

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking
Regarding Emergency Disaster Relief
Program.

Rulemaking 18-03-011

**COMMENTS OF
COMMUNICATIONS WORKERS OF AMERICA, DISTRICT 9
ON ASSIGNED COMMISSIONER'S RULING AND PROPOSAL**

April 3, 2020

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Pursuant to the March 6, 2020 Assigned Commissioner’s Ruling and Proposal, and the March 25, 2020 Email Ruling Extending Time of Opening Comments and Reply Comments, Communications Workers of America, District 9 (“CWA”) respectfully submits these comments.

I. INTRODUCTION

CWA represents over 58,000 workers in the State of California. Nearly 20,000 of these workers work for telecommunications companies such as AT&T, AT&T Mobility, Frontier and Verizon. CWA’s frontline technician members are some of the first workers deployed during a natural disaster to ensure that communications networks stay online and accessible to first responders and the public. This frontline perspective provides CWA with the ability to offer the Commission unique insight into the challenges of network resiliency and responsiveness during times of disaster and potential recommendations for how to improve provider performance and accountability.

CWA supports the proposed requirements for backup power and critical facility location information sharing, and urges the Commission to release the full unredacted text of its April 2019 Examination of the Local Telecommunications Networks and Related Policies and Practices of AT&T California and Frontier California.¹

II. THE COMMISSION SHOULD REQUIRE PROVIDERS TO HAVE ON-SITE EMERGENCY BACKUP POWER TO SUPPORT ALL ESSENTIAL COMMUNICATIONS EQUIPMENT FOR A MINIMUM OF 72 HOURS IMMEDIATELY FOLLOWING A POWER OUTAGE

CWA supports the Commission's proposal to require providers to have on-site emergency backup power to support all essential communications equipment necessary to maintain service for a minimum of 72 hours immediately following a power outage. The loss of communications service is often a matter of life and death. Today, in a time where many households do not have landlines, wireless network infrastructure acts as a critical public safety service. To illustrate, the Governor's Office of Emergency Services(CalOES) said that in 2018, over 80 percent of 9-1-1 calls in California were made by cellphone.² During the October 2019 wildfires, over half of all of California's counties were impacted by network outages.³ Marin County saw 57 percent of its 280 cell phone tower sites out of service. Sonoma, Lake, Santa

¹ Economics and Technology, Inc., Examination of the Local Telecommunications Networks and Related Policies and Practices of AT&T California and Frontier California, April 2019.

² Carol Pogash and Brian X. Chen, "California Blackouts Hit Cellphone Service, Fraying a Lifeline," *New York Times*, Oct. 31, 2019, <https://www.nytimes.com/2019/10/28/business/energy-environment/california-cellular-blackout.html>.

³ The FCC's Disaster Information Reporting System (DIRS) was activated for 32 affected counties in California (there are 58 counties in California. 32/58 = 55%). See FCC, Communications Status Report for Areas Impacted by California Public Safety Power Shutoffs, Oct. 28, 2019, <https://docs.fcc.gov/public/attachments/DOC-360482A1.pdf>.

Cruz, Humboldt and Calaveras counties all faced days when over 20 percent of cellphone towers were without power.⁴ These power outages were not limited to wireless providers; they also affected nearly 500,000 customers of wireline and cable companies.⁵ These outages prohibited citizens from accessing 9-1-1 and receiving emergency notifications.⁶ Although providers previously gave assurances to the FCC, the California Legislature and the Commission about their ability to weather such disasters, a voluntary commitment is clearly not enough.⁷ The U.S. Department of Homeland Security noted in its July 2017 Public Safety Communications Resiliency Report that the addition of battery backups, uninterruptible power systems and backup power generators “greatly increases the resiliency of the communication functions and supports critical operations.”⁸

III. THE COMMISSION SHOULD FIND THAT MITIGATION PLANS ARE NOT CONFIDENTIAL

CWA supports the Commission’s solicitation of current mitigation plans from communications service providers.⁹ During the October 2019 PG&E power shutoffs, CalOES officials said that it appeared that telecom providers were utilizing

⁴ *Id* at 2-3.

⁵ *Id* at 4.

⁶ Leila Miller and Rong-Gong Lin II, “California suffered widespread cellphone outages during fires. A big earthquake would be much worse,” *Los Angeles Times*, Nov. 5, 2019, <https://www.latimes.com/california/story/2019-11-05/mass-cellphone-outages-during-blackouts-and-fires-are-a-grim-preview-of-life-after-a-major-earthquake>.

⁷ Miranda Leitsinger, “State Pushes Cell Providers to Improve Coverage After Power Shutoffs,” KQED, Nov. 20, 2019, <https://www.kqed.org/news/11787724/state-regulators-push-cell-providers-to-improve-coverage-during-disasters>.

⁸ The United States Department of Homeland Security, Public Safety Communications Resiliency: Ten Keys to Obtaining a Resilient Local Access Network, July 2017, https://www.dhs.gov/sites/default/files/publications/07202017_10_keys_to_public_safety_network_resiliency_010418_final508c.pdf.

⁹ See Public Utilities Commission of the State of California, Assigned Commissioner’s Ruling And Proposal, Rulemaking 18-03-011, 7, Mar. 6, 2020.

temporary generators, some of which were from out of state and not in compliance with standards set by the California Air Resources Board. Relying on out-of-state temporary generators results in delayed connections of equipment to the necessary cell sites.¹⁰ Providers should be required to include sufficient detail in their mitigation plans so that CalOES and state and local emergency responders are adequately informed of the providers' efforts to ensure continuity of service. Robust mitigation plans will allow the Commission to identify and troubleshoot potential gaps and/or obstacles to service continuity in collaboration with service providers. Therefore, the Commission should find as possible without assertion of confidentiality so that mitigation plans are not confidential.

IV. THE COMMISSION SHOULD RELEASE THE 2019 NETWORK INFRASTRUCTURE AND QUALITY OF SERVICE STUDY TO THE PUBLIC

Economics and Technology, Inc. issued a long-awaited, Commission-funded, comprehensive examination of the local telecommunications networks and related policies and practices of AT&T California and Frontier California in April 2019.¹¹ The study found that the quality of AT&T and Frontier voice services “steadily declined over the 8-year period from 2010-2017 [...] with the number of outages increasing and the service restoration times getting longer.”¹² A year after the issuance of the study, the Commission has only released heavily redacted portions

¹⁰ Miranda Leitsinger, “State Pushes Cell Providers to Improve Coverage After Power Shutoffs,” KQED, Nov. 20, 2019, <https://www.kqed.org/news/11787724/state-regulators-push-cell-providers-to-improve-coverage-during-disasters>.

¹¹ Economics and Technology, Inc., “Examination of the Local Telecommunications Networks and Related Policies and Practices Of AT&T California and Frontier California”, R.11-12-001 (Apr. 2019).

¹² *Id* at 1 (Executive Summary).

of the study, including an executive summary, three chapters and part of a fourth chapter.¹³ The Commission has yet to release chapters on service quality analysis, infrastructure policies and procedures, assessment of safety, redundancy and resiliency of network(s), and the conclusions and recommendations, all of which are directly relevant to the Commission's considerations in this rulemaking. While CWA supports the current proposed rules, the Commission should immediately release the full unredacted study so that the public, state agencies, municipalities and businesses can identify and take corrective risk management measures when faced with service quality problems, disinvestments and inadequate network infrastructure in specific geographic regions.

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Respectfully submitted,

/s/

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¹³ See Examination of the Local Telecommunications Networks and Related Policies and Practices of AT&T California and Frontier California, 2010 – 2017 (Network Exam), available at <https://www.cpuc.ca.gov/General.aspx?id=6442462050>.