
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**
Senator Ben Hueso, Chair
2019 - 2020 Regular

Bill No: AB 956 **Hearing Date:** 6/4/2019
Author: Diep
Version: 5/7/2019 As Amended
Urgency: No **Fiscal:** No
Consultant: Sarah Smith

SUBJECT: Telecommunications: automatic dialing-announcing devices:
emergency alert notifications

DIGEST: This bill exempts testing of enhanced 911 (E911) emergency
telephone systems from restrictions on the use of autodialers.

ANALYSIS:

Existing law:

- 1) Defines the term “public utility” and includes common carriers in the definition of a public utility. (Public Utilities Code §216)
- 2) Gives the California Public Utilities Commission (CPUC) the authority to supervise and regulate every public utility in the state and do all things necessary and convenient in the exercise of such power and jurisdiction. (Public Utilities Code §701)
- 3) Authorizes the CPUC to regulate the connection of automatic dialing-announcing devices to a telephone line, establishes restrictions on the use of autodialing systems, and prohibits the use of autodialing systems that does not comply with the restrictions. Unless exempted from restrictions on autodialing systems, a person may not send calls through an autodialing system between 9 p.m. and 9 a.m. California time. (Public Utilities Code §2872(a-c))
- 4) Establishes exemptions to the limitations on autodialing system use for certain lawful purposes, including sending emergency messages from law enforcement agencies, fire protection agencies, public health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with at least one of these public agencies. (Public Utilities Code §2872 (d-f))

- 5) Establishes California's 911 telecommunications service, requires every local public agency operating firefighting, police, ambulance, medical, or other emergency services to establish and operate a 911 service, and requires Office of Emergency Services (OES) to coordinate the implementation of 911 systems and support local agencies in the operation and improvement of 911 systems. (Government Code §53100 et. seq./ *Warren 911 Emergency Assistance Act*)
- 6) Requires OES to develop a plan and timeline for the testing, implementation and operation of a Next Generation 911 emergency communication system, including text to 911 service, throughout California. (Government Code §53121)

This bill clarifies that testing of an E911 emergency telephone system for accuracy and system capabilities is an authorized use of autodialing systems and exempt from restrictions on those systems.

Background

Autodialing systems. Autodialing systems are electronic devices or software that automatically dials numbers to initiate calls. These calls may either deliver a pre-recorded message or connect a consumer to a live person. Since their inception, autodialing systems have generated significant consumer complaints related to robocalling. To address these concerns, federal and state governments have adopted restrictions to the use of autodialing systems. These restrictions generally authorize the use of autodialers and outline the lawful uses for these systems.

Autodialing systems can be beneficial for multiple purposes, including mass notifications from health, education, and emergency response agencies. Existing law specifies that autodialers may be used for the following purposes:

- By schools to contact pupils' guardians regarding attendance.
- By certain nonprofits for contacting members.
- By certain cable television companies for contacting customers about installation.
- By utilities to contact customers about installation and employees regarding emergencies.
- By refineries, chemical plants, and nuclear powerplants to advise the public, other agencies, and news media about an emergency.
- By law enforcement, fire protection, public health, public environmental health, city or county emergency services planning agencies, or any private for-profit agency operating under contract with these agencies for emergency notifications.

This bill adds testing an E911 emergency telephone system for data accuracy and emergency alert notification system capabilities to the list of purposes for which autodialer restrictions do not apply. While existing law exempts local emergency and law enforcement agency emergency notifications from limitations on autodialer use, existing law does not expressly exempt the testing of enhanced 911 systems from these limitations. This bill would provide this express exemption.

Enhanced 911. E911 services automatically provide additional location information about 911 calls that can help first responders reach the caller more quickly. When a 911 call is placed from a landline, a router searches a database of addresses, identifies the specific address associated with the phone number, and provides this information to the dispatcher. However, wireless and Voice Over Internet Protocol (VoIP) 911 calls can be placed from non-fixed locations and can require additional information to verify the address from which a call is placed. While wireless call locations can be identified through geographic targeting, this geographic information can be less precise than a specific physical address. For example, calls placed from different apartments within a multistory apartment complex may not appear as different geographic locations. As a result, dispatchers may need additional information to ensure that first responders can more quickly reach the specific location from which a 911 call is placed. To address concerns about the geographic specificity of wireless and VoIP 911 calls, the Federal Communications Commission (FCC) has proposed additional rules to require transmittal of accurate vertical location information within three meters for wireless 911 calls placed from indoors. The efficacy of E911 rules aimed at improving location accuracy can be evaluated through E911 testing. This bill ensures that E911 testing using autodialing systems is not restricted by limitations on the use of autodialers.

Prior/Related Legislation

AB 2179 (Lockyer, Chapter 877, Statutes of 1978) authorized the use of autodialing systems only under certain circumstances and required and required companies to apply to their telephone corporation and the CPUC for authorization to use an autodialing system.

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

SUPPORT:

Orange County Sheriff's Department (Sponsor)
California Fire Chiefs Association
California State Sheriffs' Association

Fire Districts Association of California
Orange County Board of Supervisors
Orange County Professional Firefighters Association, Local 3631

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the author:

AB 956 will make sure all Californians are properly notified during a natural disaster or region-wide emergency, regardless if they have a landline or cellphone. By allowing public safety agencies to test their emergency alert system, we are providing more transparency and safety for families all over California.

-- END --