

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Update
Communications Emergency
Preparedness and Network Resiliency
Program.

FILED
PUBLIC UTILITIES COMMISSION
July 24, 2025
SAN FRANCISCO, CALIFORNIA
RULEMAKING 25-07-014

**ORDER INSTITUTING RULEMAKING TO UPDATE COMMUNICATIONS
EMERGENCY PREPAREDNESS AND NETWORK RESILIENCY PROGRAM**

Summary

We initiate this proceeding to consider modifications to the current network resiliency rules for communication service providers set forth in California Public Utilities Commission Decisions (D.) 20-07-011 and D.21-02-029, such as addressing technological advancements since the launch of Rulemaking 18-03-011.

1. Background

1.1. Rulemaking 18-03-011

The California Public Utilities Commission (Commission) instituted 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.

That 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 that 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): required 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 Rule 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): required 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.

1.2. Communications Emergency Preparedness and Network Resiliency Program

Two of the Commission decisions issued in R.18-03-011, D.20-07-011 and D.21-02-029, established wireless and wireline network resiliency and service requirements, respectively. Collectively, D.20-07-011 and D.21-02-029 formed the Communications Emergency Preparedness and Network Resiliency Program

(Resiliency Program). Both decisions ordered 72-hour backup power requirements for network facilities (sites) located in Tier 2 and Tier 3 of the High Fire Threat District (HFTD) throughout California. D.20-07-011 and D.21-02-029 ordered facilities-based wireline and wireless communications service providers (service providers) to maintain a sufficient level of service for their customers to access 9-1-1 and 2-1-1, maintain customer access to the internet, and ensure their infrastructure can distribute emergency notifications to customers.

The Resiliency Program identifies the following resiliency strategies to be used in concert with the backup power requirement including, but not limited to:

- network redundancy;
- network hardening;
- installing temporary facilities during emergencies (restoration);
- communication and coordination with other utilities, emergency responders, and the public; and
- preparedness planning with qualified staff.

To demonstrate compliance with the Resiliency Program, service providers must submit annual Emergency Operations Plans and Communications Resiliency Plans that describe the resiliency and emergency preparedness status of each facility or site and measures taken to improve network resiliency.¹ The Resiliency Program's initial focus was on the 72-hour backup power requirement. A site is compliant with the backup power requirement when its facilities located within Tier 2 and 3 HFTD are equipped with onsite backup power or have access to mobile generators sufficient to last at least 72 hours. The Resiliency Program, while allowing diesel backup generation, also envisioned reducing greenhouse gas

¹ D.20-07-011 at 60-61 and D.21-02-029 at 31-32.

emissions of backup power supplies as a long-term goal.² The Resiliency Program, however, did not outline a clear plan to achieve that goal.

1.3. Senate Bill 341 (McGuire, 2021)

After the adoption of D.20-07-011 and D.21-02-029, Senate Bill (SB) 341 (McGuire, 2021) was signed into law.³ In enacting Senate Bill 341, the legislature required service providers to maintain communication service outage maps on their websites. While SB 341 did not explicitly mandate revisions of D.20-07-011 and D.21-02-029, the bill required the Commission to develop and implement performance reliability standards for backup power systems and require service providers to submit resiliency plans to maintain backup electricity for their telecommunications infrastructure sufficient to maintain telecommunications service for at least 72 hours, except where best practices and feasibility dictate it is appropriate to allow a lesser backup power duration.⁴

SB 341 also amended Pub Util. Code Section 910, requiring the Commission to produce an annual report to the Governor and Legislature that contains “a description of the actions taken by the Commission using the information provided to it pursuant to Section 53122 of the Government Code, a summary of deenergization event trends and the effect of deenergization events on telecommunications service and public safety, and an analysis of how the impacts of deenergization events on telecommunications service could be mitigated.”

1.4. Implementation of the Resiliency Program

From 2021 to 2023, the Resiliency Program led to an increase in the number of sites with 72 hours of backup power.⁵ However, approximately 28% of HFTD Tier

² D.20-07-011 at 113 and D.21-02-029 at 83-85.

³ Senate Bill 341, McGuire, Chapter 425, Statutes of 2021.

⁴ Public Utilities (Pub. Util.) Code Section 776.2.

⁵ From 2021 to 2023, Resiliency Plan filings showed that the percentage of wireless HFTD Tier 2 and 3 Facilities with 72 hours of backup power increased 54%, while the percentage of wireline

Footnote continued on next page.

2 and Tier 3 wireless sites and approximately 2% of HFTD Tier 2 and Tier 3 wireline sites remain susceptible to service outages due to certain sites that are infeasible to provide backup power to.⁶

Additionally, both service providers and Commission staff have identified several challenges to implementation. For example, establishing uniform report formatting requirements would reduce both service provider and Commission staff effort and reduce potential for missing or otherwise incomplete information in Resiliency Plan submissions and reporting. Missing or otherwise incomplete information in the submitted Resiliency Plans have led to several plan rejections in both the 2022 and 2023 reporting cycles.⁷

Commission staff have observed service providers omitting some types of facilities from their Annual Communications Resiliency Plans or claiming that implementing any resiliency improvements is infeasible at some facilities. For example, AT&T California reported 40% fewer sites in HFTD Tier 2 and Tier 3 areas in 2023 than in 2022.⁸ The Resiliency Program does not explicitly define feasibility or infeasibility or establish a process to confirm infeasibility. Similarly, the

HFTD Tier 2 and 3 facilities with 72 hours of backup power increased 21%. See Service Providers Resiliency Plans maintained on the Commission's Communications Division's webpage.

⁶ "Wireless Facilities Reported in Tier 2 and 3 HFTDs Year-Over-Year Service Provider Reports" maintained on the Commission's Communications Division webpage.

⁷ "Communications Resiliency Plans 2021-2023 Status of Plans Filed by Communications Service Providers maintained on the Commission's Communications Division webpage. For specific examples see the Commission's Communication Division's July 10, 2024 "Rejection of Cellco Partnership dba Verizon Wireless (VZW) Tier 2 Advice Letter # 398-A served May 28, 2024 (2024 Wireless Resiliency Plan)", February 3, 2025 "Rejection of Digital Path, Inc. (U-1151-C) Advice Letter #5 dated August 12, 2024 (2024 Wireline Resiliency Plan)", February 3, 2025 "Rejection of Wi-Fiber of Northern California LLC dba Ukiah Wireless (Wi-Fiber) (U-7447-C) Advice Letter #3 dated August 13, 2024 (2024 Wireline Resiliency Plan)", and February 3, 2025 "Rejection of Northland (U-1512-C) Advice Letter # 17 dated August 12, 2024 (2024 Wireline Resiliency Plan)".

⁸ Site Visits Report Emergency Disaster Relief Program Years 2021, 2022, and 2023" at 40. October 1, 2024. Maintained on the Commission's Communications Division. AT&T California's data reported in its 2023 Communications Resiliency Plan submitted in 2023 requested confidential treatment pursuant to G.O. 66-D.

Resiliency Program does not provision specific processes and rules to clearly manage collocated equipment used by multiple service providers, or clearly assign responsibilities where facilities can be labeled as Customer Premises Equipment.⁹

Commission staff have observed that approximately 38% of Public Safety Power Shutoff events from 2021-2023 affected cities outside of Tier 2 or Tier 3 of the HFTD and, therefore, fall outside the requirements of the Resiliency Program.¹⁰

Overreliance on mobile backup generators without further logistical planning requirements could result in a lapse in service and corresponding risk to public safety, particularly during the beginning of a major outage, when communication services are most urgently needed.¹¹ Some communication service providers rely upon mobile generators to provide 72-hour backup power for the majority of their HFTD Tier 2 and Tier 3 sites.¹² While the Commission has allowed the use of mobile backup generators to be claimed as fulfilling this 72-hour requirement, the Resiliency Program does not define specific service ratios of how many sites may rely upon a given pool of mobile generators. The Resiliency Program also does not clearly define timely deployment of mobile generators, considering possible adverse conditions that may limit access routes to some sites, such as during severe storms, floods, or wildfires. Concurrently provisioning multiple sites with mobile backup generators during large-scale outages may also exceed the number of locally available generators and further reduce the timeliness of the backup power.

⁹ “Site Visits Report Emergency Disaster Relief Program Years 2021, 2022, and 2023” at 39-40. October 1, 2024. Maintained on the Commission’s Communications Division webpage.

¹⁰ “PSPS Event Rollup (October 2013 through December 2024)” Excel document maintained by the Commission’s Safety and Enforcement Division’s webpage.

¹¹ “Site Visits Report Emergency Disaster Relief Program Years 2021, 2022, and 2023” at 37-38. October 1, 2024. Maintained on the Commission’s Communications Division’s webpage.

¹² Data from Communications Resiliency Plans submitted by service providers via advice letters requested confidential treatment pursuant to G.O. 66-D.

2. Preliminary Scoping Memo

The preliminary scope of issues in this Order Instituting Rulemaking (OIR) is set forth below, in accordance with the Commission's Rules of Practice and Procedure (Rules), Rule 7.1(d).

1. Should the Commission design and implement an enforcement mechanism for non-compliance with the Resiliency Program's requirements? If so, how should the enforcement mechanism be structured?
2. What data and reporting methods should be required of Communications Service Providers to ensure compliance with the Resiliency Program's requirements and provision of uniform data sets to facilitate the Commission's analyses?
3. How should the Commission improve access to resiliency data for state and local government entities and the public while addressing confidentiality concerns?
4. How should the Resiliency Program apply to collocated service provider facilities?
5. What modifications should be made to the Resiliency Program's requirements for large Customer Premises Equipment?
6. How should the Commission define and consider "feasibility" for implementation of the Resiliency Program?
7. How should the Commission's staff evaluate and determine appropriate disposition of service provider claims that implementing 72-hour backup power requirements at specific sites are infeasible?
8. Should the Resiliency Program be extended beyond HFTD Tier 2 and Tier 3 areas to include other areas, such as those areas frequently impacted by disasters, other communities frequently impacted by PSPS events, and the equipment served from non-HFTD area or statewide? If so, how should the Resiliency Program be extended?
9. When relying upon mobile generators to fulfill 72-hour backup power requirements, what ratio of mobile generators to sites served is necessary to ensure system resilience performance at levels similar to facilities supported by non-

- mobile backup power supplies? At what maximum distance should mobile generator storage be from each site the generator serves to ensure timely deployment during adverse access conditions (such as during or immediately after severe storms, floods, earthquakes or wildfires)?
10. Are there technological advancements that can improve resiliency that should be adopted by the Commission? If so, how should the Commission require those technological advancements as part of the Resiliency Program?
 11. Do the Resiliency Program requirements ensure system resilience in ESJ communities? If not, what are the resilience deficiencies and how can the system resilience requirements in ESJ communities be changed to ensure system resilience performance at levels similar to those in non-ESJ communities?
 12. Do the Resiliency Program requirements ensure system resilience for accessible communication services used by those with access and functional needs? If not, what are the resilience deficiencies and how can the system resilience requirements be changed to ensure system resilience performance for accessible communication services used by those with access and functional needs?
 13. Should the Commission update existing requirements for providers to transition their 72-hour backup power sources to generation technologies that emit lower to no greenhouse gas emissions? If so, what parameters should the Commission establish for this requirement?

3. Opportunity for Comment

The Commission invites comments from potential parties on the above issues identified in the Preliminary Scoping Memo.

Parties should focus their comments on the issues set forth in the preliminary scoping memo, the preliminary schedule, and any objections to the preliminary determinations. Commenting parties shall limit opening comments to 40 pages and file comments within 60 days after the issuance date of this OIR. Reply comments are limited to 30 pages per party and shall be filed within 30 days after the final date

to file opening comments. The Commission will use parties' comments to identify areas that need clarification and may consider the addition of specific issues or questions related to the items described in Section 2 on the scope of this proceeding.

4. Categorization and Need for Hearing

Rule 7.1(d) requires that an OIR preliminarily determine the category of the proceeding and the need for a hearing. We preliminarily determine that this proceeding is quasi-legislative as defined in Rule 1.3(f). This determination is not appealable but shall be confirmed or changed via ruling by the assigned Commissioner. The assigned Commissioner's determination as to category is subject to appeal pursuant to Rules 7.3 and 7.6.

We anticipate that the issues in this proceeding may be resolved through a combination of filed comments and workshop(s), and that evidentiary hearings will not be necessary. Any person who objects to the preliminary hearing determination shall state the objections in their comments on this OIR. The assigned Commissioner will determine the need for hearing in the scoping ruling issued following a prehearing conference.

5. Preliminary Schedule

The preliminary schedule for this rulemaking is set forth below and includes the provisions for the filing of comments on the OIR. The schedule, below, is adopted here and may be modified by the assigned Commissioner and administrative law judge (ALJ) as required to promote the efficient and fair resolution of the rulemaking. The immediate due dates for the comments and reply comments on the OIR are set forth below. Parties may comment on the preliminary schedule, in addition to identifying a need for, and date for, any additional events such as workshops.

Proceeding Milestone	Date
Opening Comments on OIR filed and served	60 days after OIR issuance
Reply comments on OIR filed and served	30 days after Opening Comments
Prehearing Conference (PHC)	Q4 2025
Scoping Ruling	60 days after PHC
Staff Proposal	Q1/Q2 2026
Workshop (if needed)	Q1/Q2 2026
Comments Post Workshop	Q2/Q3 2026
Proposed Decision	Q3/Q4 2026

The assigned Commissioner or the assigned ALJ may change or modify the schedule to promote efficient and fair administration of this proceeding. Today's decision sets a due date for comments and reply comments on the OIR. The schedule for the remainder of the proceeding will be adopted in the assigned Commissioner's Scoping Memo and Ruling.

Pursuant to Pub. Util. Code § 1701.5(a) and based upon the complexity of issues preliminarily identified in this rulemaking and the anticipated need to coordinate with multiple other proceedings, we find that this rulemaking cannot be resolved in 18 months. As such, the statutory deadline for this proceeding is set at 24 months after the date this OIR is issued. The statutory deadline for this proceeding may be further changed by the assigned Commissioner's scoping ruling.

If there are any workshops in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

6. Respondents

T-Mobile USA Inc, AT&T Wireless, Pacific Bell/AT&T California, Verizon Wireless, Comcast Phone of California, Charter Communications, DISH Wireless, Cox

California Telecom, Frontier/Citizens are named as respondents to this proceeding. These named respondents are also identified in Appendix A to this proceeding.

7. Service of OIR

This OIR shall be served on the specific entities and emails identified in Appendix A to this proceeding. In particular, this OIR shall be served on all named respondents; on the service list of R.18-03-011; on the service list of R.24-06-012; all facilities-based wireless and wire-line service providers; the California Department of Fire and Forestry, California Department of Technology, California Department of Rehabilitation, California Department of General Services, and the California Governor's Office of Emergency Services. This OIR shall also be served on the service list for R.15-05-006, the rulemaking developing Fire-Threat Maps and Fire-Safety Regulations. Further service information is attached in Appendix A to this OIR. Service of the OIR does not confer party status or place any person who has received such service on the official service list for this proceeding. Instructions for obtaining party status or being placed on the official service list are given below.

8. Filing and Service

Filing and service of comments and other documents in the proceeding are governed by the Commission's Rules. Parties are instructed to only serve documents on the assigned Commissioner, advisors to the assigned Commissioner, and the assigned ALJ by electronic copy and not by paper copy, unless specifically instructed to do otherwise.

9. Addition to the Official Service List

Addition to the official service list is governed by Rule 1.9(f).

Upon request, any person will be added to the "Information Only" category of the official service list. Any person intending to make such a request should do so promptly in order to ensure timely electronic service of all comments and other documents and correspondence in the proceeding. (See Rule 1.9(f).) The request must be sent to the Process Office by email (process_office@cpuc.ca.gov) or letter

(Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102). Please include the Docket Number of this rulemaking in the request.

Persons who file responsive comments thereby become parties to the proceeding (*see* Rule 1.4(a)(2)) and will be added to the “Parties” category of the official service list upon such filing. In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.

10. Subscription Service

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission’s website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at <http://subscribecpuc.cpuc.ca.gov/>

11. Intervenor Compensation

Intervenor compensation is permitted in this proceeding. Pursuant to Section 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation within 30 days after the prehearing conference. Parties new to participation in Commission proceedings may contact the Commission’s Public Advisor for further guidance.

12. Public Advisor

Any person or entity interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <https://www.cpuc.ca.gov/pao> or contact the Commission’s Public Advisor at 1-866-849-8390 or 1-866-836-7825 (TTY), or send an email to public.advisor@cpuc.ca.gov.

13. Public Outreach

Pub. Util. Code Section 1711(a) states:

“Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the initial scoping memo of this proceeding.”

Public outreach will be described in the scoping memo of the assigned Commissioner.

O R D E R

IT IS ORDERED that:

1. This Order Instituting Rulemaking is adopted pursuant to Rule 6.1 of the Commission’s Rules of Practice and Procedure.
2. The preliminary categorization is quasi-legislative.
3. The preliminary determination is that hearings are not needed.
4. The preliminary scope of issues is as stated in Section 2 of this Order Instituting Rulemaking.
5. The preliminary schedule stated in Section 5 of this Order Instituting Rulemaking is adopted.
6. T-Mobile USA Inc, AT&T Wireless, Pacific Bell/AT&T California, Verizon Wireless, Comcast Phone of California, Charter Communications, DISH Wireless, Cox California Telecom, Frontier/Citizens, and US Cellular are respondents to this Order Instituting Rulemaking.
7. Any person may file comments responding to this Order Instituting Rulemaking within 60 days of the issuance date of this order. Reply comments shall be filed within 30 days after the final date to file comments.

8. The Executive Director will cause this Order Instituting Rulemaking to be served on all respondents named in Section 6 and the entities listed in Appendix A. The Executive Director will also cause this Order Instituting Rulemaking to be served on the following agencies:

- California Department of Fire and Forestry,
- California Department of Technology,
- California Department of General Services,
- California Department of Rehabilitation, and
- California Governor's Office of Emergency Services.

9. Any party that expects to claim intervenor compensation for its participation in this rulemaking must file its notice of intent to claim intervenor

compensation within 30 days of the prehearing conference.

This order is effective today.

Dated July 24, 2025 at San Francisco, California.

ALICE REYNOLDS
President
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
MATTHEW BAKER
Commissioners