

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



August 21, 2018

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Ex Parte Notice *In the Matter of Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, PS Docket No. 15-80 and *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35

Dear Ms. Dortch:

The California Public Utilities Commission ("CPUC") submits this ex parte notice pursuant to 47 C.F.R. § 1.1206(b)(2). On August 20, 2015, CPUC staff, Helen Mickiewicz and Hien Vo Winter from the CPUC Legal Division, and Michael Amato, Charles Christiansen, and Karen Eckersley representing the CPUC Communications Division, had a conference call with Federal Communications Commission ("FCC") staff from the Public Safety and Homeland Security Bureau: John Healy, Julia Tu, Brenda Villanueva, Scott Mackoul, and Eric Schmidt. The attendees discussed two topics from the FCC's recent *Notice of Proposed Rulemaking* ("NPRM") published June 16, 2015 in the above-referenced dockets – wireless outage reporting metrics and the CPUC's Petition for direct access to the FCC's Network Outage Reporting System ("NORS") database.

In discussing the FCC's proposals related to wireless outages and the importance of obtaining wireless outage data in rural areas, CPUC staff explained that obtaining wireline outage data during emergencies in rural areas is and has been similarly important to the CPUC, given the prevalence of wildfires and other natural disasters and emergencies in California. Both wireline and wireless services are critical for both residents and emergency responders. In areas where there is weak or no wireless coverage, wireline service for residents is indispensable for saving lives and property when using phone tree-type notifications, emergency evacuation notifications by emergency agencies, attending to medical conditions, and checking on the status of people. In emergency situations, first responders rely upon wireless coverage for

communication among the many agencies (some of which are volunteer agencies who do not have police radios) using both CMRS and the supporting landline facilities for the periods when they are in the emergency area.<sup>1</sup> CPUC staff discussed various proposals that CPUC staff has considered in an attempt to better capture wireline outage data in rural areas and noted that the CPUC is currently considering this difficult issue.

In the course of the meeting, CPUC staff also emphasized the importance of granting California and other states direct access to state-specific outage data in NORS. CPUC staff reiterated the CPUC's arguments in its 2009 Petition as well as comments submitted to the FCC related to that Petition, including recent comments on the *NPRM*. CPUC staff clarified that the CPUC seeks *real-time* direct access to all California-specific outage reports (unlike Form 477 and numbering data,<sup>2</sup> both of which are provided to states well after the FCC receives them), because of the *immediate* need for states to swiftly address public safety and other concerns that arise during and after outages.

CPUC staff also clarified that the CPUC's references to numbering data or Form 477 data in its Petition and comments were only to show that there is precedent for the FCC to share with states data the FCC has deemed "confidential." The FCC's confidentiality requirements for states to access NORS data should be modeled after its confidentiality requirements for states to access numbering data in the North American Numbering Plan Association ("NANPA") database. To obtain numbering data from NANPA, the only confidentiality requirement imposed upon states by the FCC is for a state to certify that it has appropriate confidentiality protections in place. California Public Utilities Code section 583<sup>3</sup> and the CPUC's General Order (G.O.) 66-C<sup>4</sup> provide such protection and California has been receiving confidential numbering data from the FCC for many years.

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<sup>1</sup> CALFire currently has [18 active fires](#), and is coordinating the potential evacuations of thousands of people and the fire suppression efforts of firefighters and other first responders. Emergency responders temporarily live and work in the fire areas and need access to communication services at all times.

<sup>2</sup> The CPUC receives Form 477 data from the FCC approximately a year or more after the effective date of the data. The CPUC also has direct and immediate access to the NANPA database, however the data must be compiled by the administrator before it is uploaded to the database, which results in some lag time before the information is available. In contrast, for NORS data, carriers upload their outage information directly in the NORS database (and modify the notification reports with subsequent filings). This makes the NORS data readily available in real-time.

<sup>3</sup> Pub. Util. Code section 583 states: "No information furnished to the commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or a corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any such information is guilty of a misdemeanor." The text of section 583 is available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=puc&group=00001-01000&file=581-589>.

<sup>4</sup> G.O. 66-C is available on the CPUC's website at <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/644.PDF>.

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The CPUC has also been receiving NORS data directly from its regulated entities since 2009 and has properly protected that data from public disclosure.<sup>5</sup> Consistent with the FCC's treatment of NORS data as "confidential," the CPUC has also, through its General Order 133-C, deemed NORS data to be "confidential."<sup>6</sup>

Thank you for your assistance in making this information part of the record. If you have any questions about this notice, please do not hesitate to contact me at (415) 703-3651, or by e-mail at [hien.vo@cpuc.ca.gov](mailto:hien.vo@cpuc.ca.gov).

Sincerely,

/s/ HIEN VO WINTER

Hien Vo Winter  
Staff Counsel

HVW:abh

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<sup>5</sup> See *Decision Adopting General Order 133-C and Addressing Other Telecommunications Service Quality Reporting Requirements*, D.09-07-019, 2009 Cal. PUC LEXIS 320, also available at [http://docs.cpuc.ca.gov/PublishedDocs/WORD\\_PDF/FINAL\\_DECISION/104429.PDF](http://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/104429.PDF).

<sup>6</sup> *Id.*, Attachment 1 (General Order 133-C), Rule 4(c), at 10.