

Introduced by Senator McGuire
(Coauthors: Senators Dahle, Dodd, Glazer, and Nielsen)
(Coauthors: Assembly Members Berman, Levine, and Wood)

February 9, 2021

An act to amend Section 53122 of the Government Code, and to add Sections 776.2 and 914.8 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 341, as introduced, McGuire. Telecommunications service: outages.

(1) Existing law requires the Office of Emergency Services, on or before July 1, 2020, by regulation, to adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the risks to public health and safety resulting from the outage. Existing law requires all providers of telecommunications service that provide access to 911 service to notify the office whenever a community isolation outage occurs that limits their customers' ability to make 911 calls or receive emergency notifications. Existing law requires those community isolation outage notifications to include certain information, including a description of the estimated area and community affected by the outage.

This bill would require each provider of telecommunications service to maintain on its internet website a public outage map showing that provider's outages, and would require the office, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those maps, as specified. The bill would require the office to provide the commission with all of the information provided to it as part of a telecommunications service provider's

community isolation outage notification and to aggregate that data and post that aggregated data on its internet website. The bill would require the commission to annually report to the Legislature on the commission's actions taken based on that information provided by the office.

(2) Under existing law, the commission has regulatory authority over public utilities, including telephone corporations. Existing law requires the commission to develop and implement performance reliability standards for backup power systems installed on the property of residential and small commercial customers by a facilities-based provider of telephony services upon determining that the benefits of the standards exceed the costs.

This bill would require the commission, in consultation with the office, to develop and implement backup electrical supply rules to require providers of telecommunications service to maintain backup electrical supply for their telecommunications infrastructure sufficient to maintain telecommunications service for at least 72 hours, except as provided.

(3) Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because certain provisions of this bill would be parts of the act and because a violation of a commission action implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53122 of the Government Code is
- 2 amended to read:
- 3 53122. (a) For purposes of this section, the following
- 4 definitions apply:
- 5 (1) "Office" means the Office of Emergency Services.

1 (2) “Telecommunications service” has the same meaning as
2 defined in Section 2892.1 of the Public Utilities Code, but does
3 not include voice communication provided by a provider of satellite
4 telephone service.

5 (b) (1) (A) On or before July 1, 2020, the office, by regulation,
6 shall adopt appropriate thresholds for determining whether a
7 telecommunications service outage constitutes a community
8 isolation outage based on the risks to public health and safety
9 resulting from the outage.

10 (B) *On or before July 1, 2022, the office, in consultation with*
11 *the Public Utilities Commission, by regulation, shall adopt*
12 *requirements for the public outage maps maintained by*
13 *telecommunications service providers pursuant to subdivision (f).*
14 *Those requirements shall include the format of, requirements for*
15 *updating, and the level of detail to be included in the public outage*
16 *maps derived from community isolation outages.*

17 (2) In adopting regulations pursuant to paragraph (1), the office
18 shall comply with the rulemaking process in Chapter 3.5
19 (commencing with Section 11340) of Part 1 of Division 3 of Title
20 2, and issue, on or before January 1, 2020, the notice required by
21 ~~Section 11346.5. 2.~~

22 (3) Notwithstanding any other law, the office may issue
23 emergency regulations in accordance with the process in Section
24 11346.1 if necessary to meet the deadline in paragraph (1).

25 (c) (1) Upon the adoption of regulations pursuant to subdivision
26 (b), all providers of telecommunications service that provide access
27 to 911 service shall notify the office whenever a community
28 isolation outage occurs that limits their customers’ ability to make
29 911 calls or receive emergency notifications. The community
30 isolation outage notification shall be provided within 60 minutes
31 of discovery of the outage by the provider, and the office shall be
32 responsible for notifying any applicable county office of emergency
33 services, the sheriff of any county, and any public safety answering
34 point affected by the outage. The community isolation outage
35 notification to the office shall be by a medium specified by the
36 office, and shall include the telecommunications service provider’s
37 contact name and calling number and a description of the estimated
38 area affected by the outage and the approximate communities,
39 including cities, counties, and regions, affected by the outage. The

1 telecommunications services provider shall also notify the office
2 by a medium specified by the office of both of the following:

3 ~~(1)~~

4 (A) The estimated time to repair the outage.

5 ~~(2)~~

6 (B) When achieved, the restoration of service.

7 *(2) The office shall provide the Public Utilities Commission*
8 *with all of the information provided to it pursuant to paragraph*
9 *(1).*

10 *(3) The office shall aggregate the data provided to it pursuant*
11 *to paragraph (1) and shall post that aggregated data on its internet*
12 *website. The aggregated data shall not name individual*
13 *telecommunications service providers.*

14 (d) The telecommunications service provider shall ensure that
15 the calling number provided to the office with the community
16 isolation outage notification is staffed by a contact person who
17 shall be available to respond to inquiries about the outage at all
18 times until the provider notifies the office that service has been
19 restored.

20 (e) Except as provided in subdivision (c), the office shall keep
21 community isolation outage notifications confidential and shall
22 not disclose the contents of the notifications.

23 *(f) Upon the adoption of regulations pursuant to subparagraph*
24 *(B) of paragraph (1) of subdivision (b), each provider of*
25 *telecommunications service that provides access to 911 service*
26 *shall maintain on its internet website a public outage map showing*
27 *that provider's outages.*

28 SEC. 2. Section 776.2 is added to the Public Utilities Code, to
29 read:

30 776.2. (a) For purposes of this section, “telecommunications
31 service” has the same meaning as defined in Section 2892.1, but
32 does not include voice communication provided by a provider of
33 satellite telephone service.

34 (b) The commission, in consultation with the Office of
35 Emergency Services, shall develop and implement backup electrical
36 supply rules to require providers of telecommunications service
37 to maintain backup electrical supply for their telecommunications
38 infrastructure sufficient to maintain telecommunications service
39 for at least 72 hours, except as provided in subdivision (c).

1 (c) In developing and implementing backup electrical supply
2 rules pursuant to subdivision (b), the commission shall consider
3 best practices and the feasibility of the rules. In considering best
4 practices and feasibility, the commission may allow, in appropriate
5 circumstances, providers of telecommunications service to maintain
6 backup electrical supply for their telecommunications infrastructure
7 sufficient to maintain telecommunications service for less than 72
8 hours.

9 SEC. 3. Section 914.8 is added to the Public Utilities Code, to
10 read:

11 914.8. The commission shall annually report to the Legislature
12 on the commission's actions taken based on the information
13 provided to it pursuant to Section 53122 of the Government Code.

14 SEC. 4. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.