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08/21/20
04:59 PM

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

*Order Instituting Rulemaking Regarding
Emergency Disaster Relief Program*

Rulemaking 18-03-011
(Filed March 22, 2018)

**REPLY COMMENTS OF THE RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA TO THE ASSIGNED COMMISSIONER AND
ADMINISTRATIVE LAW JUDGE'S RULING REQUESTING
COMMENTS ON WIRELINE PROVIDER RESILIENCY STRATEGIES**

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August 21, 2020

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I. Introduction

Pursuant to Rule 6.2 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, the Rural County Representatives of California (RCRC) submits reply comments as part of R.18-03-011. RCRC was granted party status on November 13, 2019.

II. Comments

On behalf of RCRC, which is an association representing thirty-seven rural California counties, we are pleased to submit these reply comments to the *Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies (Ruling)*, dated July 22, 2020.

As a foundational issue, we agree with numerous comments that electric utilities have an obligation to consider the health and safety risks created by deenergizing power lines during a Public Safety Power Shutoff (PSPS) event, including those associated with losing access to wireline communications capabilities. This risk is especially acute when PSPS events impact those communities that rely solely or predominantly on wireline communications services. Merely considering those risks will not completely insulate those communities from having their power shut off, so it is crucial to improve wireline communication system resiliency.

RCRC acknowledges that many Californians have access to both wireless and wireline service providers; however, this is not always the case. As the Public Advocates Office (PAO) notes, 20% of 9-1-1 calls came from wireline networks during the 2017 and 2018 wildfires.¹ In 2018, 3.3% of households in the state had wireline, but no wireless, service: that amounts to roughly 1.3 million Californians served by wireline systems.² The choice of wireline vs. wireless service is not always a matter of consumer preference, as Comcast suggests.³ There are a substantial number of Californians living in rural areas that either have no access to wireless service or where reception to wireless service is poor. The Commission should not simply rely upon wireless network resiliency to ensure Californians have access to 9-1-1 and emergency services. A “wireless only” strategy will leave many residents without a way to access to those vital services when they are needed the most, even if those residents have personal backup generators or energy storage systems.

Recognizing that these improvements will take time (Comcast and AT&T suggest a 72-hour backup mandate will take more than a decade to achieve⁴), we encourage the Commission to act now so Californians can regain some of the system reliability that existed generations ago.

A. QUESTIONS REGARDING PROPOSAL AND D.20-07-011 APPLICABILITY TO WIRELINE PROVIDERS

Resiliency

1. Should the Commission adopt this requirement for wireline providers?

While RCRC believes that the Commission should adopt the same resiliency definition for wireline providers as it established for wireless providers in D.20-07-011, we agree with Charter Communications that “the most important aspect of resiliency is the ability to recover from service interruptions – and cannot connote or denote immunity to such interruptions.”⁵ We acknowledge that even the best designed systems are not immune to failure; however, effective resiliency

¹ *Comments of the Public Advocates Office on Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Page 4.

² *Id.*, Page 20.

³ *Comments of Comcast Phone of California, LLC (U-5698-C) on Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies (Public Version)*, August 12, 2020, Page 1.

⁴ Comcast Phone of California, Page 14.

⁵ *Comments of Charter Communications, Inc. on the Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Page 5.

planning and infrastructure improvements can significantly reduce system vulnerability and better enable providers to quickly fix problems that may arise. As suggested by Southern California Edison Company, the key to achieving resiliency is setting clear expectations for system performance and giving providers flexibility to determine how best to achieve those requirements.⁶ While backup generation will likely be a key component to achieving resiliency in many instances, it should by no means be the only pathway available to maintain system operation.

We disagree with Charter Communication's assertion that imposing backup power requirements will "improperly force cable companies (and other communications providers) to act as power guarantors for the utilities that are actually responsible for the provision of power throughout the state."⁷ Wireline communications systems included inherent power resiliency for generations through the use of copper wires to serve customers – it is only through relatively recent shifts away from copper wires that much of that capability was lost.⁸ Imposing resiliency requirements on wireline communications providers merely acknowledges the critical role those systems play in maintaining public health and safety.

Backup Power Requirement

1. Is it reasonable to adopt a backup power requirement of reduced duration?

RCRC agrees with the PAO⁹ that a backup power requirement of less than 72 hours is insufficient to ensure access to emergency communications systems, especially since only 19% of PSPS events in High Fire Threat Areas (HFTAs) lasted 24-hours or less.

Deployment

2. Should this requirement be modified or tailored for wireline providers? If so, how?

RCRC maintains that resiliency requirements for both wireline and wireless providers should be extended beyond Tier 2 and Tier 3 HFTAs to also include those facilities that lost power on multiple occasions during the 2019 PSPS events. We strongly support the PAO's suggestions to extend the backup requirement beyond HFTAs "to ensure that all Californians can access essential communications services during outages and disasters. RCRC also supports the PAO's

⁶ *Comments of Southern California Edison Company (U 338-E) In response to July 20, 2020 Ruling Requesting Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Page 8.

⁷ *Id.*

⁸ California Public Utilities Commission, *Final Analysis Report on Reliability Standards for Telecommunications Emergency Backup Power Systems and Emergency Notification Systems*, May 9, 2008, Page 13

⁹ PAO, Page 8.

suggestion that the Commission extend the resiliency requirements in Decision 20-07-011 to areas outside HFTAs¹⁰, although we think it would be appropriate to target this effort to those communities that lost power during multiple PSPS events.

Service Level Coverage

1. *Please provide comment on whether applying a 72-hour backup power requirement is reasonable for wireline companies.*

RCRC strongly disagrees with AT&T's assertion that a 72-hour backup power requirement is unnecessary because only a "very small percentage of Californians rely exclusively on wireline service."¹¹ AT&T argues that wireless service is the preferred communications service for Californians because only 3.3% of households had wireline service (and no wireless service) in 2018 and because 80% of 9-1-1 calls originate from mobile phones. Unfortunately, this argument ignores the fact that many of those households have wireline phones because there is no wireless coverage (or there is unreliable wireless coverage) in the area. It would be unfair and immoral to write off the ability for those residents to reliably access 9-1-1 and emergency services simply because they represent a small portion of the population, especially as those residents are more likely to live in rural areas. Just as it is not acceptable for a small percentage of Californians to live without clean, affordable drinking water, it is similarly unacceptable to abdicate responsibility for ensuring all Californians have access to reliable emergency communications.

RCRC also disagrees with AT&T's concerns that deploying portable generators will significantly increase greenhouse gas emissions. AT&T argues that running diesel generators on all its remote terminals and video-ready access devices in Tier 2 and Tier 3 HFTDs for 72 hours would generate roughly 1,339 metric tons of CO₂ emissions, plus an additional 74 tons of CO₂ emissions annually resulting from monthly testing requirements.¹² In 2017, California's total GHG emissions were 424 MILLION metric tons of CO₂ equivalent. Generating a minor amount of CO₂ is a small price to pay for the significant health and safety benefits that accrue from maintaining a reliable communications system so residents and critical facilities can access 9-1-1 systems and emergency services. Indeed, the emissions associated with the combustion of trees

¹⁰ PAO, Page 13.

¹¹ *Declaration of Jeff Luong in Support of AT&T's Comments on The Assigned Commissioner and Administrative Law Judge's Ruling on Wireline Provider Resiliency Strategies, August 12, 2020, Page 2; AT&T's Opening Comments, Pages 1, 8.*

¹² *Declaration of Jeff Luong, Page 5.*

and shrubs stemming from a failure to timely report and respond to a wildfire will very likely dwarf those amounts. In purely economic terms, given an auction clearing price of \$16.68/ton¹³, it would cost AT&T only about \$24,000 to offset those emissions if it wanted to purchase and retire allowances from the state's cap and trade program to mitigate those impacts.

RCRC agrees with the PAO that California is rapidly increasing power resiliency through procurement of backup energy generation and storage systems.¹⁴ Similar to what the Utility Consumers' Action Network observes¹⁵, failure to increase the resiliency of communications systems will ensure that those customers in rural areas who already have (or will acquire) backup power resources will be stranded with no way to access the wireline communications system.

1. What is the public benefit, if any, for wireline providers to maintain their networks for all customers during a power outage?

RCRC acknowledges that the Wireline Providers have proposed to maintain service to police stations, fire stations, hospitals, and emergency command and dispatch centers as long as several criteria are satisfied. RCRC believes that this is an acknowledgement of the significant public benefits that will accrue from those facilities having reliable access to wireline communications systems during a power outage. The consequences of losing communications for any of those types of facilities could be profound (in terms of loss of life, property damage, and environmental destruction) if the PSPS event or service outage coincides with another emergency.

The public benefits from increasing reliability and resiliency of wireline communication systems accrue predominantly in the avoidance or mitigation of serious consequences for personal health and safety, public health, and the environment. These benefits are important, as the consequences of wireline system failure are even more serious for communities that rely solely or predominantly on wireline communications systems. RCRC disputes AT&T's assertion that the burden of increasing system resiliency would not be justified by any benefit it may provide.¹⁶

RCRC believes that the "Water Agencies" characterization of the public benefits that will accrue from requiring wireline providers to maintain networks and connectivity are accurate and

¹³ May 2020 auction clearing price.

¹⁴ PAO, Page 17-18.

¹⁵ *Opening Comments of the Utility Consumers' Action Network (UCAN) on the Assigned Commission and Administrative Law Judge's Request for Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Page 4.

¹⁶ *AT&T Opening Comments*, Page 19.

are similar to the benefits that will accrue to other critical facilities. The “Water Agencies” note that maintaining connectivity will enable water agencies to safeguard access to water for customers throughout a crisis.¹⁷ Similarly, it is imperative that wireline service be available to critical facilities like jails and prisons, skilled nursing facilities, nursing homes, wastewater facilities, flood control facilities and others that rely on wireline systems.

Jails and prisons need communications capabilities to effectively respond to emergencies, including coordinating facility evacuation in the event of a fire, flood, or loss of power. If a jail or prison relies on wireline communications that fail during a power outage, coordinating evacuations could become much more difficult.

Wastewater and flood control facilities need reliable communications systems to ensure that they can promptly respond in the event of an emergency or a system failure. Loss of communications coupled with system failure could exponentially increase the damage caused by the overflow of raw sewage or the failure of flood control facilities because it may take far longer to discover and respond to those incidents.

The public benefits that accrue from residential access to a reliable wireline communications system are obvious: the ability to timely access emergency services and receive emergency alerts. If a resident is able to timely report a wildfire ignition, firefighters can be quickly dispatched to ensure that the fire is either contained or will not pose a risk to nearby communities. Timely receipt of emergency notices, including evacuation notices, may be crucial for survival of those in the path of an oncoming wildfire or flood. Residential customers, especially in those areas without wireless service, need access to wireline communications to access the 9-1-1 system in the event of a medical emergency. Depending on the emergency, it may be impossible for the individual to try to find a neighbor with a copper-based landline or to go to another location.

Failure to timely report a wildfire ignition because of a wireline communication system outage could easily result in tens to hundreds of millions of dollars in firefighting costs and property damage that could be avoided if emergency personnel had been timely dispatched to an area. Conversely, the inability to receive a timely evacuation notice because of wireline system failure could have deadly results.

¹⁷ *Comments of Association of California Water Agencies and California Water Association on Wireline Provider Resiliency Strategies*, August 12, 2020, Page 3.

Communications Resiliency Plans

1. Should the Commission adopt this requirement for wireline providers?

Several wireline communications providers object to filing the Communications Resiliency Plan in a Tier 2 Advice Letter, with AT&T claiming the documents are information-only and that “there is nothing for staff to review and approve.”¹⁸ While most of the information required to be included in those Plans pursuant to Decision 20-07-011 appears to be informational in nature, the backup generation “waiver” process merits a more proactive approach by the Commission. Under D. 20-07-011, providers are required to identify in their Communications Resiliency Plans those facilities that do not need backup power, are unable to support backup power due to a safety risk, or where it is objectively impossible or infeasible to deploy backup power. If a similar process is adopted for wireline providers, and if this is a truly informational exercise with “nothing for staff to review and approve,” it is not clear what checks and balances will ensure that waivers are only utilized for those facilities that meet the criteria listed above. While RCRC recognizes that waivers will be necessary, we urge the Commission to evaluate those facilities for which waivers are claimed to ensure that there is adequate justification supporting the exemption and that providers mitigate associated service loss to the extent feasible.

Waivers

1. Please provide comment on whether the Commission should adopt this requirement for wireline providers?

RCRC acknowledges the need for a waiver process through which providers can identify facilities that do not need backup power, are unable to support backup power due to a safety risk, or where it is objectively impossible or infeasible to deploy backup power. We agree with the PAO that waivers should include the facts supporting the basis for the waiver and trigger a required notification “to all customers whose service will be potentially impacted by the inability of the provider to install backup power.”¹⁹ We agree with UCAN that waiver requests should outline the steps the provider is taking to mitigate service losses.²⁰ If the provider can feasibly mitigate service loss resulting from an approved waiver, it should be required to do so.

¹⁸ *Comments of Cox California Telcom, LLC DBA Cox Communications (U-5684-C) on Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Pages 12-13; *AT&T Opening Comments*, Page 20-21.

¹⁹ PAO, Page 21.

²⁰ UCAN, Page 5.

2. *Please provide comments on how the Commission should define “objectively not feasible.”*

The Ruling requested comments on how to define “objectively not feasible” with respect to those circumstances in which providers should be granted a waiver from having to install backup generation. While RCRC does not offer any suggestions for defining “objectively not feasible,” we must point out that some of the criteria suggested by Southern California Edison are inherently subjective, including determining when costs are “prohibitive” or when permits have “onerous add-on requirements.”²¹ Including such subjective factors into a waiver process where it is already unclear how thoroughly the Commission will review each claimed exemption could significantly erode achievement of overall system resilience, unless providers are required to mitigate the service loss associated with each exemption.

B. WIRELINE INDUSTRY PROPOSAL

1. *Is this proposal reasonable?*

RCRC believes that the Wireline Industry Proposal unreasonably abandons residential customers’ reliable access to 9-1-1 and emergency services. We agree with the PAO that “it is a matter of public health and safety that all wireline customers have access to emergency services...during disasters and PSPS events” and their observation that “any proposal that would necessitate sole reliance on cell phones during an emergency has the chance to disproportionately impact disadvantaged communities.”²²

2. *Is the proposed list of critical facility customers sufficient?*

Southern California Edison, AT&T, CCTA, and Comcast all generally support the narrow universe of critical facilities included in the Wireline Industry Proposal.²³ While RCRC appreciates their interest in ensuring that fire stations, police stations, hospitals, and emergency command and dispatch centers retain access to wireline communication systems during power outages, we agree with the “Water Agencies,”²⁴ “Joint Consumer Advocates and CWA,” and the Public Advocates Office²⁵ that this list is far too narrow and should be expanded to include those

²¹ Southern California Edison Company, Page 14.

²² PAO, Page 25.

²³ Southern California Edison, Pages 15-16; AT&T, Page 27; *Comments of the California Cable & Telecommunications Association on Ruling Requesting Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Pages 4-5; Comcast Phone of California, Pages 32-33.

²⁴ Water Agencies, Page 4.

²⁵ PAO, Pages 25-26.

critical facilities previously identified by the Commission in Decisions 19-05-042²⁶ and 20-05-051²⁷ and “equipment serving customers in locations where wireless service is not available.”²⁸ Flood control facilities and independent living centers should also be included.

5. *Are the five proposed conditions reasonable? What is the significance of each of these conditions?*

RCRC disagrees with the positions of many wireline providers that 48-72 hours advanced notice of a PSPS event must be a prerequisite for maintaining 72-hours of backup generation for critical facilities. Instead, we agree with the PAO that “wireline service providers should be prepared to ensure customers have access to emergency services at all times and not depend on proper notice from electric IOUs to maintain their networks.”²⁹

C. COMMUNITIES WITHOUT SUFFICIENT WIRELESS COVERAGE

1. *Is this concern reasonable?*

Santa Cruz County Supervisor Ryan Coonerty, who has represented the community of Bonny Doon (Santa Cruz County) for the last six years, stated that the concern that communities like Bonny Doon are left without communications capabilities when wireline services lose power “is not only reasonable but it is valid and factual.”³⁰ RCRC agrees with Supervisor Coonerty communications are needed most during PSPS events, when the risk of fire danger is at its peak. Lack of wireline resiliency in rural areas threatens public health and safety and the environment.

While we do not dispute that the “vast majority of Californians look first to mobile wireless devices for access to 911 and emergency notifications,”³¹ Comcast’s remarks mistakenly assume that wireless service coverage is universal, especially in rugged rural areas where many communities like Bonny Doon are located. The geographic terrain in many rural areas often limits

²⁶ “DECISION ADOPTING DE-ENERGIZATION (PUBLIC SAFETY POWER SHUT-OFF) GUIDELINES (PHASE 1 GUIDELINES),” June 4, 2019, Appendix A, Pages 5-6.

²⁷ “DECISION ADOPTING PHASE 2 UPDATED AND ADDITIONAL GUIDELINES FOR DE-ENERGIZATION OF ELECTRIC FACILITIES TO MITIGATE WILDFIRE RISK,” June 5, 2020, Appendix A, Page 10.

²⁸ *Opening Comments of the Utility Reform Network, Access Humboldt, Center for Accessible Technology, National Consumer Law Center, and Communications Workers of America, District 9 On the Assigned Commissioner and Administrative Law Judge’s Ruling Requesting Comments on Wireline Provider Resiliency Strategies*, August 12, 2020, Pages 12, 14.

²⁹ PAO, Page 28.

³⁰ *Letter of Santa Cruz County Supervisor Ryan Coonerty to Commissioner Batjer and Administrative Law Judge Rizzo*, August 10, 2020, Page 2.

³¹ Comcast Phone of California, Page 38.

wireless service, and one cannot assume that residents can simply get in their cars to drive around and find a cell signal. This is especially true for mobility impaired individuals who may not be able to easily visit a neighbor to call for emergency services or receive emergency alerts.

Cox California observes that “communications networks are not designed to replace commercial power.”³² While this may be true with many modern communications networks, those systems appear to be far less resilient than the copper-based systems utilized for decades in California.³³ Cox further states that “the existing communications infrastructure simply cannot take on the job of a commercial electric grid,”³⁴ but they are not being asked to do so. Communications networks are being asked to ensure that their equipment remains operational during PSPS events and other power outages to facilitate access to important emergency services and maintain operation of critical facilities. While Cox correctly observes that “communications services interruptions in certain areas may be inevitable during extended power outage events,”³⁵ we should nevertheless work to minimize those impacts.

III. Conclusion

Californians have a legitimate expectation that they will be able to receive emergency alerts or access 9-1-1 when they pick up a telephone, particularly during an emergency. It is imperative that California expeditiously improve wireline communications resiliency, especially for critical facilities and communities without sufficient access to wireless coverage. RCRC requests that the Commission accept these comments and incorporate the suggestions made therein.

Respectfully submitted,

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³² Cox California, Page 16.

³³ Report on *Reliability Standards for Telecommunications Emergency Backup Power Systems*, Page 13.

³⁴ Cox, Page 16.

³⁵ Id.