

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

Resolution Extending De-Energization
Reasonableness, Notification, Mitigation and
Reporting Requirements in Decision 12-04-024 to
all Electric Investor Owned Utilities

Res. ESRB-8
(May 30, 2018)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the **JOINT OPENING COMMENTS**, to all persons listed on the attached “Distribution (Service) List for Resolution ESRB-8” that was appended to the Notice of Availability of Draft Resolution ESRB-8 dated May 30, 2018 (“Notice”), as well as to the Communications Division staff representative identified in the Notice, Lana Tran, via electronic mail.

Executed this 28th day of June 2018, at San Francisco, California.

AT&T SERVICE, INC.
430 Bush Street, 3rd Floor
San Francisco, CA 94108

/s/

Michelle K. Choo

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

Resolution Extending De-Energization
Reasonableness, Notification, Mitigation and
Reporting Requirements in Decision 12-04-024 to
all Electric Investor Owned Utilities

Res. ESRB-8
(May 30, 2018)

JOINT OPENING COMMENTS

Jesús G. Román
Public Policy & Legal Affairs
15505 Sand Canyon Ave. D204 (D2R936)
Irvine, CA 92618
Tel: (949) 286-7202
E-mail: jesus.g.roman@verizon.com

Attorney for Cellco Partnership

Kristin L. Jacobson
Law Offices of Kristin L. Jacobson
491 Gray Court, Suite 1
Benicia, CA 94510
Cell: (707) 816-7583
Office: (707) 742-4248
E-mail: Kristin@kljlegal.com

Outside Counsel to Sprint Communications

Jerome F. Candelaria
California Cable & Telecommunications
Association
1001 K Street, 2nd Floor
Sacramento, CA 95814
Tel: (916) 446-7732
Fax: (916) 446-1605
E-mail: jerome@calcable.org

*Attorney for California Cable &
Telecommunications Association*

David J. Miller
430 Bush Street, Room 310
San Francisco, CA 94108
Tel: (415) 268-9497
E-mail: davidjmiller@att.com

Attorney for AT&T

Leon M. Bloomfield
Law Offices of Leon M. Bloomfield
1901 Harrison Street, Suite 1400
Oakland, CA 94612
Direct: 510.625.1164
E-mail: lmb@wblaw.net

Attorney for T-Mobile West LLC

Mark P. Schreiber
Patrick M. Rosvall
Cooper, White & Cooper LLP
201 California Street, 17th floor
San Francisco, CA 94111
Tel: (415) 433-1900
E-mail: smalllecs@cwclaw.com

*For Consolidated Communications of
California Company (U 1015 C) and the
Small LECs*

Dated: June 28, 2018

Suzanne Toller
James W. Tomlinson
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Tel: (415) 276-6500
Fax: (415) 276-6599
E-mail: suzannetoller@dwt.com
E-mail: jimtomlinson@dwt.com

*For Comcast Phone of California, LLC;
Cox Communications California, LLC;
Cox California Telcom, LLC; and
Crown Castle*

Charles H. Carrathers III
Frontier Communications
2560 Teller Road
Newbury Park, CA 91320
Tel: 805-375-4374
E-mail: chuck.carrathers@ftr.com

For Frontier Communications

James W. McTarnaghan
Perkins Coie LLP
505 Howard Street, Suite 1000
San Francisco, CA 94105
Tel: (415) 344-7007
Email: jmctarnaghan@perkinscoie.com

*For Charter Communications Operating,
LLC, by Charter Communications, Inc. its
Manager*

Jeanne B. Armstrong
Goodin, MacBride,
Squeri & Day, LLP
505 Sansome Street, Suite 900
San Francisco, CA 94111
Tel: (415) 392-7900
[E-mail: jarmstrong@goodinmacbride.com](mailto:jarmstrong@goodinmacbride.com)

For CTIA

SUBJECT INDEX

I.	INTRODUCTION.....	2
II.	PROPOSED PROCESS IMPROVEMENTS.....	3
	A. DE-ENERGIZATION INFORMATIONAL WORKSHOPS	3
	B. NOTIFICATION.....	3
	C. REPORTING	4
	D. POST-EVENT ANALYSIS & PROCESS IMPROVEMENT	5
III.	CONCLUSION	5

Pursuant to Rule of Practice and Procedure 14.5, Pacific Bell Telephone Company d/b/a AT&T California (U 1001 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)) (collectively, “AT&T”); California Cable and Telecommunications Association (CCTA); Cellco Partnership (U 3001 C) d/b/a Verizon Wireless; Consolidated Communications of California Company (U 1015 C); the Small LECs;¹ Sprint Communications Company, L.P. (U 5112 C), Sprint Spectrum L.P. (U 3062 C), and Virgin Mobile USA, L.P. (U 4327 C) (collectively, “Sprint”); T-Mobile West LLC d/b/a T-Mobile (U 3056 C); Comcast Phone of California, LLC (U 5698 C); Cox Communications California LLC; Cox California Telcom, LLC (U 5684 C); Crown Castle;² Charter Communications Operating, LLC, by Charter Communications, Inc., its Manager; Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of California (U 1024 C), Frontier Communications of the Southwest Inc. (U 1026 C), and Frontier California Inc. (U 1002 C) (collectively, “Frontier”); and CTIA³ (hereinafter, collectively, “Joint Parties”) submit the following opening comments on the “Resolution Extending De-Energization Reasonableness, Notification, Mitigation and Reporting Requirements in Decision 12-04-024 to all Electric Investor Owned Utilities,” mailed May 30, 2018 (hereinafter, “Resolution”). Joint Parties generally support the effort to establish more specific and comprehensive de-energization

¹ The Small LECs are the following incumbent local exchange carriers: Calaveras Telephone Company (U 1004 C), Cal-Ore Telephone Co. (U 1006 C), Ducor Telephone Company (U 1007 C), Foresthill Telephone Co. (U 1009 C), Happy Valley Telephone Company (U 1010 C), Hornitos Telephone Company (U 1011 C), Kerman Telephone Co. (U 1012 C), Pinnacles Telephone Co. (U 1013 C), The Ponderosa Telephone Co. (U 1014 C), Sierra Telephone Company, Inc. (U 1016 C), The Siskiyou Telephone Company (U 1017 C), Volcano Telephone Company (U 1019 C), and Winterhaven Telephone Company (U 1021 C).

² “Crown Castle” refers to the following entities: CA – CLEC LLC d/b/a Crown Castle CA-CLEC LLC (U 6936 C); Crown Castle NG West LLC (U 6745 C); Freedom Telecommunications, LLC (U 7110 C); NewPath Networks, LLC (U 6928 C); Sunesys, LLC (U 6991 C); and Wilshire Connection, LLC (U 6076 C).

³ CTIA – The Wireless Association® (“CTIA”) (www.ctia.org).

requirements for electric investor-owned utilities (“IOUs”) and appreciate the opportunity to propose process enhancements to protect public health and safety, including appropriate notice procedures.

I. INTRODUCTION

De-energization may be a useful tool in protecting public safety if appropriately implemented. For example, de-energization may remove one potential source of fire ignition in a severe wind storm, earthquake or other natural disaster. However, de-energization can also create or exacerbate a host of significant risks to public safety by disrupting critical services, such as those provided by first responders, medical facilities, water companies and communications companies and otherwise isolating communities in need. In addition, de-energization may interfere with the ability to operate vital equipment such as water pumps, garages, home health equipment, and traffic lights -- all of which can play important roles in mitigating disasters and facilitating evacuations of a given area where necessary. Accordingly, any decision to de-energize by an IOU must involve the careful and deliberate balancing of the potential impacts to all stakeholders to ensure that a decision to de-energize will truly advance public safety overall. An IOU’s decision to de-energize is only reasonable if the public benefits of de-energization outweigh the public risks of de-energization.⁴

As the Commission is aware, Joint Parties provide communications services to consumers, first responders, and others throughout the State. In the event of an emergency or a natural disaster, communication services play a very significant role in facilitating and promoting public safety. For example, communications providers enable federal and state Emergency Alert System (“EAS”) messages and warnings, 911 and reverse-911 calling, and are relied upon by first responders, federal and state agencies as well as media outlets delivering 24-hour local news coverage in real time as catastrophic events unfold. They also provide families with the ability to be in touch with one another during emergencies and first responders with the ability to deploy

⁴ Decision 12-04-024 (at p. 30) establishes that the Commission will review the reasonableness of de-energization decisions: “Any decision by SDG&E to shut off power under its statutory authority may be reviewed by the Commission pursuant to its broad jurisdiction over matters regarding the safety of public utility operations and facilities. The Commission may decide at that time whether SDG&E’s decision to shut off power was reasonable and qualifies for an exemption from liability under SDG&E’s Electric Tariff Rule 14.”

resources as effectively as possible. To facilitate the continued operation of these critical services, and to ensure that the full potential impact of any de-energization is properly considered, the Joint Parties suggest the following modifications to the Resolution and the Commission's de-energization processes.

II. PROPOSED PROCESS IMPROVEMENTS

The below proposals are intended to assist in the development of a shut-off process that minimizes the impact on communications services during a power shut-off while maximizing the safety of the public during emergency situations.

A. De-Energization Informational Workshops

Joint Parties request that the proposed De-Energization Informational Workshops be expanded or supplemented to include working sessions dedicated to identifying the full potential impact of de-energization on public safety and on other stakeholders, including but not limited to communities of interest, consumers, first responders, and communication companies, while ensuring that those considerations are taken into account before any decision to de-energize takes place. It is extremely important that affected entities understand the details of the electric companies' de-energization plans, including its geographic scope, and be able to provide feedback to highlight issues and help facilitate improvement of the plans. However, the Resolution does not expressly provide that the workshops will include such working sessions, or even that communications companies will be invited to participate in the workshops. As explained above, communications services can be crucial during periods of extreme fire hazard. Joint Parties respectfully request that the Resolution be modified to include working sessions addressing the impact on the provision of communications services and add communications companies to the list of invited entities. The working sessions should also be used to identify clear criteria for what constitutes "extreme fire danger" or other emergency situations in which de-energization could be considered by the IOUs as an option.

B. Notification

As the Resolution recognizes, notification is an important element of the de-energization process. Communications providers use a variety of approaches to mitigate the impact of power outages on communications services. One example is the timely mobilization and deployment of

backup batteries and backup generators or other energy resources. Regardless of the approach, communications carriers cannot develop an effective response plan and properly manage their resources without first receiving advanced, accurate information about the timing, location and extent of any proactive power shut-offs.

Therefore, in order to provide time for planning and any necessary actions and deployments, Joint Parties recommend that IOUs provide advance notification to communications providers in all cases of power de-energization as soon as an IOU determines a power shut off is likely and further recommend that the notice include detailed information about the geographic scope of the planned de-energization. The IOUs should then follow-up with on-going notifications regarding the anticipated duration of the de-energization and time of restoral. To address these issues, the Joint Parties request that the Informational Workshops also be expanded to include working sessions with the IOUs to determine the timing, contents and method of notification, as well as any additional information that can be provided in advance of an actual de-energization event regarding the IOU's plans for de-energization.

C. Reporting

Resolution ESRB-8 acknowledges “[i]ncreased coordination, communication and public education is the surest way to increase public safety and minimize adverse impact from de-energization.” But ESRB-8 does not specifically direct the IOUs, in their post-event reporting, to demonstrate that California's communications providers, or any other stakeholders, were provided with adequate and timely notice of the planned de-energization event. To ensure that the Commission is receiving complete information regarding those de-energization events, the Joint Parties request that ESRB-8 require that the post shut-off report be made available to the public for review and comment. This would provide communications providers and other stakeholders with an opportunity to provide additional information to the Commission where warranted.

ESRB-8 should therefore be modified to require that all such post-event reports submitted to the Consumer Protection and Safety Division (“CPSD”) regarding a preemptive de-energization event be made available and be posted on both the IOU and Commission's websites. The report can be posted in a public form, with any confidential version of the report being made available upon execution of an appropriate non-disclosure agreement. The public version of the report should also be noticed in the Commission's Daily Calendar along with an invitation for timely

comment. The Commission cannot accurately assess an IOU de-energization event without feedback from all stakeholders, including communications providers.

D. Post-Event Analysis & Process Improvement

The Joint Parties also recommend that the Commission consider how best to evaluate any de-energization decision and determine whether the IOU exercised its authority to shut-off power reasonably and met the threshold criteria set forth in this Resolution and Decision 12-04-024. Any such evaluation process will require the input and feedback of all stakeholders, not just the IOUs charged with making the decision to de-energize. Ultimately, this information can then be used to, among other things, propose improvements to the process for future events as each de-energization event has the potential to provide valuable lessons that can be applied to improve the de-energization process for the future.

III. CONCLUSION

Joint Parties respectfully request the Resolution be modified as described above and adopted by the Commission.

DATED: June 28, 2018

Respectfully submitted,

/s/
DAVID J. MILLER

AT&T Services Inc.
430 Bush Street, Room 310
San Francisco, CA 94108
Tel: (415) 268-9497
Fax: (281) 664-9478
E-mail: davidjmiller@att.com

Attorney for AT&T⁵

⁵ Pursuant to Rule 1.8(d) of the Commission's Rules of Practice and Procedure, attorneys for the Joint Parties authorize David Miller to sign and submit this pleading on their behalf.