

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 486

Introduced by Senator McGuire

February 26, 2015

An act to ~~amend Section 16075~~ *amend, renumber, and add Section 2889.8 of the Public Utilities Code, relating to ~~public utility districts.~~ telecommunications.*

LEGISLATIVE COUNSEL'S DIGEST

SB 486, as amended, McGuire. ~~Public Utility Districts: ordinances.~~ *Telecommunications: reliability standards: 911 emergency service.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law requires the commission to periodically assess the reliability of the public telecommunications network and, if necessary, to develop recommendations for improvement. The assessment is required to include (1) an analysis of those factors that pose a risk to network reliability, including the adequacy of independent sources of reserve power; (2) consideration as to whether development of reliability standards is appropriate, and (3) consideration as to whether procedures should be developed to notify customers about accessing other telecommunications companies in the event of a service disruption.

This bill would require the commission, when considering the need for reliability standards, to consider standards governing the construction, operation, and maintenance of utility boxes, serving area interfaces, cross-connect facilities, cabinets, vaults, pedestals, and similar equipment located outside telephone corporation plant environments, particularly in areas that have previously experienced damage that caused a 911 outage, where the equipment is located in

areas of high risk of vandalism or accidental damage and in areas lacking redundancy for backup of the main network facilities serving the area.

The Warren-911-Emergency Assistance Act establishes the number “911” as the primary emergency telephone number for use in the state and requires the providing of enhanced service capable of selective routing, automatic number identification, or automatic location identification for all calls.

This bill would require the commission to establish service outage reporting and response requirements applicable to 911 network service providers and all facilities-based local exchange carriers, including requirements addressing outages impacting access to 911 emergency call centers. The bill would require the commission to set a threshold for reporting outages that requires the reporting of any outage involving 90,000 user minutes or 3,000 customers. The bill would authorize the commission to establish a more stringent threshold reporting requirement that ensures the timely reporting of outages impacting customers in sparsely populated areas of the state.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because this bill requires the commission to implement service outage reporting and response requirements, a violation of which would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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.

~~The Public Utility District Act authorizes the formation of public utility districts and authorizes a district to acquire, construct, own, operate, or control works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication, or means for the disposition of garbage, sewage, or refuse matter. The act provides for the election of a board of directors to govern each district and authorizes a board to act only by ordinance, resolution, or motion. The act provides that no ordinance passed by the board takes effect less than 30 days after its passage and requires that, at least one week before the expiration of this 30-day period, copies of~~

~~the ordinance be posted by the clerk of the district at 3 public places in the district and, if there is a newspaper of general circulation, requires that the ordinance be published in the newspaper, as specified.~~

~~This bill would require that no ordinance passed by the board take effect less than 45 days after its passage and would make conforming changes to the posting and publishing requirements.~~

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

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

1 SECTION 1. *This act shall be known, and may be cited, as the*
2 *911 Emergency Reliability and Public Safety Act.*

3 SEC. 2. *Section 2889.8 of the Public Utilities Code is amended*
4 *and renumbered to read:*

5 2889.8.

6 2889.7. The commission periodically shall assess the reliability
7 of the public telecommunications network and, if necessary,
8 develop recommendations for improvement. The assessment shall
9 include, but not be limited to, all of the following:

10 (a) An analysis of those factors that pose a risk to network
11 reliability, including the adequacy of independent sources of
12 reserve power.

13 (b) Consideration as to whether development of reliability
14 standards is appropriate. *The commission shall consider the need*
15 *for reliability standards governing the construction, operation,*
16 *and maintenance of utility boxes, serving area interfaces,*
17 *cross-connect facilities, cabinets, vaults, pedestals, and similar*
18 *equipment located outside telephone corporation plant*
19 *environments, particularly in areas that have previously*
20 *experienced damage that caused a 911 outage, which is a loss of*
21 *service that resulted in an inability of customers to access*
22 *emergency services by dialing 911, where the equipment is located*
23 *in areas of high risk of vandalism or accidental damage and in*
24 *areas lacking redundancy for backup of the main network facilities*
25 *serving the area.*

26 (c) Consideration as to whether procedures should be developed
27 to notify customers about accessing other telecommunications
28 companies in the event of a service disruption.

1 SEC. 3. Section 2889.8 is added to the Public Utilities Code,
2 to read:

3 2889.8. The commission shall establish service outage
4 reporting and response requirements applicable to 911 network
5 service providers and all facilities-based local exchange carriers,
6 including requirements addressing outages impacting access to
7 911 emergency call centers. The commission shall set a threshold
8 requiring the reporting of any outage involving 90,000 user minutes
9 or 3,000 customers. The commission may set a more stringent
10 threshold reporting requirement that ensures the timely reporting
11 of outages impacting customers in sparsely populated areas of the
12 state.

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

22 SECTION 1. Section 16075 of the Public Utilities Code is
23 amended to read:

24 16075. No ordinance passed by the board takes effect less than
25 45 days after its passage. At least one week before the expiration
26 of the 45-day period, copies of the ordinance shall be posted by
27 the clerk at three public places in the district, and if there is a
28 newspaper of general circulation printed and published in the
29 district, the ordinance shall be published in the newspaper pursuant
30 to Section 6061 of the Government Code.