



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

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R1803011

February 28, 2025

Agenda ID #23356
Quasi-legislative

TO PARTIES OF RECORD IN RULEMAKING 18-03-011:

This is the proposed decision of Commissioner Alice Reynolds. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's April 3, 2025 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3

Attachment

Decision PROPOSED DECISION OF COMMISSIONER ALICE REYNOLDS
(Mailed 2/28/2025)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding Emergency Disaster Relief Program.	Rulemaking 18-03-011
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DECISION CLOSING RULEMAKING 18-03-011**Summary**

The decision closes Rulemaking 18-03-011. This rulemaking has accomplished many milestones since its initiation. Given the age of the docket and the need to focus on resiliency for 2025 and beyond, we are closing this proceeding with the consideration that a successor proceeding may be opened.

1. Background

The California Public Utilities Commission (Commission) established Rulemaking (R.) 18-03-011 to adopt an emergency disaster relief program for customers of electric, natural gas, water and sewer, and communications providers under this Commission's jurisdiction.

This proceeding resolved an array of issues and promulgated multiple decisions, including:

- Decision (D.) 18-08-004 (August 9, 2018): affirmed the emergency customer protections adopted in Commission Resolution (Res.) M-4833 and Res. M-4835 to support residential and small business customers of utilities

affected by disasters and which affect utility service shall go into effect in the event of a state of emergency declared by the Governor of California;

- D.19-07-015 (July 19, 2019): established an emergency disaster relief program for electric, natural gas, water and sewer utility customers;
- D.19-08-025 (August 23, 2019): established an emergency disaster relief program for communications service provider customers;
- D.20-07-011 (July 20, 2020): requires California's facilities-based wireless providers to develop comprehensive resiliency strategies to prepare for catastrophic disasters and power outages, including requiring a 72-hour backup power requirement for their facilities to ensure minimum service coverage is maintained during disasters or commercial grid outages;
- D.20-08-037 (September 3, 2020): sanctioned AT&T corporation for violations of Rule¹ 1.1 of the Commission's Rules of Practice and Procedure (Rules), General Order 96-B, and D.19-08-025;
- D.21-10-029 (February 18, 2021): requires California's facilities-based wireline providers to develop comprehensive resiliency strategies to prepare for catastrophic disasters and power outages, including requiring a 72-hour backup power requirement for their facilities to ensure minimum service coverage is maintained during disasters or commercial grid outages; and
- D.21-04-015 (April 19, 2021): adopted a COVID-19 disconnection moratorium for medium-large commercial and industrial electric and natural gas customers.

¹ Unless otherwise indicated, all subsequent Rule references are to the Commission's Rules of Practice and Procedure.

On March 21, 2022, the assigned Administrative Law Judge (ALJ) issued a ruling requesting that parties provide comments and reply comments in response to the following questions:

1. Should the Commission close R.18-03-011; and
2. Are there any outstanding issues that the Commission should consider under R.18-03-011?

Parties filed comments and reply comments in April 2022. The matter was submitted on April 15, 2022, with the submission of reply comments by the parties.

2. Issues Before the Commission

The issue before the Commission is whether to close this rulemaking.

3. Whether to Close this Rulemaking

Velocity Communications, Inc. (Velocity), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), Pacific Gas and Electric Company (PG&E), the California Cable & Telecommunications Association (CCTA), California-American Water Company, California Water Association (CWA), and Southern California Gas Company (SoCalGas) support closure of R.18-03-011.² These parties assert that the issues of the rulemaking scope have been addressed through the adopted decisions and that there are no outstanding issues.

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates), Center for Accessible Technology (CforAT), and The Utility Reform Network (TURN) assert R.18-03-011 should remain open.³

² Comments of Velocity, California-American Water Company, CCTA, CWA, and SoCalGas, and Joint Comments of SCE, SDG&E, and PG&E filed April 1, 2022.

³ Comments of Cal Advocates, CforAT, and TURN filed April 1, 2022.

Cal Advocates supports keeping R.18-03-011 open to assess the compliance of communications service providers with backup power requirements established in D.20-07-011 and D.21-02-029 and to develop an enforcement mechanism for noncompliance with those requirements.⁴ Cal Advocates comments that the Commission should assess gaps and communication barriers for people with disabilities during emergencies in this proceeding.⁵

CforAT argues the Commission should leave R.18-03-011 open to consider issues of fines and communication providers' transition from fossil fuel-based to clean-energy-based backup generators. CforAT additionally provides the Commission should transfer consideration of the California LifeLine disaster relief protections to R.20-02-008.

TURN also supports keeping R.18-03-011 open to analyze whether the consumer protection relief, the wireless service, and the wireline service decisions meet the Commission's stated goals. TURN believes a new proceeding would create administrative hurdles to review the back-up power requirements adopted for wireless and wireline service providers. TURN contends, in general terms, that this proceeding should refine the adopted decisions to improve protections for Environmental and Social Justice (ESJ) communities.

As California Cable and Telecommunications Association (CCTA)⁶ and CTIA – The Wireless Association (CTIA)⁷ rightly note in their reply comments, these matters extend beyond the scope of the current proceeding. Most of the matters identified by Cal Advocates, TURN, and CforAT stem from the adopted

⁴ Cal Advocates Comments filed April 1, 2022 at 2-3.

⁵ Cal Advocates Comments filed April 1, 2022 at 6.

⁶ CCTA Reply Comments filed April 15, 2022, at 4-5.

⁷ CTIA Reply Comments filed April 15, 2022, at 1-2.

decisions or are refinements upon the decisions adopted within this proceeding, suggesting that some of these matters may be ripe to be addressed in a successor rulemaking. Additionally, the Commission and its staff will continue to monitor, analyze, and enforce compliance with existing requirements and assess the need for additional actions after this proceeding closes.

At this time, we agree with Velocity, SCE, SDG&E, PG&E, CWA, SoCalGas, CCTA, and CTIA that this proceeding has accomplished its goals and the rulemaking's closure is timely.

4. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the "Public Comment" tab of the online Docket Card for that proceeding on the Commission's website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. No comments have been received that are relevant to this decision.

5. Procedural Matters

This decision affirms all rulings made by the ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

6. Comments on Proposed Decision

The proposed decision of President Alice Reynolds in this matter was mailed to the parties in accordance with Public Utilities Code Section 311 and comments were allowed under Rule 14.3. Comments were filed on _____, and reply comments were filed on _____ by _____.

7. Assignment of Proceeding

President Alice Reynolds is the assigned Commissioner and Sasha Goldberg is the assigned ALJ in this proceeding.

Findings of Fact

1. All issues in R.18-03-011 identified in the Order Instituting Rulemaking and scoping ruling, as amended, have been decided.
2. The matters identified by some of the parties as outstanding, while important, extend beyond the intended scope of R.18-03-011.

Conclusions of Law

1. The Commission should close the proceeding.
2. Those matters identified by the parties as outstanding and within the jurisdiction of the Commission may be considered in a future rulemaking proceeding or in another current proceeding, where appropriate.

O R D E R

IT IS ORDERED that Rulemaking 18-03-011 is closed.

This order is effective today.

Dated _____, at San Francisco, California.