
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**

**Senator Steven Bradford, Chair
2023 - 2024 Regular**

Bill No: AB 2765 **Hearing Date:** 6/18/2024
Author: Pellerin
Version: 4/15/2024 Amended
Urgency: No **Fiscal:** Yes
Consultant: Sarah Smith

SUBJECT: Public Utilities Commission: reports: telecommunications service: backup electricity

DIGEST: This bill requires the California Public Utilities Commission (CPUC) to annually report to the Governor and Legislature on audits and inspections of telecommunications providers' compliance with CPUC backup power requirements.

ANALYSIS:

Existing law:

- 1) Authorizes the CPUC to regulate public utilities, including the infrastructure of those utilities. Existing law requires every utility to maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities as needed to ensure the safety, health, comfort, and convenience of its patrons, employees, and the public. (Public Utilities Code §451)
- 2) Requires the CPUC to develop and implement backup power rules directing telecommunications providers to submit plans to maintain backup power for their infrastructure to ensure that telecommunications services can sustain operations for at least 72 hours in the event of an electric power outage. (Public Utilities Code §776.2)
- 3) Establishes annual reporting requirements for the CPUC, including requiring the CPUC to annually submit a report to the Legislature and Governor by February 1, containing all of the following:
 - a) A workplan that details scheduled proceedings and decisions the CPUC may consider during the calendar year.

- b) Performance criteria of the CPUC and its executive director and an evaluation of the CPUC and executive director based on the prior year's workplan.
 - c) An accounting of the CPUC's transactions and proceedings from the prior year.
 - d) A summary of activities taken to solicit input from diverse regions of the state in rate-setting and quasi-legislative proceedings.
 - e) A list of public meetings held outside San Francisco in the prior year, and a schedule of meetings to be held outside San Francisco in the upcoming year.
 - f) A list of actions the CPUC has taken to address telecommunications outages impacting 9-1-1 services, a summary of deenergization event trends and the effect of deenergization events on telecommunications service and public safety, and an analysis of how the impacts of deenergization events on telecommunications service could be mitigated. (Public Utilities Code §910)
- 4) Requires the CPUC to publish this annual report on its website, as specified. (Public Utilities Code §910)

This bill:

- 1) Expands the information that the CPUC must include in its annual report to the Governor and Legislature to include a description of the audits and inspections the CPUC conducted to ensure compliance with its backup power rules for telecommunications services.
- 2) Specifies that this description must include a list of violations identified and any corrective action taken for those violations.

Background

A brief history of the CPUC's backup power rules. Between 2017 and 2020, telecommunications outages stemming from catastrophic wildfires and electric utility deenergization events had major impacts on 9-1-1 and emergency alert services. In response to these events, the Senate Committee on Energy, Utilities and Communications held an oversight hearing in January 2020 to discuss the causes, impacts, and opportunities to address these telecommunications outages. Following this hearing, the CPUC adopted the following decisions establishing backup power requirements for telecommunications facilities:

- D.20-07-011 requires facility-based wireless telecommunications providers to file communications resiliency plans, which must identify certain steps

providers will take to maintain service during outages and restore service after outages. The decision also required wireless providers to ensure that their facilities have sufficient backup power in the Tier 2 and Tier 3 fire threat areas to operate for 72 hours in the event of a power outage.

- D.21-02-029 requires wireline telecommunications providers, including VoIP providers, to file communications resiliency plans detailing the steps providers will take to maintain service during emergencies and restore service from outages. The decision also adopted a 72-hour backup power standard for certain wireline telecommunications facilities in Tier 2 and Tier 3 fire threat areas.

The Legislature also passed SB 341 (McGuire, Chapter 425, Statutes of 2021), which codified the CPUC's authority to require 72 hours of backup power for certain telecommunications facilities.

Following the CPUC's adoption of these backup power requirements, facilities-based telecommunications providers submitted advice letters detailing the status of their backup power deployment and procedures for ensuring greater service resiliency in emergencies.

Need for Bill? This bill is aimed at establishing an oversight mechanism for the CPUC's backup power requirements. However, the CPUC has already established a process for conducting audits and oversight visits. This bill would require the CPUC's annual report to the Legislature and Governor to include specific information about each violation of its backup power rules and the CPUC's actions taken to address those violations. It is unclear whether indefinite annual legislative reporting of each violation and corrective action is necessary or beneficial to enabling effective legislative oversight or compliance with CPUC rules.

Need for Amendments. As currently written, this bill requires a list of violations that may entail disclosures about the location of sensitive telecommunications infrastructure. Additionally, the list required by this bill may not help identify trends in compliance that would warrant further legislative oversight. *To the extent that the committee and author wish to maintain the safety of critical infrastructure and ensure that information reported to the Legislature is provided in a format that enables consistent year-over-year evaluation, the author and committee may wish to amend this bill to clarify that the CPUC should report any violations on an aggregated basis by company.*

Prior/Related Legislation

SB 341 (McGuire, Chapter 425, Statutes of 2021) required CPUC to establish resiliency plans for backup power requirements for certain telecommunications providers to ensure that service can be maintained for at least 72 hours during an electrical outage. The bill also requires certain telecommunications providers to establish and maintain public outage maps on their websites, and it requires Office of Emergency Services to adopt requirements for public outage maps established and maintained by telecommunications providers.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

The Utility Reform Network, Sponsor

OPPOSITION:

None recieved

ARGUMENTS IN SUPPORT: According to the author:

In the event of an emergency, the ability for fleeing residents to make phone calls and receive emergency notifications can quickly become a lifeline. Considering this in 2021, the Legislature directed the Public Utilities Commission to establish requirements for telecommunications providers to submit resiliency plans for maintaining backup electricity for telecommunication facilities for at least 72 hours during an emergency. However there is no clear oversight mechanism to ensure compliance with these resiliency plans. AB 2765 will establish oversight by requiring the Public Utilities Commission to publish the findings of their inspections of back-up power facilities across California.

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