

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



February 19, 2019

**VIA ECFS**

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Ex Parte - In the Matter of Wireless Resiliency, PS Dkt. 11-60; Access to the Network Outage Reporting System “NORS”, PS RM-11588; Rules Concerning Disruptions to Communications, PS Dkt. 15-80; Lifeline and Link-Up Reform and Modernization; WC Dkt. 11-42 Connect America Fund, WC Dkt. 11-90; Modernizing the E-Rate Program for Schools and Libraries, WC Dkt. 13-184; Modernizing the FCC Form 477 Data Program, WC Dkt. 11-10; and Bridging the Digital Divide for Low-Income Consumers, WC Dkt. 17-287.**

Dear Ms. Dortch:

On February 11, 2018, Martha Guzman Aceves, Commissioner of the California Public Utilities Commission (CPUC), met with Federal Communications Commission (FCC) Commissioner Geoff Starks. Also in the meeting were Cynthia Walker, Director of the CPUC Communications Division, Adenike Adeyeye, Chief of Staff to CPUC Commissioner Guzman Aceves and Randy Clarke, Acting Legal Advisor for Wireline and Public Safety for Commissioner Starks.

Commissioner Guzman Aceves discussed the efforts the CPUC is currently undertaking in California to prevent wildfires (including de-energization) and the need to improve our communications infrastructure and systems for more resilient communication during times of de-energization and wildfire response and after fire restoration. She shared that most failures in 2018 in the existing 9-1-1 network system were caused by hardware failures which are preventable with adequate investment and preventive maintenance. Other challenges discussed regarding this topic included: low subscription rates in opt-in notification systems by locals, wireless communications outages, communication systems experiencing overload, 911 operators not having evacuation info, and inadequate time for warning residents (30 minutes or less) due to how incredibly rapidly the fires spread. She also shared the findings of a Sonoma County alert study that found that wireless providers had different standards, protocols and different reaches for alerts. Commissioner Guzman Aceves shared that the CPUC would like to find where there is

joint jurisdiction between the CPUC and the FCC to restore wireless as infrastructure burns and address first responder concerns like the need for backup power for 911 selective routers.

Finally, Commissioner Guzman Aceves highlighted the need for California telecommunication providers to be better prepared for more frequent use of de-energization through having back-up storage and well-established lines of communications with the electric utilities, further improving the clearing of infrastructure for prevention, and improving coordination for warning systems.

Commissioner Guzman Aceves also provided background on how some of the current FCC Lifeline reforms could harm the California program, especially if done without a proper transition. She discussed CPUC's concerns regarding the National Verifier, the program budget and the issues surrounding limiting Lifeline to facility-based providers specifically focusing on concerns regarding timing and lack of engagement from facility-based providers.

Commissioner Guzman Aceves requested that the National Verifier not be transitioned until the verifier is provided access to the HHS Medicare and USDA SNAP databases.

Also discussed were the recent DC Circuit decision overturning the FCC's 2017 decision to limit tribal subsidies to facilities-based carriers, issues regarding whether to eliminate resellers and the need for bipartisan agreement that basic broadband should be part of Lifeline. Commissioner Guzman Aceves also discussed some of the pilots that the California Lifeline program hopes to implement this year, including a pilot to enhance the participation of older foster youth and re-entry populations. Finally, Commissioner Guzman Aceves thanked the Commissioner and the FCC for providing waivers for renewals for customers who reside in areas impacted by the wildfires in order to ensure they receive continuation of service.

In addition, Commissioner Guzman Aceves discussed California's broadband grant activities and program, and the need for areas served by the California Advances Services Fund to line up with the Connect America Fund (CAF), especially in CAF II areas. Commissioner Guzman Aceves described the challenges and drain on resources the CPUC has faced in obtaining data regarding whether an area is served as the carriers will not provide information on where they are building. Commissioner Guzman Aceves explained that the FCC could help substantially with this transparency issue by requiring USAC to collect data at the most granular level possible (address level), in order to avoid duplication of work at the state level for verifying if an area is in fact served or not.

Commissioner Guzman Aceves also discussed issues surrounding rural broadband access, including communities where fiber/cable is going through the community but the community (or part of a community) is not served (redlining); or when fiber is going to a school in the community, but the community is unserved. She shared that all tribal communities are located within 5 miles of existing fiber. She discussed communities like Oroville, where parts of the city continue to be unserved despite existing capacity from local carriers. Also discussed was Governor Brown's Initiative to get broadband access to all schools for testing. Many of those schools are receiving E-Rate funding but the communities around the school are not being

served. Schools are not able to allow the surrounding community to access their fiber without the risk of losing their E-Rate funding. Commissioner Guzman Aceves asked that schools not be in jeopardy of losing E-Rate funding. She noted that we do not want E-Rate to subsidize other builds, but in the underserved areas more flexibility and support would make service possible. In accordance with Section 1.1206 of the Commission's rules, a copy of this letter has been filed via ECFS. If you have any questions, please contact Marina MacLatchie at (916) 823-4747 or [Marina.MacLatchie@cpuc.ca.gov](mailto:Marina.MacLatchie@cpuc.ca.gov)

Respectfully submitted,

/s/ Martha Guzman Aceves

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Martha Guzman Aceves  
Commissioner  
California Public Utilities Commission