



DATE: June 21, 2016

TO: The Honorable Mike Gatto, Chair
Assembly Utilities & Commerce Committee

RE: **Senate Bill 1250 (As Amended June 20th)**
OPPOSE UNLESS AMENDED

Dear Chair Gatto,

The communications companies and trade associations listed on this letter respectfully oppose Senate Bill 1250 unless it is amended to conform to the outage reporting requirements established by the Federal Communications Commission (FCC).¹

SB 1250 would impose new, burdensome and unworkable state-specific notification requirements on telecommunications providers for rural outages over “transport facilities” that persist for more than one hour after discovery. “Transport facilities” are defined as “components ... that connect network elements.” Under this vague and open-ended definition, almost every outage would be considered a “rural outage,” even if it involves just one cell site or one fiber circuit.

Equally problematic, SB 1250 would deviate from applicable FCC outage reporting rules, thresholds and timelines upon which our nationwide outage reporting systems are based. Currently, carriers report outages to the FCC, supplying that same report to the CPUC.² The FCC has given specific authority to the state commissions when appropriate. However, the FCC has not given any state commission the authority to deviate from FCC requirements and adopt new outage reporting requirements for wireless and VoIP services.

The FCC is also in the midst of a rulemaking to amend its outage reporting rules, in part, specifically to address rural outage reporting issues. Deviating from the national framework will cause needless complexity and burden for providers without providing any concomitant relief for consumers. These complexities and burdens will only be compounded when the FCC completes its rulemaking and issues new outage reporting rules applicable nationwide.

Outages can affect multiple areas, which makes it logistically impossible to identify whether an outage is in a rural county. Network operators do not segregate or otherwise distinguish their networks by rural, suburban or urban. An outage may impact part of a rural area,

¹ See 47 C.F.R. Part 4, <http://www.ecfr.gov/cgi-bin/text-idx?SID=76df334063d35b2dceff5337917df2b0&node=47:1.0.1.1.5&rgn=div5>, last accessed 3/30/2016.

² See FCC Network Outage Reporting System (NORS), <http://transition.fcc.gov/pshs/services/cip/nors/nors.html>, last accessed 3/30/2016.

part of a suburban area, and/or part of an urban area. Requiring network providers to provide an additional level of reporting specific to a rural county may not be possible.

While we appreciate that the recent amendments move the notice requirements from the Public Utilities Code to the Government Code, thereby removing California Public Utilities Commission (CPUC) rulemaking provisions, SB 1250 would still unnecessarily create unworkable state reporting requirements that deviate from FCC rules.

Instead, the coalition of communications companies and trade associations listed on this letter have proposed an alternative approach that would establish new obligations for the industry to notify the State Office of Emergency Services (OES) of significant outages – which is the author’s stated goal - while maintaining consistency with applicable FCC outage reporting rules, thresholds and timelines. Specifically, communications service providers would be required to notify OES whenever there is a reportable outage impacting either the 911 system or consumer voice services under the FCC’s rules. OES in turn may notify local officials as it sees fit. In addition, service providers would be obligated to provide a dedicated line for state OES officials to contact the company for information during service outages.

To be clear, this alternative approach is a change to existing law and would impose new state obligations on communications service providers. But by building off of applicable FCC outage reporting rules, thresholds and timelines, we believe it is more workable than the approach taken in the bill in print.

For these reasons, we respectfully ask you to oppose SB 1250 unless it is amended according to the attached language.

cc: The Honorable Mike McGuire
Members, Assembly Utilities & Commerce Committee
Sue Kateley, Chief Consultant, Assembly Utilities & Commerce Committee
Daryl Thomas, Policy Consultant, Assembly Republican Caucus

Enclosure