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**ATTACHMENT A TO VERIZON WIRELESS COMMENTS ON PD
(R.18-03-011)**

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TEXT OF PROPOSED DECISION:

DELETE THE FOLLOWING

p. 17 of PD:

~~More recently, the Legislature has expressed the State's police power in the specific context of wireless telecommunications during wildfire events. On October 2, 2019, the Legislature enacted AB 1699, codified as Public Utilities Code § 2898, prohibiting mobile throttling of first responders, upon request, during emergencies. The Legislature passed AB 1699 in response to Verizon Wireless' data throttling of the Santa Clara Fire Department's mutual aid equipment while combatting the Mendocino Complex Fire, the largest wildfire in California history.⁵⁵~~

Delete Footnote 55

~~See AB 1699 Bill Analysis,
https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1699
Santa Clara Fire paid Verizon for "unlimited" data but suffered from heavy throttling until the department paid Verizon more.~~

p. 44 of PD:

~~Verizon, under fire for throttling firefighters' data speed, lifts caps for first responders—
San Francisco Chronicle,~~

p.105 of the PD:

Emergency Contact Information: Furthermore, we direct each wireless provider to submit emergency contact information in a form prescribed by the Communications Division Director and updated at least annually. We direct the wireless providers to notify the Communications Division Director when any

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changes are made to the emergency contact list. We direct the wireless providers to **provide list** emergency contact information ~~that includes individuals~~ **and provide personnel** who will be able to serve as the State Operations Center (SOC) liaison and can be present twenty four (24) hours a day, seven (7) days per week in the SOC during **Level 1** emergency response events.

p. 106 of the PD:

Public Communications Plans: Next, as soon as reasonably possible, at the onset of a disaster or PSPS event, each wireless provider shall post, and update at least daily, on its website a map of outages and service impacts, a description of any outage impacts in the specified areas, and the expected restoration time. This information shall be distributed to impacted customers ~~and the general public~~ by posting relevant information on the wireless provider's website ~~and social media accounts, by sharing information with local media, and by providing updates to local and state elected officials and public safety stakeholders~~. We additionally agree with consumer advocates, and further require that providers must follow customer outreach best practices we adopted in D.19-08-025.

p.107 of the PD:

... a general notification to customers in Tier 2 and Tier 3 High Fire Threat Districts in advance of fire season each year about potential impacts to their service that may be caused as result of wildfire and PSPS events. ~~In addition, upon receiving notice from an electric utility that a PSPS event will occur, wireless providers must alert the subscribers in the impacted community of any likely service impacts~~. 315 For notifications to emergency responders, we defer to Cal OES's implementation of SB 670.

Findings of Fact

1. The Commission initiated Phase I of R.18-03-011 to adopt an emergency disaster relief program for electrical, natural gas, water and sewer, and communications service providers.
2. As part of Phase I of R.18-03-011, the Commission adopted D.19-08-025 requiring communications providers to implement an array of customer protections when the governor of California or the president of the United States declares a state of emergency.
3. D.19-08-025 found that during declared states of emergencies, such as in the 2017, 2018, and 2019 wildfires and 2019 PSPS, California's facilities-based

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wireless providers' networks failed, endangering the lives of customers and first responders.

4. The CalOES states that 80 percent of all calls to 9-1-1 during the 2017 and 2018 wildfires came from wireless devices and that this high percentage represents first responder and the public's dependence on data and wireless service.

~~5. In 2018, wireless service was throttled, adversely affecting the Santa Clara County Fire Department's control and command unit deployed to support relief efforts during the Mendocino Complex Fire.~~

6. Californians rely on their wireless devices **and other modes of communication** to receive emergency notifications, contact family and friends, and reach first responders during emergencies.

7. In October and November 2019, widespread reports of communications outages across all communications sectors were reported.

8. According to the FCC Disaster Information Reporting System reports, which the Commission takes official notice of pursuant to Rule 13.9 of the Rules of Practice & Procedure, 57 percent of cell sites in Marin County alone were out of service between October 26-27, 2019.

9. Without access to 911 and the ability to reach first responders, Californians **may not be able to** ~~cannot~~ access needed services, ~~be safe, or even function in an emergency.~~

~~10. The Commission's Communications Division experienced an increase in Major Service Interruption reports from the wireless providers in 2017, 2018, and 2019.~~

11. Communications Division received a 16 percent increase in Major Service Interruption reports from 2017 to 2018, and a 123 percent increase from 2018 to 2019 **coincident with a change in the FCC reporting threshold calculations in 2018.**

12. The wildfires and the power outages from the PSPS events contributed to a significant delay in the restoration of communications service as compared to non-fire threat circumstances and wireless communications failed at critical times during wildfire and PSPS events and, as a result, ~~many~~ **some** wireless customers were unable to make calls during times of emergency or disaster.

13. As of December 31, 2018, there were 45,335,804 wireless subscribers in California compared to 13,418,711 wireline subscribers.

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14. The number of wireline customers has steadily decreased as consumers begin to rely solely on wireless service.

15. In 2019, approximately 27.4 million 9-1-1 calls were placed via wireless service as compared to approximately 3.6 million placed via wireline service.

16. The first major PSPS event took place on October 9-11, 2019, with the second and third event taking place between October 26- 31 that year.

17. Communications Division staff measured the impact of the 2017-2019 wildfires and PSPS events by analyzing the wireless service providers' major service interruption and disaster information reporting system reports and calculated the number of potentially affected wireless users, macro cell sites, and blocked calls.

18. Communications Division findings are illustrated in this table below, depicting the estimated impact from 2017-2019 wildfires and PSPS events on wireless service in California:

Year	Events	Number of Potentially Impacted Wireless Customers	Approximate Number of Impacted Cell Sites	Approximate Number of Blocked Calls
2017	Napa and Sonoma County Wildfires	96,097	248	814,041
2017	Mendocino and Humboldt County Wildfires	104,441	46	8,271,992
2017	Southern California Wildfires	97,811	457	434,086
2018	Camp Fire Butte County	48,414	51	2,165,308
2018	Hill and Woolsey Fires Southern CA	512,231	492	4,228,585
2019	Kincade Fire and Statewide PSPS	1,122,645	224	n/a

19. The most severe impacts of these fires were in high fire-threat areas, where there were repeated reports of cell site failures, particularly in the 2018 Camp Fire in Butte County, town of Paradise.

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20. In 2019, substantial numbers of wireless sites in Butte County were inoperative due to PSPS events.

21. "Facilities-based wireless providers" serve, directly and indirectly, approximately 45,335,804 wireless subscribers in California.

22. Resiliency is **defined for purposes of this Decision as** the ability to recover from or adjust to adversity or change through an array of strategies including, but not limited to: backup power, redundancy, network hardening, temporary facilities, communication and coordination with other utilities, emergency responders, the public and finally, preparedness planning.

23. Wireless providers that diligently and adeptly utilize resiliency, and its related strategies, demonstrate that they can maintain **and restore** service during a disaster.

24. Mitigating wireless network disruption through resiliency measures minimizes the likelihood that large numbers of wireless customers will be adversely impacted.

25. In 2019, Verizon utilized an array of resiliency strategies successfully and kept much of its network operational and running on backup power.

26. Verizon demonstrates that using resiliency strategies and backup power results in network preservation.

27. Wireless providers that have not made these investments suffer more severe impacts and struggle to maintain service.

28. A power outage is the period during which a generating unit, transmission line, or other facility is out of service.

29. There is a public **benefit need** to adopt **flexible, a** narrowly tailored and reasonable backup power **strategies requirement** for wireless providers during disasters and PSPS events.

30. Customers and first responders have a reasonable expectation that they will hear a dial tone, receive emergency alerts and notifications, and can access critical information during an emergency, especially when the power is out.

31. Because of climate change, wildfires and PSPS events will be part of the future with an expected increase in both frequency and severity.

32. Energy and water utilities, customers, and first responders across all levels of government have expressed public safety concern with the failure of wireless providers to adequately provide service continuity, including 9-1-1, during disasters and during de-energization events.

33. In April 2018, the Commission's Communication Division issued a report analyzing major communication outages during the 2017 winter storms.

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34. The April 2018 Communications Division report found that that a total of 964,003 subscribers, or 2.5% of Californians, did not have the capability to dial 9-1-1 for some period of time during the 2017 winter storms.

35. Communications Division's April 2018 report emphasized that many outages could have been prevented with better availability of backup power for wireless providers and improved reliability of cable facilities for wireline providers.

36. Of the four providers serving the Town of Paradise, two had no macro cell sites with backup capacity beyond batteries and the other two providers had at least one macro cell site, with additional on-site backup capacity in the form of generators.

37. Of the 15 macro cell sites near the Town of Paradise, in the Tier 3 High-Fire Threat District, only three (20 percent) of the macro cell sites have onsite backup generators.

38. Outages were widespread for most wireless providers during the 2019 PSPS events, with outages occurring in nearly half of the counties in the State.

39. Most macro cell sites out of service in a single day during the 2019 PSPS events occurred on October 27, 2019, with 567 macro cell sites out of service.

40. In 2019, over half of California's counties were impacted by network outages, with Marin County experiencing 57 percent of its 280 cell phone tower sites out of service and Sonoma, Lake, Santa Cruz, Humboldt, and Calaveras counties all facing impacts when over 20 percent of cellphone towers were without power.

41. In the October 2018 wildfires, CalOES saw a total of 341 cell sites go offline, ~~prohibiting 9-1-1 calls.~~

42. **CalOES states that,** in the October 2018 wildfires, approximately 72,000 people had difficulty reaching 9-1-1, some due to the inability of the wireless system to provide service.

43. California's water utilities **generally** rely on communications networks to monitor facilities, maintain contact with field personnel, communicate with personnel and customers, and receive emergency notifications and critical information.

44. California's **wireless providers, like all California businesses, rely on** electrical ~~corporations rely on wireless networks~~ **utilities** to provide ~~ensure~~ **reliability** and resiliency ~~cyt~~ **commercial power.**

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45. California's **wireless providers and their consumers will** ~~electrical corporations may~~ benefit from **an electrical grid** ~~wireless communications network~~ that is more resilient.

46. Ensuring ~~that~~ **a more resilient electric grid** ~~wireless provider network operators have reliable backup power~~ will help water utilities maintain safe and reliable service during an emergency.

47. State emergency services personnel **assert** ~~find~~ that California's wireless network is not built to survive disasters, and many cell sites do not have resiliency, whether through backup power or ability to survive disruption.

48. In 2019, **RCRC reported that** Sonoma County made the difficult decision to evacuate early in response to the Kincade Fire because they feared what evacuation would be like without reliable access to wireless service to disseminate warnings and alerts.

49. Because of the widespread outages, many fire departments in Sonoma County were forced to operate by radio alone, and had limited ability to receive data or maps.

50. There are certain disasters where it will be impossible to maintain service, including during extended power outages.

51. Seventy-two hours of ~~required~~ backup power **at some sites may help** ~~ensures~~ wireless customers **to** have access to communication services, receive emergency alerts and notifications, and access the internet for critical information during an emergency, disaster, or when the power is out.

52. Electrical corporations de-energized 2,290 circuits during the 2019 PSPS events, and the average outage duration was just under 46 hours while over 16 percent of outages lasted longer than 72-hours.

53. Cal Advocates analysis indicates that o Only 8 percent of power outages at macro cell sites during the 2019 PSPS events lasted longer than 72 hours.

54. A 72-hour backup requirement would have, more likely than not, provided uninterrupted power to 92 percent of the macro cell sites in California that lost commercial power during the 2019 PSPS events.

~~55. Requiring seventy-two hours of required backup power aligns with FCC standards.~~

~~55~~**6.** Deployable generators that have **the ability** ~~capacity~~ to provide 72-hours of backup power present less siting, permitting, and cost difficulties than requiring

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72-hours of on-site backup power.

56. Permanent backup power is not necessary, feasible, or reasonable at all cell sites. For example, it is infeasible to install permanent backup power at small and micro cell sites.

57. Minimum service levels and coverage include the following: (1) 9-1-1 service; (2) 2-1-1; **and** (3) the ability to receive emergency alerts and notification; ~~and (4) basic internet browsing during a disaster or commercial power outage.~~

58. A ~~required~~ Communications Resiliency Plan **should** ~~will ensure the wireless providers transparently~~ describe to the Commission, their wireless provider's ability to maintain:

(a) sufficient level of service and coverage to maintain access to 9-1-1 and 2-1-1; **and** (b) the ability to receive emergency notifications; ~~and (c) access to internet browsing for emergency notices in the event of a disaster or power outage.~~

59. The Communications Resiliency Plan will **promote** ~~ensure~~ collaboration between the Commission and the wireless providers to meet future challenges.

60. The Communications Resiliency Plan will demonstrate **how** ~~that~~ the wireless providers ~~can~~ maintain or restore service during disasters and outages.

61. The Communications Resiliency Plan will help prepare both the Commission and the wireless providers to face emerging challenges and implement key learnings as conditions change and we observe response efficacy and effectiveness.

62. Using fossil fuel generators for backup power reliability and resiliency in both the 2020 and 2021 wildfire and PSPS seasons ~~may~~ **will** be necessary to ensure minimum continuity of service.

~~63. Fossil fuel generation as a backup power resource cannot be a long-term resiliency strategy.~~

~~64. Large fossil fuel generators — even when localized in select areas — present potential health risks for individuals who live or work near a temporary generation site.~~

65. Minimum continuity of service **will promote** ~~must be available for the~~ public **safety** given the dangers associated with widespread, commercial grid outages, including the potential loss of, or damage to, life, health, property, and essential services.

66. Wireless providers must attest to the Commission that their organizations have an emergency operation plan in place for disaster and PSPS preparedness.

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67. Wireless Emergency Operation Plans must be submitted to the Commission by each wireless provider, as well as, emergency contact information, emergency preparedness exercise attestations, and public communications plans.

68. On March 19, 2020 Governor Gavin Newsom signed Executive Order N-33-20 in response to COVID 19.

69. Executive Order N-33-20 requires all individuals living in the State of California to stay home or stay at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors, in order to address the public health emergency presented by COVID-19.

70. The stay-at-home order is indefinite, and as of the date of the issuance of this decision it remains in effect.

Conclusions of Law

1. The Commission has jurisdiction over facilities-based wireless providers, **subject to limitations under federal and state law**, ~~and authority to ensure the reliability of communications networks in emergencies.~~

2. California is in an unprecedented climate emergency that has produced increasingly deadly and destructive wildfires, and PSPS events.

3. The State has a duty to ensure, as much as possible, the safety of all Californians.

4. The Commission has responded to this ongoing threat to essential utility infrastructure and services by acting across the breadth of its jurisdiction, addressing energy, water, and communications networks and their customers.

5. The Commission ~~has both the jurisdiction and the authority to~~ **encourages require** wireless telecommunications carriers to **(i)** install emergency backup power at macro cell sites in Tier 2 and 3 high fire threat districts, so that those cell sites continue to receive and transmit signal when commercial power sources are cut off, **or (ii) otherwise enhance the resiliency of their networks in the face of commercial power shut offs.**

6. **The Decision sets forth a flexible structure for the wireless providers to determine how best to maintain service during emergencies and PSPS events.** ~~Uninterrupted transport of communications is an precondition to the ability of public safety officials to communicate and coordinate with each other and with the public.~~

7. The Commission has jurisdiction over **certain actions taken by** wireless telephone corporations and other communications utilities.

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8. Public Utilities Code § 216 gives the Commission ~~broad~~ jurisdiction over public utilities, including telephone corporations as defined by Public Utilities Code § 234.

9. The Commission's "broad regulatory power over public utilities" derives from Article XII of the State Constitution, which establishes the Commission, and gives it ~~wide-ranging~~ regulatory authority, including but not limited to "the power to ... establish rules, hold various types of hearings, award reparation, and establish its own procedures."

10. Public Utilities Code § 216 definition of a "public utility" includes every "telephone corporation" where service is performed, or a commodity is delivered to the public or any portion thereof.

11. Public Utilities Code § 234 definition of a "telephone corporation" includes "every corporation or person owning, controlling, operating, or managing any telephone line for compensation in this state."

12. Public Utilities Code § 233 definition of a "telephone line" includes "all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, or controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires."

13. California's Constitution, Art. XII, § 3, specifically extends the Commission's jurisdiction to companies engaged in "the transmission of telephone and telegraph messages."

14. The Commission's authority over public utilities includes oversight over both public utility services and facilities pursuant to California Constitution, Art. XII §§ 1-6 and Public Utilities Code § 701, **subject to limitations under federal and state law.**

15. Public Utilities Code § 451 requires the Commission to ensure that utilities, including telephone corporations, "furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and *facilities* ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public." [emphasis added]

~~16. Public Utilities Code § 761 requires the Commission to ensure the reasonableness and sufficiency of utility facilities 316 and may order "additions, extensions, repairs, or improvements to, or changes in" utility facilities that the Commission finds "ought reasonably to be made." [emphasis added]~~

17. Public Utilities Code § 1001 gives the Commission the sole power to grant operating authority to California utilities, *i.e.*, issue a certificate of public convenience and necessity (CPCN) to traditional utilities seeking to operate in

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California, **except under Federal law, the Commission cannot deny a CPCN or Wireless Identification Number to a wireless utility.**

~~18. Public Utilities Code §§ 1001 and 1013 gives the Commission the lone power to grant a “registration” license to companies the Commission has determined lack “monopoly power or market power in a relevant market or markets or to wireless telephone corporations.”~~

~~19. In the case of both non-dominant carrier and wireless registrations, the telephone corporations are required to comply with all sections of the Public Utilities Code other than the entrance regulation inherent in Public Utilities Code § 1001.~~

~~20. A CPCN or equivalent authority confers upon a public utility telephone corporation numerous benefits in addition to the obligations under the Public Utilities Code, CPUC decisions, and regulations.~~

~~21. Public Utilities Code § 7901 states that public utility telephone corporations have the right to interconnect with other service providers³¹⁷ and the ability to access the public rights-of-ways to build or install facilities to provide their services.~~

~~22. Public Utilities Code §§ 233, 224.4 extends the Commission’s jurisdiction to the facilities wireless carriers rely upon to provision service.~~

23. Police power authority over matters related to public health and safety is traditionally reserved to the states, **subject to limitations under federal law, including the jurisdiction of the FCC.**

24. **Subject to limitations under federal law, including the jurisdiction of the FCC,** ~~S~~States traditionally have had ~~great latitude under their~~ police powers to legislate as to the protection of the lives, limbs, health, comfort, and quiet of all persons.

25. The California Constitution and California statutory law designate the CPUC as the principal body through which the State exercises its police power in the case of essential utility network services.

26. Public Utilities Code § 451 **states** ~~gives the Commission broad authority to regulate public utility services and infrastructure as necessary to ensure they are operated in a way that provides for the health and safety of Californians:~~ “Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.”

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27. Protections for Californians as consumers of telecommunication services are set forth in Public Utilities Code §§ 2890-2896.

28. The regulatory measures promulgated in this Decision are consumer safeguards intended to protect the health and safety of utility customers, particularly those encountering wildfires and related public emergencies triggered by historic climate change.

~~29. The Federal Communications Act does not preempt the Commission from exercising public safety regulation of wireless facilities.~~

30. The 1993 amendments to the Federal Communications Act **placed restrictions on state jurisdiction over wireless services** ~~ushered in an era of shared jurisdiction.~~

31. In 1993, Congress passed the Omnibus Budget Reconciliation Act of 1993 (Budget Act), which amended Section 332(c)(3)(A) of the Communication Act § 332) as follows: no State or local government shall have any authority to regulate the entries of or the rates charged by any commercial mobile service or any private mobile service, except this paragraph *shall not prohibit a State from regulating the other terms and conditions of commercial mobile service.*

32. After Congress enacted the revised § 332, the CPUC issued multiple decisions implementing the change in federal law, and harmonizing those changes with existing Commission oversight of wireless telephony.

33. Accordingly, the Commission ~~continues to exercises~~ **limited** ~~broad~~ authority over wireless service.

~~34. In providing a role for states, Congress explicitly declined to occupy the field.~~

~~35. Congress did not expressly or otherwise, preempt state health and safety rules.~~

~~36. A 72-hour backup power requirement is not tantamount to rate regulation.~~

~~37. The scope of § 332's preemptive language is limited to regulations that *directly and explicitly* control rates, prevent market entry, or require a determination of the reasonableness of rates.~~

~~38. The Commission retains the unequivocal authority to regulate "other terms and conditions of service."~~

~~39. The emergency measures rules adopted herein do not conflict with federal law or regulations, and therefore, are not subject to conflict preemption.~~

~~40. A backup power regime does not run afoul of § 332(c)(3)(A) because the FCC has no current backup power rules.~~

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- ~~41. The underlying facts of the Seventh Circuit Court of Appeals, *Bastien v. AT&T Wireless Servs., Inc.* are fundamentally different, and therefore not applicable here.~~
- ~~42. None of the requirements in this Decision conflict with the FCC's 2018 Order for 5G and advanced wireless network deployment.~~
43. The Commission has long **established** ~~regulated the safety-related aspects of utility networks, extending to~~ provisions relating to ~~backup power~~, support structures, and the requirements in General Orders 95 and 128, relating to overhead lines and underground facilities
44. Governor Gavin Newsom signed Executive Order N-33-20 requiring Californians to comply with the orders of the California State Public Health Officer and the Director of the California Department of Public Health that all individuals living in the State of California stay home or at their place of residence (Stay-At-Home Order). The Stay-At-Home order is indefinite, and as of the date of the issuance of this Decision, it remains in effect.
45. It is reasonable to require **California's electrical corporations** ~~the wireless providers~~ to collaborate with **wireless providers** ~~California's electrical corporations~~ in advance of a de-energization event or wildfire and give notice to their customers ~~if service coverage cannot be maintained.~~
46. It is reasonable to define resiliency **for purposes of this Decision** as the ability to recover from or to adjust to adversity or change through an array of strategies, consistent with Section 6.2.2, including, but not limited to: (a) backup power; (b) redundancy; (c) network hardening; (d) temporary facilities; (e) communication and coordination with other utilities emergency responders, the public; and (f) preparedness planning.
47. It is reasonable to define an outage, consistent with Section 6.3.2 of this decision.
48. It is reasonable for the wireless providers to maintain service through various technological means to ensure customers in Tier 2 and Tier 3 High Fire Threat Districts have access to 72-hour backup power during the upcoming wildfire season and de-energization events.
49. It is reasonable ~~to require the~~ **for** wireless providers to **adopt resiliency strategies** ~~ensure customers and first responders~~ in Tier 2 and Tier 3 High Fire Threat Districts **to provide** ~~have access to~~ minimum service ~~levels and coverage~~ through 72-hours **after an outage** ~~of backup power.~~

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50. It is reasonable for the wireless providers to have twelve (12) months from the effective date of this decision to implement the 72-hour backup power requirement.

51. It is reasonable to **define minimum service levels and coverage as including:** (1) 9-1-1 service; (2) 2-1-1; **and** (3) the ability to receive emergency alerts and notification; ~~and (4) basic internet browsing during a disaster or commercial power outage.~~

52. It is reasonable to require each wireless provider to submit an **informational filing of its** Communications Resiliency Plan ~~via a Tier 2 Advice Letter~~ within 6 months from the effective date of this decision.

53. It is reasonable to require ~~the Communications Resiliency Plan to include, but not be limited to, the following information:~~

- Facilities-based wireless providers **shall to** submit a Communications Resiliency Plan pursuant to section 6.5.2 of this decision, within six (6) months of the effective date of this decision, to the Communications Division ~~via Tier 2 Advice Letter~~ that describes how the wireless provider **strives to shall** maintain a ~~minimum level of service and coverage to preserve~~ access to 9-1-1 and 2-1-1, **and** maintain the ability to receive emergency notifications, ~~and provide access to internet browsing for emergency notices~~ for their customers in the event of a power failure. Each resiliency plan shall include, but is not limited to, the following information:
 - ⊖ Discussion of their ability to maintain ~~a sufficient level of service and coverage to maintain~~ access to 9-1-1 and 2-1-1, **and** maintain the ability to receive emergency notifications, ~~and access Internet browsing for emergency notices~~ in the event of a disaster or power outage, ~~including identifying how they maintain the resiliency of their networks, as defined in Section 6.2 of this decision~~
 - ⊖ Detailed PSPS and grid outage response plans;
 - ⊖ ~~Detailed Clean Generation and Diesel Generation Near and Long-Term Approaches, consistent with Section 6.7.2 of this Decision;~~
 - ⊖ **Macro cell site f**Facilities with and without battery backup, fixed generation, and mobile generator hookups, their location, ~~and the estimated length of time the facilities will operate during a grid outage with and without refueling at each site;~~
 - ⊖ The number of mobile generators and refueling trucks and specify which are stationed in California;

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- ⊖ Identify the ability to replace damaged facilities, including ~~logical and physical network route diversity and using~~ temporary facilities (e.g., mobile cell sites and temporary microwave backhaul);
- ⊖ Identify titles of management and number of personnel dedicated to refueling and vendors including company and contract agreement;
- ~~⊖ Identify the ability to support reporting on system outages as required by CPUC rules, Cal OES regulations and California Government Code;~~
- ~~⊖ Detail how backup generators comply with CARB standards;~~
- ~~⊖ Provide refueling schedules;~~
- ~~⊖ Provide roaming agreements;~~
- ~~⊖ Provide cooperative agreements which are used to pool resources with other providers;~~
- ⊖ Identify **macro cell site** facilities that ~~do not need backup power~~, are unable to support backup power due to a safety risk, or that are objectively impossible or infeasible to deploy backup power pursuant to Section 6.6.2.; and
- ⊖ Identify investment plans to improve network resiliency pursuant to Section 6.6.2. (e.g., deployment of redundant backhaul and deployment of fixed generators).

54. It is reasonable to allow the wireless providers to identify, in their Communications Resiliency Plans, **macro cell site** facilities that ~~do not need backup power~~, are unable to support backup power due to a safety risk, or are unable to support backup power because the conditions make it objectively impossible or infeasible to deploy backup power.

55. It is reasonable to ~~allow the wireless providers to use fossil fuel generation as a primary backup power resource, in the near term, but require~~ **encourage** the wireless providers to transition to a future of renewable backup generation.

56. It is reasonable to require the wireless providers to submit annual emergency operations plans that discuss emergency response procedures and ensure substantive engagement with the Commission and CalOES during emergencies.

57. The actions directed in this decision require the wireless providers to comply with the Governor's Executive Order N-33-20, the orders of the California State Public Health Officer and the Director of the California Department of Public Health that all individuals living in the State of California stay home or at their place of residence,

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except as needed to maintain continuity of operation of the federal critical infrastructure sectors, in order to address the public health emergency presented by the COVID-19 disease.

58. It is reasonable to require the wireless providers, when implementing the requirements of this decision, to comply with the direction from public health officials regarding shelter-in-place, social distancing, or other measures that may need to be taken in response to the COVID-19 pandemic, consistent with Executive Order N-33-20.

59. It is reasonable to treat all information provided as part of the Communications Resiliency Plans as confidential under General Order 66-D and the California Public Records Act unless otherwise designated as public by the wireless provider.

O R D E R

IT IS ORDERED that:

1. Facilities-based wireless providers shall file a Communications Resiliency Plan pursuant to Section 6.5.2 of this decision, within six (6) months of the effective date of this decision, to the Communications Division via an informational filing ~~Tier 2 Advice Letter~~ that describes how the wireless provider strives to ~~shall~~ maintain ~~a minimum level of service and coverage to preserve~~ access to 9-1-1 and 2-1-1, and maintain the ability to receive emergency notifications, ~~and access to internet browsing for emergency notices for their customers~~ in the event of a power outage. The Communications Resiliency Plan shall include, but is not limited to, the following information identified in COL 53:

- ~~• Discussion of their ability to maintain a sufficient level of service and coverage to maintain access to 9-1-1 and 2-1-1, maintain the ability to receive emergency notifications, and access to Internet browsing for emergency notices in the event of a disaster or power outage, including identifying how they maintain the resiliency of their networks, as defined in Section 6.2 of this decision~~
- ~~○ Detailed PSPS and grid outage response plans;~~
- ~~○ Detailed Clean Generation and Diesel Generation Near and Long-Term Approaches, consistent with Section 6.7.2 of this Decision;~~
- ~~○ Facilities with and without battery backup, fixed generation, and mobile generator hookups, their location, and the estimated length of time the facilities will operate during a grid outage with and without refueling at each site;~~

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- ~~○ The number of mobile generators and refueling trucks and specify which are stationed in California;~~
- ~~○ Identify 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);~~
- ~~○ Identify titles of management and number of personnel dedicated to refueling and vendors including company and contract agreement;~~
- ~~○ Identify the ability to support reporting on system outages as required by CPUC rules, Cal OES regulations and California Government Code;~~
- ~~○ Detail how backup generators comply with CARB standards;~~
- ~~○ Provide refueling schedules;~~
- ~~○ Provide roaming agreements;~~
- ~~○ Provide cooperative agreements which are used to pool resources with other providers;~~
- ~~○ Identify facilities that do not need backup power, are unable to support backup power due to a safety risk, or that are objectively impossible or infeasible to deploy backup power pursuant to Section 6.6.2.; and~~
- ~~○ Identify investment plans to improve network resiliency pursuant to Section 6.6.2. (e.g., deployment of redundant backhaul and deployment of fixed generators).~~

We direct the Communications Division to **work cooperatively with the wireless providers to** develop and adopt standardized reporting templates as well as a submittal schedule for the Communications Resiliency Plans within 30 days from the adoption of this decision.

2. Facilities-based wireless providers shall, in their Communications Resiliency Plan pursuant to Section 6.5.2 of this decision, ~~demonstrate~~ **describe how strategies they adopt** ~~their ability to meet the 72-hour backup power requirement,~~ in Tier 2 and Tier 3 High Fire Threat Districts, ~~consistent with Sections 6.4.2, 6.4.4, and 6.4.6 of this decision, as well as describe their ability to~~ maintain a minimum level of service **during outages** and their long-term investment plan to comply with the 72-hour backup power **documentation** requirement of this decision.

3. Facilities-based wireless providers shall file emergency operations plans pursuant to Section 6.8.2 of this decision, on an annual basis, with the first due within 60 days of the effective date of this decision to the Director of the

Attachment A

Communications Division, the California Governor's Office of Emergency Services, and local emergency response agencies, as an information only filing that contains the wireless provider's: (1) emergency operations plan; (2) emergency contact information; (3) emergency preparedness exercise attestation; and (4) public communications plans.

4. Upon the effective date of this decision, the wireless providers, when implementing the requirements of this decision, shall comply with the orders of the Governor's Executive Order N-33-20, the California State Public Health Officer, and the Director of the California Department of Public Health shelter-in-place directives, social distancing directives, and/or other measures that may need to be taken in response to the COVID-19 pandemic.

5. Rulemaking 18-03-011 remains open.

This order is effective today.

Dated , at San Francisco, California