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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Proceeding to Consider Amendments
to General Order 133.

Rulemaking 22-03-016

ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING COMMENT

This ruling serves a report on outages prepared by the California Public Utilities Commission's (CPUC) Communications Division Staff (Staff Report) and requests comments from interested parties on the information presented in the Staff Report. Interested parties may file opening comments by May 18, 2023. Reply comments are due by June 2, 2023.

1. Outage Information Used

The Staff Report includes the following data sets:

- Out of Service Repair Interval, one of five metrics included in the CPUC's General Order (GO) 133-Ds;¹
- The Federal Communications Commission's (FCC) Network Outage Reporting System (NORS);²
- The California Governor's Office of Emergency Services outage data;³ and

¹ GO 133-D requires that 90 percent of customer repair tickets indicating a service disruption be restored within 24 hours.

² The FCC requires wireline, cable, satellite, wireless, and Signaling System 7 voice providers to report network outages to NORS. These providers also must submit this data concurrently to the CPUC.

³ Title 19 California Code of Regulations, Division 2, Chapter 1.5 defines a community isolation outage is an outage that meets the below threshold criteria for each service type:

- The CPUC's Consumer Affairs Branch case records.

Interested parties are asked to comment on the following:

What conclusions do parties reach about each data source? Do all of the data sources support a similar conclusion? Is there one data source that the CPUC should rely on over others? Parties are asked to provide a detailed explanation of their position.

2. Should General Order 133-D Apply to Voice over Internet Protocol and Wireless Service?

GO 133-D does not apply to Voice over Internet Protocol (VoIP) and wireless services. The data presented in Table 11 through Table 14 of the Staff Report indicate an increase in voice service outages since 2018, across the wireline and wireless industries. Additionally, Table 8 and Figure 10 indicate that VoIP and wireless services account for over 90 percent of the voice lines in California since 2018. Do these trends merit revising GO 133-D so that service quality rules apply to VoIP and/or wireless service? Parties are asked to provide a detailed explanation of their position.

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- TDM (wireline) voice service – for telecommunications service provided by facilities-based carriers, other than mobile telephony service or VoIP service, herein referred to as wireline, an outage that lasts at least 30 minutes and potentially affects (A) at least 100 end users in a single zip code, or (B) at least 50% of end users in a ZIP code with fewer than 100 end users.
 - Voice over Internet Protocol (VoIP) service – for telecommunications service provided by VoIP or Internet Protocol enabled service, an outage that lasts at least 30 minutes and potentially affects (A) at least 100 end users in a single zip code, or (B) at least 50% of end users in a zip code with fewer than 100 end users.
 - Wireless voice service – for telecommunications service provided by mobile telephony service, an outage that lasts at least 30 minutes and affects at least 25% of a carrier's coverage area in a single zip code.

GO 133-D defines “out of service” as a telephone line without dial tone. Is this definition applicable to VoIP voice services? Is it applicable to wireless voice service? Are there other definitions or metrics the CPUC would need to use if it were to adopt service quality standards for VoIP and wireless voice services? If yes, what should the standards for those metrics be to indicate an acceptable level of service quality? Parties are asked to provide a detailed explanation of their position.

3. Have the Penalties Allowed Under General Order 133-D Been Effective?

Figure 5 and Figure 7 of the Staff Report show that AT&T California and Frontier California have not regularly met the requirement in GO 133-D that 90 percent of customer tickets indicating a service outage have their service restored within 24 hours. Figure 3 and Figure 4 summarize the performance of other carriers subject to GO 133-D. Table 5 of the Staff Report shows the penalties assessed on carriers, not in compliance with GO 133-D.

Does the current GO 133-D penalty mechanism comply with the CPUC’s enforcement policy outlined in Resolution M-4846? Do parties believe these penalties have been effective in improving the overall service quality of voice service in California? Do parties propose alternative penalties that may be more effective? Should the CPUC adjust the current penalty mechanism in GO 133-D? If yes, how should penalties be calculated going forward? What factors or extenuating circumstances should be considered in calculating penalties? Should the current exceptions be revised? Should the CPUC penalize differently for outages of different durations or a history of not meeting service restoration standards? Should the CPUC revise the 90 percent standard? Parties are asked to provide a detailed explanation of their position.

4. Are Other Revisions to General Order 133-D Necessary?

Do parties suggest other revisions to GO 133-D that have not already been discussed? For example, should the CPUC still adjust the out of service repair interval standard in GO 133-D based on the number of lines a carrier services? Should all standards use only the unadjusted results (absent of any exclusions like Sundays, federal holidays, and other special circumstances) to simplify outage reporting? Should enforcement of GO 133-D be based on the number of tickets completed or the number of impacted lines restored? Are there certain requirements of GO 133-D that require revisions or are no longer necessary? Parties are asked to provide a detailed explanation of their position.

IT IS RULED that:

1. The report on outages prepared by the California Public Utilities Commission's Communications Division Staff (Staff Report) is served on all parties to this proceeding for the purposes of allowing those parties to comment on the Staff Report.

2. Interested parties may file comments on this ruling by May 18, 2023. Reply comments are due by June 2, 2023.

Dated April 17, 2023, at San Francisco, California.

/s/ THOMAS J. GLEGOLA

Thomas J. Glegola
Administrative Law Judge

ATTACHMENT