

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

Order Instituting Rulemaking Regarding
Emergency Disaster Relief Program.

R.18-03-011
(Filed March 22, 2018)

**AT&T'S REPLY COMMENTS ON PROPOSED DECISION
ADOPTING WIRELESS PROVIDER RESILIENCY STRATEGIES**

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Pursuant to Rule of Practice and Procedure 14.3, AT&T¹ replies to certain opening comments regarding the *Proposed Decision Adopting Wireless Provider Resiliency Strategies* issued by President Batjer on June 11, 2020 in this proceeding (“PD”).

I. INTRODUCTION

Many commenters agree that President Batjer’s PD generally is well-conceived and balanced. Given the complexity and dynamism of communications networks and resiliency planning, it is imperative the approved decision maintain focus on the PD’s foundation: “1) *collaboration* between the Commission and the wireless providers to meet future challenges; and 2) *demonstration* of each wireless provider’s ability to maintain service during disasters and outages.”² AT&T supports this approach and respectfully requests the PD be adopted with the changes requested in AT&T’s opening comments. Below, AT&T responds to changes requested by certain commenters that would disturb the careful balance President Batjer achieved.

II. DISCUSSION

A. AT&T Will Continue to Collaborate with Local Governments.

In its opening comments, the California State Association of Counties (“CSAC”) seeks a higher level of engagement between the 58 California counties and the wireless carriers than the PD contemplates. Specifically, CSAC wants each wireless carrier to provide its Resiliency Plan not only to the Commission, as the PD proposes, but also to each county emergency response manager, along with specific identification of cell towers and joint engagement with officials on designating critical communications sites.³ As stated in its opening comments, AT&T supports providing meaningful information to county local emergency response managers and encourages further collaboration. Specifically, the PD mandates, and AT&T supports, providing its emergency operations plans to

¹ Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) and its affiliates AT&T Corp. (U 5002 C); Teleport Communications America, LLC (U 5454 C); and AT&T Mobility LLC (New Cingular Wireless PCS, LLC (U 3060 C); AT&T Mobility Wireless Operations Holdings, Inc. (U 3021 C); and Santa Barbara Cellular Systems, Ltd. (U 3015 C)) are collectively referred to as “AT&T.”

² *Proposed Decision Adopting Wireless Provider Resiliency Strategies* (“PD”), Rulemaking (R.) 18-03-011, at 86 (June 11, 2020) (emphasis added).

³ CSAC seeks the dissemination of this information to and engagement with “local governments and local emergency response managers.” *Opening Comments of The California State Association of Counties on The Proposed Decision Adopting Wireless Provider Resiliency Strategies* (“CSAC Opening Comments”), at 3 (July 1, 2020). AT&T assumes that by “local” CSAC is referring to county governments, and not the 482 municipalities in California (which CSAC does not purport to represent).

county emergency response managers.⁴ But AT&T opposes providing each county government its Resiliency Plan, which the PD contemplates to be a detailed submission with substantial information, little of which would be of any value to county officials.⁵ Providing this level of detailed, confidential information to county governments serves no purpose, especially in light of the PD's disavowal of any attempt to micromanage.⁶

B. Expediting the Proposed Timelines Would be Counterproductive.

Public Advocates Office ("PAO") requests the deadline for submitting the Resiliency Plan be slashed in half, from six months to three.⁷ As proposed, creation of the Resiliency Plan requires the collection, verification, compilation and presentation of vast amounts of data, including response plans, extensive details regarding the technical capabilities of thousands of communications facilities,⁸ inventories of mobile assets, refueling capabilities, investment plans, and much more.⁹ One of those six months is also set aside for Commission staff to design a standardized reporting template for Resiliency Plans.¹⁰ In setting a six month deadline, President Batjer thus balanced the desire for timely action (in light of the power shutoff and fire seasons) against the need to allow sufficient time for the preparation of an accurate, comprehensive and effective plan. Given the

⁴ The information-only filing contemplated in the PD, which is to be distributed to county emergency response managers, includes: (1) emergency operations plan; (2) emergency contact information; (3) emergency preparedness exercise attestation; and (4) public communications plans. AT&T has requested, in its opening comments, that if a carrier's filing includes confidential information, the obligation to provide the information to local emergency response managers be contingent upon such managers entering into a Non-Disclosure Agreement with carriers before dissemination.

⁵ The PD requires the Resiliency Plans to include: detailed PSPS and grid outage response plans; detailed clean generation and diesel generation plans; designation of facilities and their backup power capacities; the number of mobile generators and refueling trucks and specification of which are stationed in California; identification of the ability to replace damaged facilities, including logical and physical network route diversity and temporary facilities (e.g., mobile cell sites and temporary microwave backhaul); titles of management and number of personnel dedicated to refueling and vendors including company and contract agreement; identification of the ability to support reporting on system outages as required by Commission rules, Cal OES regulations and the Government Code; details regarding how backup generators comply with CARB standards; refueling schedules; roaming agreements; cooperative agreements with other providers; and investment plans to improve network resiliency.

⁶ PD at 87.

⁷ *Opening Comments of the Public Advocates Office on the June 11, 2020 Proposed Decision Adopting Wireless Provider Resiliency Strategies* ("PAO Opening Comments"), at 4-6 (July 1, 2020).

⁸ Declaration of Jeff Luong at paras. 11-16, 24, 35, Att. C.

⁹ See PD at Ordering Paragraph 1.

¹⁰ *Id.*

amount of work required, the six-month deadline is extremely aggressive and will be a challenge to meet. Requiring the Resiliency Plan in three months will only ensure it is less accurate, less comprehensive and less effective.

Similarly, PAO asks that the deadline for meeting the PD's backup power requirements also be cut in half, from twelve to six months.¹¹ PAO purports to support this request by noting the capital investment plans of certain wireless providers, including AT&T, are already underway.¹² But AT&T's is a "multi-year Capital Investment Plan,"¹³ not a one-year or six-month plan. There is no basis in the record to support PAO's request; thus, it should be rejected.¹⁴

C. The PD Appropriately Addresses Backhaul and Route Diversity.

Joint Consumers/CWA contend the PD fails to address backhaul.¹⁵ They are wrong. The Resiliency Plan addresses backhaul by requiring providers to detail how they will maintain service in a disaster and their network investment plans.¹⁶ Joint Consumers/CWA's position¹⁷ that GIS information for network facilities and backhaul is needed so the Commission can understand where routes need to be "reinforced" has no factual support. As AT&T proved, redundancy and hardening of network facilities and backhaul are illusory goals.¹⁸ Alternate routes to a site will almost certainly burn and wire or fiber that is buried or in conduit can burn just as aerial facilities burn.¹⁹ These facts were unchallenged and not even addressed by either Joint Consumers/CWA or PAO. Commission

¹¹ PAO Opening Comments at 1, 4.

¹² PAO Opening Comments at 5.

¹³ *Declaration of Jeff Luong in Support of AT&T's Opening Comments on The Assigned Commissioner's Ruling and Proposal*, para. 11 (dated April 3, 2020).

¹⁴ Joint Consumers/CWA request that the Resiliency Plan be updated quarterly. *Opening Comments of TURN, Access Humboldt, CforAT, NCLC, and CWA, District 9 on Proposed Decision of Commissioner Batjer* ("Joint Consumers/CWA Opening Comments"), at 11 (July 1, 2020). AT&T does not expect its Resiliency Plan to experience sufficient change to justify the administrative burden of quarterly updates.

¹⁵ *Id.* at 4, 7.

¹⁶ PD, Ordering Paragraph 1, at 127.

¹⁷ Joint Consumers/CWA Opening Comments at 6-7.

¹⁸ *See AT&T's Opening Comments on The Assigned Commissioner's Ruling and Proposal*, Rulemaking (R.) 18-03-011, (dated April 3, 2020). *See also, Declaration of Kristopher Kirkwood and Declaration of Orlando Echeverria-Calvet in Support of AT&T's Opening Comments on The Assigned Commissioner's Ruling and Proposal*, (dated April 3, 2020).

¹⁹ Declaration of Kirkwood at paras. 10, 11; Declaration of Echeverria-Calvet at 29.

decisions must be supported by facts in the record.²⁰ Because there are no such facts in the record supporting Joint Consumers/CWA’s proposals on backhaul, they cannot be adopted.

Additionally, Joint Consumers/CWA’s proposal that the Commission direct where a provider’s “network needs to be reinforced”²¹ is exactly the kind of micromanagement President Batjer expressly disavows.²² The PD rejected micromanaging construction of networks with good reason. As AT&T’s network experts detailed, “[s]pecialized expertise is required” in many areas to properly evaluate and design a network.²³

D. The PD Properly Focuses on High Fire Threat District Tiers 2 and 3.

Some commenters suggest the PD’s requirements should be extended beyond Tier 2 and 3 High Fire Threat Districts.²⁴ However, President Batjer’s PD is correct to focus on Tiers 2 and 3. As the PD recognizes, the need for resiliency planning is most pressing in high fire threat areas because those are the areas where both fires and power shutoffs are most likely to occur.²⁵ Given the short timelines the PD imposes, it makes sense to focus on the areas of greatest need. Prioritizing everything effectively prioritizes nothing. Such micromanagement is also preempted, as we and CTIA explained.

E. Providers Should Not be Required to Use Hydrogen Fuel Cells.

Some commenters suggest hydrogen fuel cells can be feasibly used more broadly,²⁶ but they fail to point out where the PD makes any legal or factual errors regarding hydrogen fuel cells. As AT&T has explained, the wider use of hydrogen fuel cells is not feasible at this time for a variety

²⁰ Pub. Utils. Code § 1701.2(e); Pub. Utils. Code § 1757(a)(4).

²¹ Joint Consumers/CWA’s Opening Comments at 6.

²² PD at 87.

²³ Declaration of Kirkwood at para. 15; Declaration of Echeverria-Calvet at para 23.

²⁴ CSAC Opening Comments at 2-3 (expand to all of Tier 1); *Comments of Rural County Representatives of California on Proposed Decision Adopting Wireless Provider Resiliency Strategies*, at 7-8 (June 30, 2020) (expand to facilities subjected to 2 or more power shutoffs).

²⁵ PD at 44, 62, 74, 82.

²⁶ *Comments of The California Hydrogen Business Council on The Assigned Commissioner’s Proposed Decision Adopting Wireless Provider Resiliency Strategies*, at 3-4 (July 1, 2020); *Opening Comments of The National Fuel Cell Research Center on The Proposed Decision Adopting Wireless Provider Resiliency Strategies*, at 3-6 (July 1, 2020).

of reasons including, most importantly, hydrogen fuel cells' inability to generate sufficient power for the energy needs/requirements of many of AT&T's macro cell sites.²⁷

PAO asks the Commission to develop a timeline by which wireless providers must implement clean energy backup generation.²⁸ However, AT&T is not aware of any timeline specifying when a clean energy source will be feasible and available for broader use. The Commission recently acknowledged there do not appear to be any "off the shelf" alternative backup energy solutions at this time: "To date, the record in this [microgrid] proceeding shows that while there is much opposition to the use of diesel generation, no party has proposed a specific alternative solution that is off the shelf-ready for use during the upcoming wildfire season."²⁹ Thus, the Commission should reject suggestions to require broader use of hydrogen fuel cells or set a timeline by which wireless providers must implement clean energy backup generation.

III. CONCLUSION

For the reasons set forth above and in AT&T's opening comments, AT&T respectfully requests that President Batjer's PD be adopted with the modifications proposed in AT&T's opening comments.

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Respectfully submitted,

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²⁷ *AT&T's Opening Comments on The Assigned Commissioner's Ruling and Proposal*, Rulemaking (R.) 18-03-011, at 37-38 (dated April 3, 2020). Broader use of hydrogen fuel cells is also infeasible because hydrogen is difficult to store and source during large outages and would require more space than available at some sites to accommodate an adequate number of hydrogen fuel cabinets sufficient for 72 hours of backup power and to meet setback and buffer requirements set by the National Fire Protection Association. *Id.*

²⁸ PAO Opening Comments at 6-7.

²⁹ D.20-06-017 at 82-83.