

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date : **January 28, 2019**

To : **The Commission**
(Meeting of January 31, 2019)

From : **Lindsay Brown**
PU Counsel IV, Legal Division

Karen Eckersley
Communications Division

Subject: **Filing of Comments in FCC PS Docket No. 11-60 DA 19-13: *In the Matter of Improving Wireless Network Resiliency through Encouraging Coordination with Power Companies***

RECOMMENDATION: The California Public Utilities Commission (CPUC) should file comments in response to the Public Notice of the Federal Communications Commission's (FCC) Public Safety and Homeland Security Bureau (Bureau) seeking comment on improving wireless network resiliency through encouraging coordination with power companies (Public Notice).¹ The CPUC has information that is relevant to the FCC's inquiry. For example, in March of 2018, the CPUC opened Rulemaking on the Emergency Disaster Relief Program (R.18-03-011).

The Public Notice initiates a new proceeding at the FCC. Comments are due on February 2, 2019² and Reply Comments are due on February 19, 2019.

BACKGROUND: On January 3, 2019, the Bureau issued a Public Notice seeking comment on improving wireless network resiliency through encouraging coordination with power companies. This is the second notice the Bureau has issued in a series that seeks comment on the effectiveness of the Wireless Resiliency Cooperative Framework (Framework). The Framework is a voluntary wireless industry commitment intended to

¹ FCC PS Docket No. 11-60 DA 19-13.

² Because February 2, 2019 falls on a Saturday, the CPUC will file its comments on Monday, February 4, 2019, as per FCC Rules.

promote resilient communications and situational awareness during disasters.³ Through this Public Notice, the FCC is trying to reassess the Framework's effectiveness for purposes of restoring communications during and following disasters.⁴ The FCC will incorporate data and comments it received following the 2017 and 2018 Atlantic hurricane seasons and requests information to help identify actions that the FCC, communications providers and power companies can cooperatively take to encourage and increase coordination in the power and communications sectors, before, during, and after an emergency or disaster.⁵

DISCUSSION: The Public Notice included 24 questions, many of them with several subparts, in the following subject areas: (1) Best Practices; (2) Preparation and Response Coordination; (3) Prioritization of Restoration and Information Sharing; (4) Prospective Improvements for Coordination; (5) Government Coordination and Commission Efforts; and (6) Back-Up Power Best Practices. Staff recommends that the CPUC file comments providing the Bureau with information regarding issues that the CPUC has knowledge of or expertise in.

1. The FCC asks about existing best practices pertaining to disaster coordination, preparation and restoration between communications providers and power companies.⁶

Staff recommends that the CPUC inform the FCC about its rulemakings, which address many aspects of coordination between utilities and communication providers. One existing best practice the CPUC currently utilizes is the availability of timely information which describes the impact of disasters on communications facilities. The CPUC adopted a requirement for the carriers to provide this information under its state authority. The CPUC should make the FCC aware of its actions as the FCC may wish to order the providers to share information with state and local authorities in a timely fashion.

2. The FCC asks what formal or informal industry or intergovernmental forums exist to promote coordination and planning between communications provider and power companies.

The CPUC should inform the FCC that it has opened several proceedings addressing, at least in part, coordination and joint planning between communications providers and

³ FCC PS Docket No. 11-60 DA 19-13, Public Notice, p. 1.

⁴ *Id.*

⁵ *Id.* at 2.

⁶ Public Notice, Question A, Best Practices, p. 2.

power companies. Power companies and communications providers have participated in the following proceedings:

- The CPUC recently opened R.18-12-005 on December 13, 2018 to “examine its rules allowing electric utilities under the Commission’s jurisdiction to de-energize power lines in case of dangerous conditions that threaten life or property in California.”⁷ This rulemaking includes consideration of ESRB-8, a draft Electric Safety and Reliability Branch resolution which directs utilities to communicate with consumers, local government, and communication providers.
- In addition, in March 2018, the CPUC opened R.18-03-011 “to adopt comprehensive post-disaster consumer protection measures for all utilities under the Commission’s jurisdiction.”⁸
- Further, on November 1, 2018, the CPUC and the California Office of Emergency Services held a Joint Emergency Disaster Relief Workshop for Electric and Natural Gas Utilities in R.18-03-011, the Order Instituting Rulemaking Regarding Emergency Service Disaster Relief Program to Support California Residents. During this workshop, participants discussed de-energization and its impact on communications providers.⁹ The workshop forum provided an opportunity for power companies, communications providers, and other stakeholders to coordinate and communicate the protocols and procedures that would be conducive to effective preparation and response to a disaster. Communications providers informed policymakers in the workshop of the challenges they face in utilizing the information provided by power companies prior to grid de-energization.
- Finally, on June 11, 2015, the CPUC opened R.15-06-009 to “establish policies, procedures, and rules for the regulation of physical security risks to the electric supply facilities of electrical corporation” and “to establish standards for disaster and emergency preparedness plans.”¹⁰

⁷ R.18-12-005, p. 1.

⁸ R.18-03-011, p. 1.

⁹ R.18-03-011, November 1, 2018 Workshop Transcript at pp. 117-118, 208-209, 324-340.

¹⁰ R.15-06-009, ALJ Ruling Requiring Parties to Respond to Questions Prior to the First Workshop in Phase II of This Proceeding, p. 1.

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M224/K463/224463634.PDF>.

3. The FCC asks what information that power companies possess before and during disasters would be helpful to communications provider?¹¹

Staff recommends that the CPUC file comments informing the FCC that notification of an outage is currently provided through emails from the power company to the communications carrier.¹² At the November 1, 2018 Workshop in R.18-03-011, stakeholders discussed the impact of de-energization on communications providers, including problems with the current system of emails. Communications providers reported that receiving as much advance notice as possible along with precise location information pertaining to the power-off or de-energization down to the circuit level is valuable to communications providers.¹³

4. The FCC asks what steps other agencies are taking, jointly or independently, to facilitate and improve the availability of power during disasters?¹⁴

Staff recommends that the CPUC inform the FCC about California's rules requiring a power company to notify the CPUC "as soon as practicable after a decision to de-energize facilities and within 12 hours after the last service is restored."¹⁵ Under California's rules, the power company also is required to submit a report explaining the decision to shut off power, impacts on customers, and other pertinent information.¹⁶

5. The FCC asks if it should coordinate with federal and state agencies to strengthen the ability of communications networks and systems to survive commercial power failures.¹⁷

Staff recommends that the CPUC urge the FCC to provide support to the states through coordination, but to do so in a manner that considers the unique nature of each state's natural disasters, as well as the existing protocols, procedures, and infrastructure in place to prepare for and respond to these disasters. FCC involvement should not hinder efforts by state agencies to advance policy that strengthens communications network resiliency.

¹¹ Public Notice, Question C(3), Prioritization of Restoration and Information Sharing, p. 3.

¹² R.18-03-011, November 1, 2018 Workshop Transcript, pp. 80-83, 117.

¹³ *Id.* at pp. 117-118.

¹⁴ Public Notice, Question E(3), Government Coordination and Commission Efforts, p. 6.

¹⁵ Resolution ESRB-8, Resolution Extending De-Energization Reasonableness, Notification, Mitigation and Reporting Requirements in Decision 12.04-024 to All Electric Investor Owned Utilities, p. 1. <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M217/K801/217801749.PDF>

¹⁶ *Id.* at pp. 3-4.

¹⁷ Public Notice, Question E(5), Government Coordination and Commission Efforts, p. 6.

6. The FCC asks what actions would ensure that emergency communications providers have access to reliable power during catastrophic events.

Staff recommends that the CPUC urge the FCC to shore up its rules pertaining to the availability of back-up power during natural disasters. This could take the form of back-up diesel generators, local generation in the form of solar panels, and/or back-up batteries that are kept charged before the power disruption, or that rely on the solar panels to charge to be used when solar is unavailable (e.g., cloudy weather or after sunset).

In addition, the CPUC should inform the FCC about rules the CPUC developed in 2018 to “to strengthen customer notification requirements before de-energization events and ordered utilities to engage local communities in developing de-energization programs.”¹⁸

CONCLUSION: The CPUC should file comment in response the Bureau’s Public Notice because it has information and knowledge that will be useful to the Bureau, and ultimately, to the FCC, in improving wireless network resiliency.

ASSIGNED STAFF: Legal Division, Lindsay Brown (415) 703-1960;
Communications Division: Amin Nojan (415) 703-4943

¹⁸ See <http://www.cpuc.ca.gov/deenergization/>.