

PUBLIC UTILITIES COMMISSION

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November 13, 2019

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Dear Communications Industry Leaders:

As you are well aware, Pacific Gas and Electric Company (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) initiated Public Safety Power Shutoffs (PSPS) throughout October 2019, resulting in power being shut off to millions of customers throughout the state. Dozens of wildfires also occurred during this same period in Northern and Southern California. Both the PSPS events and wildfires led to failures in the communications network, resulting in a loss of service to customers. Lack of service is not a mere inconvenience—it endangers lives. Californians rely on their phones and the Internet, whether using wireline or wireless technologies, to receive emergency notifications, to contact

family and friends, and to reach first responders. Your customers have a reasonable expectation that these critical telecommunications services will be operational even during a power outage.

California Governor Gavin Newsom declared several states of emergency in October including: October 11th for the Saddle Ridge, Eagle, Sandalwood, Reche and Wolf fires; October 26th for the Kincaid and Tick Fires; and statewide on October 27th for extreme fire weather conditions combined with PSPS events. The California Public Utilities Commission (CPUC) Order Instituting Rulemaking Regarding Emergency Disaster Relief Program (Rulemaking R.18-03-011, and most recently Decision D.19-08-025) adopted protections to ensure that communications service providers' customers experiencing a disaster keep vital services and receive support. The CPUC has also adopted protections for water and power utilities. The CPUC requires communications companies to take certain actions upon these declarations for consumer protection such as waiving fees or deferring payment, refunding customers for lack of service, deploying mobile wireless equipment, providing mobile phones, and other protections.

Despite advanced notice by investor-owned utilities (IOUs) of possible PSPS events, failures in the communications network occurred on a significant scale. These outages were unexpected given previous assurances your companies provided to the Federal Communications Commission (FCC), California State Legislature and the CPUC. We have received numerous public inquiries about these outages seeking to understand what to expect during future PSPS events. As a result, the CPUC is pursuing a Phase II of the aforementioned rulemaking to adopt additional rules to further address communications outages during emergency events.

The CPUC has convened several forums over the last year to improve the coordination between the communications companies and emergency response agencies. For instance, on November 1, 2018, the CPUC held a workshop where officials from the Governor's Office of Emergency Services (Cal OES), Department of Forestry and Fire Protection (CAL FIRE) and local emergency management agencies spoke repeatedly about the lack of coordination between emergency response agencies and communications providers.

On May 20, 2019, the CPUC held an en banc public hearing, titled "The Future of California's Communications Grid" where discussion included the importance of communications services before, during and after a wildfire. This included underscoring the critical role the communications grid plays in warning the public, allowing first responders to communicate with each other and connecting wildfire victims to friends, family and emergency services. The communications grid, like power and water, is critical infrastructure. This en banc also recognized that the state relies on a patchwork of statutes and outdated rules that often hinder the state's ability to ensure access to safe, reliable and affordable services.

Both the May 20, 2019 en banc public hearing and the November 1, 2018 workshop exposed the lack of a uniform and structured approach to ensuring that the communications providers are addressing their safety responsibility to provide safe and reliable service during these emergency events. This was further demonstrated on August 9, 2019 when then-CPUC President Michael Picker, the assigned commissioner for the Emergency Disaster proceeding, issued an Assigned Commissioner Ruling (ACR)¹ that asked communications providers to describe actions taken to harden their networks. The communication companies provided responses that did not adequately detail information to enable the CPUC to be confident that communications providers are sufficiently prepared to maintain service during emergency events.

Unfortunately, this lack of preparation and transparency had real consequences during the most recent PSPS events and wildfires. There were widespread reports of communications outages across all sectors: mobile networks, cable, VoIP communications and the Internet.

On October 26, 2019, Cal OES Director Mark Ghilarducci sent a letter² to AT&T California, T-Mobile, Frontier, Verizon, and Comcast emphasizing the importance of access to reliable communications during emergencies and highlighting the need for Cal OES to have real-time information regarding outages, resiliency and backup power. The Director described the current level of engagement from your companies “unacceptable,” and stressed the importance of resilient, redundant infrastructure with necessary backup power to provide uninterruptible communication during emergencies. In an effort to improve information sharing, Director Ghilarducci asked specific questions regarding outages within your respective networks and the state of your facilities. In reviewing your responses, you collectively did not provide adequate and specific answers, nor did the responses show the level of transparency required to meet the moment given the challenges the State and its residents, many of which are your customers, were facing.

The Utility Reform Network (TURN) sent an ex parte letter³ to me and my fellow Commissioners on October 30, 2019 requesting the CPUC take immediate action to ensure Californians have a safe and reliable communications network. TURN urges the CPUC to take actions including establishing backup power requirements, addressing network hardening issues and providing detailed information about the location of outages to both the public and the CPUC. On

¹ *Assigned Commissioner’s Ruling Requesting Information on Hardening Communications Infrastructure and to ensure customer access to 911 at all times.* Order Instituting Rulemaking Regarding Emergency Disaster Relief Program, Rulemaking 18-03-011, Aug. 9. 2019.

² Cal OES, letter to Rhonda Johnson, John Legere, Daniel McCarty, Hans Vestberg, Steve White, October 26, 2019.

³ The Utility Reform Network TURN, letter to President Batjer, Commissioner Guzman-Aceves, Commissioner Randolph, Commissioner Rechtschaffen, Commissioner Shiroma, October 30, 2019.

November 4, 2019, The Small Business Utility Associates (SBUA) followed up with a letter⁴ supporting TURN's call for action. Like TURN, SBUA is also a party to the Emergency Disaster proceeding.

Most recently, the CPUC received a letter dated November 5, 2019 and addressed to Senator Ben Hueso from the Rural County Representatives of California (RCRC) that suggests changes to minimize PSPS impacts.⁵ The letter noted that over 450,000 Californians lost communication services, with 22 percent of mobile sites out of service in Sonoma County and 15 percent in Napa County. The letter further stated that portions of Mendocino County that already lacking mobile service also lost landline service, leaving residents without any means of communication.

The FCC's disaster report said that 49 percent of the cells sites in Marin County were out of service on October 26-27.⁶ Loss of communications service in an emergency is a matter of life and death. Without access to 911 and the ability to reach first responders, the people of this state cannot access needed services, be safe or even function in an emergency.

As entities licensed by the CPUC, your companies have the obligation, the privilege and the responsibility to provide service in the State of California. Based on your performances over the past few weeks, it appears that you are not managing your network infrastructure adequately to maintain vital communications services for Californians during emergencies. To shed greater light on these failures and to chart a path towards corrective actions, the CPUC shall convene a Pre-Hearing Conference in the Emergency Disaster proceeding⁷ in San Francisco, California at 10:00 am on Wednesday, November 20, 2019. Accordingly, the CPUC directs the recipients of this letter, or the most senior company leader(s) in California, to be present and available to address the concerns identified in this letter.

The CPUC expects these representatives to be prepared to provide a thorough report on their actions during the PSPS events and during the wildfires, including actions taken leading up to, during and following power restoration.

This Pre-Hearing Conference will inform the Scoping Memo that will open Phase II of the Emergency Disaster Relief proceeding.

In addition, listed below are directives to you based on observations by CPUC staff and feedback from relevant public safety agencies. The CPUC and other state agencies may direct

⁴ Small Business Utility Advocates SBUA to President Batjer, Commissioner Guzman-Aceves, Commissioner Randolph, Commissioner Rechtschaffen, Commissioner Shiroma, November 4, 2019.

⁵ Rural County Representatives of California RCRC, letter to Honorable Ben Hueso, November 5, 2019.

⁶ Disaster Information Reporting System Report, Federal Communications Commission, October 27th, 2019.

⁷ Rulemaking R.18-05-011.

additional requirements as reviews and analyses continue. The CPUC directs you to file responses to these directives by close of business November 18, 2019.

1. Responsiveness during the latest wildfires and public safety power shutoffs to keep communications services on.

Wireless companies appear to have not been adequately prepared for the outages from the number of cell sites that were out of service. Cable companies appear to have had massive network outages due to lack of power. Landline facilities failed. In order to mitigate the risk of these types of issues occurring in the future, specifically identify:

- The amount and type of power available on site at your central offices, headends and wireless switches, indicating how long these facilities can operate at average load without main power and what your plan is to refuel, if a generator is present. Separately, indicate the number of remotes, field cabinets, nodes or other devices between the subscriber's homes and your central office and headends, and how long each of these devices can operate at average load without main power. Further, provide your refueling plans for these field cabinets, nodes, and remotes.
- For wireless providers, provide a list of the cell sites which you have located in the Tier 2 and Tier 3 fire threat areas and how long each facility can operate at average load with onsite power. If the site has a generator, how long can this site operate at average load without refueling and what are your refueling plans?
- Describe the locations in your network where actions need to be taken to harden the communications infrastructure for risk, including but not limited to, wildfires and PSPS events. Provide a list of specific locations that allow emergency responders to understand where catastrophic events (wind, water, fire, earthquake and subsidence) may have local and regional reliability impacts. This must include areas and communities where fiber backhaul routes do not have adequate hardening or physical redundancy.
- Provide the reports of outages which you sent to the FCC for each day of the recent Disaster Information Reporting System (DIRS) activation in California.

2. Engagement and timely responsiveness to requests from Cal OES and CAL FIRE.

Cal OES Director Ghilarducci has recently identified concerns related to information sharing and coordination with local governments, especially county emergency management departments during emergency events. The November 1, 2018 workshop identified problems that emergency agencies have with getting timely and correct information from the communications providers. They include, but are not limited to,

general communication processes and procedures, accuracy and timeliness of providing relevant information, and establishing two-way communication channels that enable the utilities to address local concerns. Though a representative of the communications companies through the California Utilities Emergency Association (CUEA), has a desk in the state warning center, the Director was clear that there was a lack of participation and transparency during the recent events. Therefore, communication providers are directed to take immediate corrective actions that, at a minimum, include:

- Confirm the name of an Emergency Operations Center (EOC) liaison that can be present 24/7 in the state operations center during emergency response events. The EOC liaisons shall be trained in emergency response, in accordance with Standardized Emergency Management System (SEMS) and have working knowledge of utility operations and business processes.
- Develop and implement processes that will ensure that County EOC liaisons will have the latest information during PSPS and wildfire events and are enabled and empowered to resolve local issues as they arise.
- Establish a more effective communication structure with state, county and tribal government emergency management personnel. This communications structure shall be separate and unique from general updates to local governments and other stakeholders to allow for emergency personnel to receive the support and information required to properly respond.

3. Compliance with D.19-08-025.

Decision 19-08-025 directs communications carriers to provide a minimum level of consumer protections and safety actions in the case of a declared disaster. Based on responses we have received so far, the CPUC needs to hear more specifics about what you are doing, and provide specifics such as what equipment and when.

Some of you have objected to the adoption of additional rules for various reasons. However, it has become apparent that your independent efforts over the past two years have been insufficient to meet the public safety expectations of customers and information demands of state and local emergency managers during critical power outages and emergencies. This isn't just a matter of inconvenience, it's an unacceptable and avoidable matter of life or death for many who need your services at the most critical times.

We no longer have the luxury of time and cannot wait any longer to address these problems. In just the past two years, our state has experienced the deadliest and most catastrophic wildfires in its history. Our reliance on communications services has never been greater – from issuing

public alerts and warnings to critical situational awareness data for first responders on the front lines.

Now is the time for you and your companies to join with the CPUC and step up to address these issues before we experience another devastating wildfire or the unfortunate need for widespread Public Safety Power Shutoffs in California.

Sincerely,

A handwritten signature in blue ink that reads "Marybel Batjer". The signature is fluid and cursive, with a large initial "M" and "B".

Marybel Batjer, President
California Public Utilities Commission

cc: Honorable Governor Gavin Newsom
Governor of the State of California

Liane Randolph, Commissioner
California Public Utilities Commission

Martha Guzman Aceves, Commissioner
California Public Utilities Commission

Cliff Rechtschaffen, Commissioner
California Public Utilities Commission

Genevieve Shiroma, Commissioner
California Public Utilities Commission

Mark Ghilarducci, Director
California Governor's Office of Emergency Services

Thomas Porter, Director
California Department of Forestry and Fire Protection (CAL FIRE)

Amy Tong, Director
California Department of Technology