work during a power outage.

ii) Should this requirement be modified or tailored for wireline service providers? If so, how?

No, these requirements should not be modified or tailored for wireline service providers. Wireline customers receive emergency notifications through their landline phones from the Emergency Alert System (EAS). Alerting authorities such as county or state emergency- management officials use EAS to send emergency alerts via broadcast, cable, satellite and wireline communications.²⁸ Emergency alerts during an emergency such as wildfires, must be delivered to the impacted communities to support evacuation efforts and emergency response. Delivery of emergency alerts is even more critical for customers that do not have smartphones and for communities that do not have wireless service and thus cannot receive Wireless Emergency Alerts (WEA)

²⁷ See Table 7 on p. 23.

²⁸ FCC Emergency Alert System (EAS) <https://www.fcc.gov/consumers/guides/emergency-alert-system-eas>, Accessed July 27, 2020.

d. Public benefit of backup power requirements for wireline companies

i) Please provide comment on whether applying a 72-hour backup power requirement is reasonable for wireline companies.

It is reasonable to apply a 72-hour backup power standard to wireline networks. A 72-hour backup power requirement is reasonable for wireline service providers because it would enable Californians to stay connected to wireline networks through most PSPS-related power outages.²⁹ This backup power standard is not new to wireline service providers, as wireline networks that serve Public Safety Answering Points (PSAPs) are required by the FCC to have backup power. Specifically, if a “central office hosts a selective router”, 72 hours of backup power is required.³⁰ This requirement was adopted to maintain the resiliency and reliability of the 9-1-1 system.

California consumers are doing their part to ensure they have backup power for their homes and in their communities. Wireline service providers have stated that a 72-hour backup power standard is unreasonable because customers would not benefit from this requirement.³¹ However, both Californians and the Commission have been working to ensure that residential customers have backup power during outages; these customers would benefit from a 72-hour backup power standard. The number of customers participating in the Self Generation Incentive Program (SGIP), which provides subsidies for Californians to install distributed generation and energy storage in residences, has been growing.³² SGIP has received total 36,000 applications since 2001. D.19-09-027 authorized the collection of \$100 million for SGIP’s equity resiliency budget.³³ SGIP’s equity resiliency budget is set aside specifically to provide subsidies for vulnerable

²⁹ See Table 1 on p. 9.

³⁰ 47 Code of Federal Regulations Section 12.4(c).

³¹ Comments of Comcast Phone of California, LLC (U-5698-C) on Assigned Commissioner’s Ruling and Proposal, Comcast, April 3 2020, p. 42, Comments of Cox California Telcom, LLC DBA Cox Communications (U-5684-C) on Assigned Commissioner’s Ruling and Proposal, Cox, April 3 2020, pp. 14-15.

³² Self-Generation Incentive Program, CPUC website, <https://www.cpuc.ca.gov/sgip/>

³³ D.19-09-027 Ordering Paragraph 5.

customers in HFTDs.³⁴ SGIP’s equity resiliency budget has been available to customers since May 2020 and has already seen nearly 4,500 applicants.³⁵ Nearly one in every eight of the program’s total applications have applied for funding under the equity resiliency budget. Given that the Commission is specifically providing subsidies for customers in HFTDs through programs like SGIP’s equity resiliency initiative, consumers are increasingly able to have backup power at their home.

Furthermore, customers with in-home generators would be able to use their customer premise equipment for communications service. There has been a large increase in in-home generator purchases in California. While overall generator purchase increases are difficult to estimate, individual companies estimated that they were seeing between a 400% and 1,400% increase in interest *before* the October 2019 PSPS events.³⁶ After the 2019 PSPS events, Generac, a company that accounts for “about 75 percent of the home standby generator market... [had] sales three times higher” than the previous year.³⁷ Customers are doing their part to prepare for emergencies. Wireline service providers must also do their part. It is reasonable for the Commission to require wireline service providers to maintain 72 hours of backup power in their wireline networks.

³⁴ 2018 SGIP Advanced Energy Storage Impact Evaluation Report, p. 2-2
https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Energy/Energy_Programs/Demand_Side_Management/Customer_Gen_and_Storage/SGIP%20Advanced%20Energy%20Storage%20Impact%20Evaluation.pdf

³⁵ Self-Generation Incentive Program Weekly Statewide Report,
<https://www.selfgenca.com/home/resources/>

³⁶Shao, Elena. “Demand for generators lights up as PG&E power shutoffs loom.” SF Chronicle. June 27, 2019. <https://www.sfchronicle.com/business/article/Demand-for-generators-lights-up-as-PG-E-power-14054242.php>

³⁷ Miranda, Leticia. “As California burns, generator companies make a power grab.” NBC News. November 6, 2019 <https://www.nbcnews.com/business/business-news/california-burns-generator-companies-make-power-grab-n1076611>

e. Challenges associated with deployment

i) What is the public benefit, if any, for wireline service providers to maintain their networks for all customers during a power outage?

Recent disasters and emergency events demonstrate that maintaining communications networks for all customers during power outages is a matter of public health and safety. In D.20-07-011, the Commission found that “without access to 911 and the ability to reach first responders, Californians cannot access needed services, be safe, or even function in an emergency.”³⁸ Last fall, PSPS events were widespread and lasted several days. Many customers impacted by the PSPS events were without communication service, putting them at risk of not being able to dial 9-1-1 in case of an emergency or receive emergency alerts during an evacuation.

Widespread communications outages during power outages put vulnerable populations at heightened risk. CalMatters reporting found that one in ten residents and one in eight children in the census tracts that were partially or fully within areas impacted by PG&E’s Oct. 26, 2020 power outage live below the federal poverty level, which is \$25,750 annual income for a family of four.³⁹ As the Center for Accessible Technology (CforAT) stated in reply comments on the Proposal, “backup power is needed for customer safety in emergency situations, and this is particularly significant for vulnerable customer groups.”⁴⁰ Today, most Californians are sheltering in place due to the COVID-19 pandemic and more heavily rely on their communications provider to provide service so that they may continue to carry out distance learning, telework, or obtain medical care through telehealth.

³⁸ D.20-07-011 Finding of Fact 9.

³⁹ Botts, Jackie.” “We need the food that we lost.” Low-income families still reeling from blackouts”, November 22, 2019. <https://calmatters.org/projects/california-psps-power-shutoffs-poverty-spoiled-food-hunger/>

⁴⁰ Center for Accessible Technology and National Consumer Law Center’s Reply Comments on Assigned Commissioner’s Ruling and Proposal, Center for Accessible Technology and National Consumer Law Center, April 17, 2020, p. 9.

There is a significant public benefit from wireline customers' ability to receive emergency alerts and updates on commercial outages, disasters, and other services for public health and safety. The Center for Disease Control estimates that 3.3% of Californians only have a landline for communication and a further 5.3% rely mostly on their landlines.⁴¹ Given that California's population is estimated to be around 39.5 million, there are an estimated 3.4 million who rely on landline networks for emergency notifications. These Californians, as well as Californians who do not have reliable access to cell service as discussed in section C below, will only receive emergency notifications if wireline service providers keep their network operational during a power outage.

3. Communications Resiliency Plans

Wireline service providers should submit annual Communications Resiliency Plans that meet all requirements outlined in Ordering Paragraph 1 of D.20-07-011, as wireless providers are required to do. In addition, wireline service providers should submit this information within three months after the adoption of the decision (rather than six months) in time for this year's fire season peak. Information in Communications Resiliency Plans may mitigate the communication issues that occurred during the PSPS events last fall and should not wait.

4. Waivers

The Commission should adopt a waiver protocol in which wireline service providers may file a Tier II advice letter seeking a waiver for each facility that does not need or is unable to support backup power to provide access to 9-1-1 and 2-1-1, receive emergency alerts, and access Internet browsing for emergency notifications.⁴²

In the case of waivers for facilities that do not need backup power to maintain service, the waiver request will represent and warrant that service will be maintained without interruption for a minimum of 72 hours, even in the absence of onsite backup

⁴¹ National Health Interview Survey Early Release Program, Center for Disease Control National Center for Health Statistics, https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless_state_201912-508.pdf

⁴² Non-facilities based providers should make sure that the facilities through which their service is provided have sufficient backup power.

power. The waiver will also include details on how the wireline service provider will be able to meet functions listed above for a minimum of 72 hours immediately following the loss of commercial power. The Commission shall then determine whether the waiver will be granted based on review of the ability of the wireline service provider to maintain service.

In the case of waivers for facilities that are unable to support backup power, waiver requests shall outline which of the following reasons backup power cannot be installed:

- a) significant risk to safety of life or health;
- b) or specific existing federal, state, tribal or local law.

The waiver shall include a detailed description of facts supporting the basis of the wireline service provider's claim of preclusion from compliance. For example, claims that a wireline service provider cannot comply with this section due to health or safety risk shall include a description of the health or safety risk and facts that demonstrate a substantial risk of direct harm. Claims that the wireline service provider cannot comply with this section due to a legal constraint shall include the citation(s) to the relevant law(s) and documentation of the health and safety risk or legal constraint prohibiting the wireline service provider from compliance. The waiver requests must also include how the wireline service provider plans to continue to provide essential services to customers in affected areas through the deployment of mobile assets (e.g. portable backup power sources).

Waiver requests shall be supported by an affidavit or declaration under penalty of perjury and signed and dated by a duly authorized officer of the wireline service provider. When a waiver is approved, wireline service providers shall notify all customers whose service will be potentially impacted by the inability of the provider to install backup power at specific sites. The notice shall include instructions on how the customers can contact the CPUC to protest or provide comments.

5. Emergency Operations Plans

It is reasonable to require wireline service providers to submit annual updated emergency operations plans that meet the requirements outlined in Ordering Paragraph 3 of D. 20-07-011. In order to ensure the Commission has emergency contact information during the height of 2020's fire season, wireline service providers should be required to submit their emergency operations plans within 30 days of the adoption of a decision to extend resiliency requirements to wireline service providers.

a. Wireline Industry Proposal

The following sections address the wireline industry proposal as laid out in California Cable & Television Association's (CCTA) Opening Comments⁴³ (Wireline Industry Proposal) and in response to the questions raised in the Ruling.

i) Is this proposal reasonable?

The Wireline Industry Proposal incorrectly implies that residential customers do not need access to emergency services during disasters and PSPS events because Californians have access to wireless services. In addition, the Wireline Industry Proposal is not reasonable because it does not include a number of critical customers, including schools, libraries, community centers, local government and tribal offices, residential customers and small businesses. Any proposal that does not include backup power requirements for wireline networks to serve all customers fails to protect the health and safety of Californians.

First, not all Californians have access to wireless communications. While most Americans own a cellphone, a cellphone is not the same as a smartphone, which is necessary to access emergency information online. A Pew Research Center report published in 2019 showed that 81% of Americans own smartphones.⁴⁴ The report also

⁴³ California Cable & Telephone Association Comments on Assigned Commissioners Ruling, Rulemaking 18-03-011, pp. 13-14.

⁴⁴ Pew Research Center Mobile Fact Sheet, June 12, 2019 <https://www.pewresearch.org/internet/fact-sheet/mobile/>

showed significant differences in smart phone ownership between certain demographic groups (see Table 7):

- only 53% of Americans who are over the age of 65 own smart phones, while 92% and 79% of those aged 30-49 and 50-64 own smart phones;
- 71% of those who earn less than \$30,000 own smartphones, while 95% of those who earn over \$75,000 own smart phones; and
- 83% of urban residents own smart phones while only 71% of rural residents do.⁴⁵

In order to ensure that individuals and communities who are negatively impacted by the digital divide have access to communications services that are operable during disasters, it is critical that all communications networks have backup power. Time and again it has been the elderly who have suffered most during California's wildfires. 77% of the people who died in the 2018 Camp Fire were over the age of 65.⁴⁶ Similarly, in the Sonoma and Napa County fires in 2017, "most of the people who were killed were elderly."⁴⁷ These protections are especially critical to the elderly, the disabled and otherwise disadvantaged, who are most at risk during wildfires.

⁴⁵ Pew Research Center Mobile Fact Sheet, June 12, 2019 <https://www.pewresearch.org/internet/fact-sheet/mobile/>

⁴⁶ Newberry, Laura. "Must Reads: Poor, elderly and too frail to escape: Paradise fire killed the most vulnerable residents." LA Times. February 10, 2019. <https://www.latimes.com/local/lanow/la-me-ln-camp-fire-seniors-mobile-home-deaths-20190209-story.html>

⁴⁷ Associated Press. "Majority of Norther California Fire Victims Were Senior Citizens." NBC Bay Area. October 23, 2017. <https://www.nbcbayarea.com/news/local/north-bay-fires-victims/35581/>

Table 7:Percent of U.S. Adults Who Own Cellphones or Smartphones⁴⁸

	Any cellphone	Smartphone	Cellphone, but not smartphone
Total	96%	81%	15%
Men	98%	84%	14%
Women	95%	79%	16%
Ages 18-29	99%	96%	4%
30-49	99%	92%	6%
50-64	95%	79%	17%
65+	91%	53%	39%
White	96%	82%	14%
Black	98%	80%	17%
Latinx	96%	79%	17%
Less than high school graduate	92%	66%	25%
High school graduate	96%	72%	24%
Some college	96%	85%	11%
College graduate	98%	91%	7%
Less than \$30,000	95%	71%	23%
\$30,000-\$49,999	96%	78%	18%
\$50,000-\$74,999	98%	90%	8%
\$75,000+	100%	95%	5%
Urban	97%	83%	13%
Suburban	96%	83%	13%
Rural	95%	71%	24%

Reliance on cell phones during emergencies and power outages can also be costly and can disproportionately impact Black and Latinx customers and low-income customers. A Pew Research Center report published in 2015 found that Black and Latinx wireless customers were more likely to reach their data limits compared to White, non-Latinx customers.⁴⁹ Individuals who made less than \$30,000 were also more likely to

⁴⁸ Pew Research Center Mobile Fact Sheet, June 12, 2019 <https://www.pewresearch.org/internet/fact-sheet/mobile/>

⁴⁹ Pew Research Center, U.S. Smart Phone Use in 2015, April 1, 2015, p. 16. <https://www.pewresearch.org/internet/2015/04/01/us-smartphone-use-in-2015/>

reach their data limit compared to those who made over \$30,000 (Table 8).⁵⁰ Individuals needing additional data necessary to receive emergency information may disproportionately impact Black and Latinx customers and low-income customers. Any proposal that would necessitate sole reliance on cell phones during an emergency has the chance to disproportionately impact disadvantaged communities.

Table 8: Percent of Smartphone Owners Who Experience Reaching Data Caps or Higher Bills Than Expected “Frequently” Or “Occasionally”⁵¹

Smartphone owners	Reach max amount of data allowed	Monthly bill much higher than expected
All Smartphone Owners	37%	27%
Ages 18-29	48%	32%
Ages 30-49	38%	27%
Ages 50-64	25%	22%
Ages 65+	19%	21%
White, non-Latinx	31 %	22%
Black, non-Latinx	43%	36%
Latinx	49%	34%
High School graduate or less	43%	30%
Some college	35%	28%
College graduate	32%	22%
Less than \$30,000/yr.	43%	28%
\$30,000-\$74,999	35%	28%
\$75,000 or more	32%	24%

Second, it is a matter of public health and safety that *all* wireline customers have access to emergency services, including 9-1-1 and 2-1-1, emergency notifications and Internet browsing for emergency information during disasters and PSPS events. The Wireline Industry Proposal excludes many entities that act as community gathering places, shelters and emergency information distributors and require reliable access to wireline service during these events. Wireline service is also an important lifeline for

⁵⁰ Pew Research Center, U.S. Smart Phone Use in 2015, April 1, 2015, p. 16.
<https://www.pewresearch.org/internet/2015/04/01/us-smartphone-use-in-2015/>

⁵¹ Pew Research Center, U.S. Smart Phone Use in 2015, April 1, 2015, p. 16.
<https://www.pewresearch.org/internet/2015/04/01/us-smartphone-use-in-2015/>

residential customers, especially those living in areas that do not have access to wireless service, and those working, going to school or accessing basic services using broadband. Many communities and individuals are working to ensure that community spaces, households and small businesses have backup power during outages, and communications service providers should be required to ensure all customers are able to use wireline services during these events.

ii) Is it reasonable for non-critical customers⁵² to lose wireline communications during a power outage?

It is unreasonable for a select group of customers to have access to wireline services during disasters and PSPS events while others do not. All wireline customers, including residential customers and small businesses, should have reliable wireline communications service during disasters and PSPS events. Wireline communications service is an important lifeline for residential customers, especially those living in areas that have poor or unreliable wireless service, and those relying on an Internet connection to attend school through distance learning, teleworking, attending doctor appointments through telehealth, or signing up for essential government assistance programs.

iii) Is the proposed list of critical facility customers sufficient?

No, the proposed list of critical facility customers is not sufficient. As stated above, the list does not include anchor institutions that provide essential community services and other critical customers, including schools, libraries, community centers, local government and tribal offices, radio stations, residential customers and small businesses. The Wireline Industry Proposal does not ensure a reliable, operational network for Californians, which is necessary during PSPS events and disasters.

iv) Are the five proposed conditions reasonable? What is the significance of each of these conditions?

No, the five proposed conditions that are intended to ensure that wireline service providers are able to ensure connectivity to their critical customers for at least 72 hours

⁵² The Ruling lists non-critical customers as “fire stations, police stations, hospitals, and emergency command and dispatch centers.” Ruling, p. 6.

are not reasonable. The Wireline Industry Proposal limits the requirement of 72 hours of backup power to only two types of customers, critical facilities (fire stations, police stations, hospitals, and emergency command and dispatch centers) and wireless carrier customers. For the reasons stated above, this list is too limited and leaves out millions of Californians and essential anchor institutions. As it relates to the five proposed conditions, the Wireline Industry Proposal makes their own recommendation even more unreliable for the customers they want to provide back up power because it appears that backup power would only be provided to the customers if the following is met:

- 1) The customer's facility is powered either by its own backup power or via commercial power.

Cal Advocates does not support this condition. Wireline service providers should have 72 hours of backup power to ensure the networks are functional and operational immediately following a power outage. Customers are doing their due diligence to ensure their customer premise equipment has backup power; however, this should not be the determining reason and condition for a wireline service provider to meet the requirement of backup power in their networks. It would be difficult for providers or the Commission to develop and maintain an inventory of customer backup power. Backup power is also often installed temporarily, which would make it infeasible to determine which customers meet this condition during a given emergency or PSPS event.

- 2) The wireline company owns the network components that serve the customer (e.g., not including leased facilities).

Cal Advocates does not support this condition. Ownership of facilities should not preclude backup power being installed at wireline service providers' sites. It is unclear how many network components in each wireline service providers' network could be excluded by this condition.

- 3) The wireline company can 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 and is feasible.

The condition as written is overly broad and ambiguous. The Commission should eliminate this condition and instead establish a waiver process as described in Section II.A.4.

- 4) The wireline company's facilities have not been damaged and any backup power equipment can be safely accessed by workers for refueling and other maintenance purposes.

See response to question 3 above on the waiver proposal.

- 5) For PSPS events, the electric IOUs have provided the mandatory 48 to 72 hours' notice to the wireline communications facility operator, consistent with the guidelines adopted in D.19-05-042.

Cal Advocates does not support this condition. While advance notice of PSPS events is important, it does not cover unexpected outages. Wireline service providers should be prepared to ensure customers have access to emergency services at all times and not depend on proper notice from electric IOUs to maintain their networks. Wireline customers should not be put in a position where their health and safety during emergencies rely on two utility industries communicating with one another when lines of communication between these industries are often lacking or non-existent.

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

Customers whose service is maintained during power outage should not be required to pay an additional premium because this is service the providers have contractually agreed to provide to them. Conversely, customers who fail to have service during a loss of power should be reimbursed for the loss of this service and must have the ability to cancel their contracts with their service provider at no additional cost.

- vi) Is 12 months a reasonable timeline to implement these requirements?**

As mentioned above in Section II.A.2. the Commission should require wireline service providers to meet the 72-hour backup power within six months of decision date or prior to May 1, 2021, whichever is earlier. Customers have waited too long and continue to be put at risk when their communications services do not work. Time is of the essence. Furthermore, the need for backup power is not new. For years, wireline service providers

have known that their networks lack backup power and that this lack of backup power causes network outages.⁵³ Communications Division’s April 2018 report on major communications outages found “that during January and February 2017, wireline, wireless, and cable providers experienced major service interruptions to their communications networks in California. Many of these outages could have been prevented with better availability of backup power for wireless providers and improved reliability of cable facilities for wireline service providers.”⁵⁴ The report goes on to say that “...the lack of backup power for the wireline networks for all service providers caused all carrier networks to experience loss of service when commercial power failed.”⁵⁵ Californians have waited long enough.

b. Communities Without Sufficient Wireless Coverage

i.) Is this concern reasonable?

Yes, it is reasonable to be concerned about communities with limited access to wireless coverage. There are other communities besides Bonny Doon that rely heavily on wireline communications. A Communications Division Staff Report found that “Fewer than 1 percent of California households are located in census blocks with either one mobile data provider or no mobile data provider available... However, when factoring in reliability, no census block in California is served by a mobile carrier that consistently achieves speeds of 25 Mb/s downstream and 3 Mb/s upstream.”⁵⁶ Those thresholds are the FCC’s definitional thresholds for a service qualifying as broadband. Thus, no census

⁵³ Communications Division April 2018 Staff Report on Analysis of Major Communication Outages in California during the 2017 January-February Storms.

⁵⁴ Communications Division April 2018 Staff Report on Analysis of Major Communication Outages in California during the 2017 January-February Storms at pg.3-4.

⁵⁵ Communications Division April 2018 Staff Report on Analysis of Major Communication Outages in California during the 2017 January-February Storms at pg. 28.

⁵⁶ “Retail Communications Services in California: Report of the Communications Division Pursuant to Ordering Paragraph 3 of Decision 16-12-025 Analyzing the California Telecommunications Market.” CPUC Communications Division. December 2018, https://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/UtilitiesIndustries/Communications/Reports_and_Presentations/CD_Mgmt/re/CompetitionReportFinal%20Jan2019.pdf

block in California has mobile networks that consistently meets the FCC’s definition for Broadband.⁵⁷

Cal Advocates conducted a similar analysis using CalSPEED data to identify communities with limited access to wireless. Cal Advocates used the Commissions CalSPEED maps to estimate that over 200,000 Californians live in areas with limited wireless coverage served by only one wireless service provider or none at all.⁵⁸

ii) Are there other communities without sufficient wireless coverage that rely solely on wireline communications?

As mentioned above, there are over 200,000 Californians without sufficient wireless coverage. Furthermore, the FCC’s Mobility Fund Phase II maps show several communities in California that lack access to wireless coverage, including Springville in Tulare County, Twain Harte in Tuolumne County, and Markleeville in Alpine County.⁵⁹ Cal Advocates notes that the FCC’s Mobility Fund Phase II maps tend to overstate mobile network coverage, so it is likely that there are other communities in addition to those listed above without adequate wireless service.⁶⁰

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

If a community does not have wireless coverage and only wireline service, members of the community can receive vital emergency notices via an outside system operated by California Office of Emergency Services (CalOES). Each California county has an alerting program that the public can sign up for in order to receive alerts if an

⁵⁷ “2015 Broadband Progress Report.” FCC. February 15, 2015. <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2015-broadband-progress-report>

⁵⁸ Cal Advocates estimated unserved population by comparing American Community Survey 5-year estimate maps to CalSPEED wireless propagation maps. Unserved populations are estimated based on coverage in census block groups. Population was estimated in the same proportional calculation method discussed in Table 5’s footnote.

⁵⁹ Mobility Fund II Initial Eligible Areas Map, FCC, available here: <https://www.fcc.gov/reports-research/maps/mobility-fund-ii-initial-eligible-areas-map/>

⁶⁰ Mobility Fund Phase II Coverage Maps Investigation Staff Report, FCC, December 4, 2019, <https://docs.fcc.gov/public/attachments/DOC-361165A1.pdf>

emergency were to arise.⁶¹ Additionally, emergency notices can be received through landline devices, cable networks, and radios via the FCC's EAS. It is a matter of public health and safety for wireline networks to remain operational during an outage for customers to receive emergency alerts.

iv) Should additional requirements be developed for wireline service providers to maintain service in these communities during a power outage?

Please see answer above in Section II.A.2.2.a related to 72 hours of backup power for wireline networks. The Commission should require wireline service providers to have 72 hours of onsite backup power for their wireline networks. The backup power should support communications equipment in central offices and wire center, headends, networks nodes, remote terminals, and all assets necessary to maintain service for a minimum of 72 hours immediately following a commercial power outage to allow all customers to maintain access to 9-1-1 and 2-1-1, maintain the ability to receive emergency notifications, and maintain access to Internet browsing for emergency notices.

v) How can these communities be identified?

The Commission can use CalSPEED data and apply a minimum mobile broadband speed threshold to identify communities with slow or unreliable mobile speeds. As mentioned in Section II.C.i., no census block in California's mobile networks consistently meets the Federal standard for broadband. Cal Advocates notes that this is the culmination of a trend of decreasing broadband coverage that has been ongoing since at least 2017.⁶²

CalSPEED's reports have already reduced the target for broadband upstream and downstream thresholds that designate whether areas are served or unserved below the federal threshold, to 10 Mb/s down and 1 Mb/s up. Based on this definition, roughly 50%

⁶¹ Cal Alerts Signup <http://calalerts.org/signup.html>, Accessed July 28, 2020.

⁶² Biba, Ken. "CalSPEED: California Mobile Broadband – An Assessment – Spring 2017." CPUC Communications Division, September 2017, p. 16
<ftp://ftp.cpuc.ca.gov/Telco/BB%20Mapping/2017/Spring%202017%20Mobile%20Speed%20Test%20Assessment%20%20Ken%20Biba%20-%20Novarum.pdf>

of Californians have broadband.⁶³ Given the trend of worsening service, there is a distinct difficulty in selecting download and upload thresholds for identifying communities that are served or unserved by wireless networks. Cal Advocates suggests that at a minimum, communities without access to 9-1-1, 2-1-1, the ability to receive emergency notifications, and Internet browsing should be considered “Communities Without Sufficient Wireless Coverage.”

vi) Could the Commission’s CalSPEED program be used to identify these communities?

CalSPEED is a useful resource to identify specific communities with limited access to wireless coverage. However, CalSPEED tests conducted by the CPUC have not been completed since 2017, and the Commission’s wireless availability base maps currently rely on service area outlines provided by wireless providers. Service area outlines provided by wireless providers have also been found by the FCC to overstate wireless provider coverage.⁶⁴

Public CalSPEED tests are also valuable sources of public input that can be used to identify communities that have poor access or lack access to mobile broadband. The Commission should encourage the communities across the state to use the CalSPEED app and consider developing information campaigns in order to increase public knowledge and use of the CalSPEED app.

III. ADDITIONAL CONSIDERATION

A. The Commission Should Add Enforcement Mechanisms

The Commission should adopt enforcement mechanisms that will help ensure wireline service providers are meeting backup power and reporting requirements. Cal Advocates raised the need for enforcement in comments to the Commission’s December

⁶³ Biba, Ken. “CalSPEED: California Mobile Broadband – An Assessment – Spring 2017.” CPUC Communications Division, September 2017, p. 1.

⁶⁴ Mobility Fund Phase II Coverage Maps Investigation Staff Report, FCC, December 4, 2019, <https://docs.fcc.gov/public/attachments/DOC-361165A1.pdf>

18, 2019's Phase II Scope,⁶⁵ opening comments to March 23, 2020's Proposed Requirements,⁶⁶ and opening comments to June 11, 2020's Proposed Decision.⁶⁷ The Commission should direct the Consumer Protection and Enforcement Division to propose an enforcement program to ensure providers' compliance with the Proposed Requirements. The enforcement program should include, but not be limited to, compelling the following: (1) meeting the Backup Power Requirement; (2) timely submission and update of Resiliency Plans; and (3) timely submission and update of Emergency Operations Plans.

IV. CONCLUSION

It is a matter of public health and safety for the public to have access to essential communications services, including emergency evacuation alerts, 9-1-1 and 2-1-1, and information available on the Internet regarding emergency updates and relief efforts. It is crucial to ensure wireline communications networks operate during power outages. The Commission should apply the D.20-07-011 resiliency requirements to wireline service providers with limited modifications, expand the scope of customer protections outside of HFTDs, encourage clean energy deployment, and add enforcement mechanisms.

Respectfully submitted,

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⁶⁵ The Public Advocates Office Comments on Phase II Scope of the Emergency Disaster Relief Rulemaking 18-03-011, p. 4.

⁶⁶ The Public Advocates Office Opening Comments on the Assigned Commissioner's Ruling and Proposal R.18-03-011 Proposal (March 22, 2020), p. 18.

⁶⁷ The Public Advocates Office Opening Comments on Proposed Decision Adopting Wireless Provider Resiliency Strategies R.18-03-011 (June 11, 2020), pp. 7-8.