

Summary of Mendocino County's Recommendation on CPUC action, and how these recommendations are reflected in Commissioner Sandoval's Proposed Decision of Oct. 4th, 2016.

Oct 4th, 2016 Mendocino County submitted comments on Commissioner Sandoval's Ruling inviting party and public comments regarding issues raised and themes identified at Public Participation Hearings and Workshops. As Mendocino County is a party to this proceeding, we submitted detailed comments and recommendations relating specifically to our Ukiah Public Participation Hearing (PPH), and included our 2014 and 2015 outage reports as additional evidence.

On Nov. 16th, Commissioner Sandoval released her 169-page Proposed Decision in which she took information presented at all the PPH's held around the state, and made recommendations to the full PUC commission for adoption. **Nothing is legally binding in this document unless adopted/approved by the full Commission at their Dec. 12th, 2016 meeting.** Please note that this proceeding, opened in May 2014, remains OPEN, and there will be a Phase 2.

Since the vast majority of issues raised at the Ukiah PPH were related to landline phone issues and outage affects (not the problem of incomplete calls), this 8-page summary focuses on those issues. The most detailed recommendations are around the outage reporting issues.

Note that Mendocino County is mentioned or referenced dozens of times throughout the document, with specific quotes by our Sheriff and myself, and many generic quotes from our submitted comments. In addition, pages 96-100 provides detailed information about our 2014 outage, and pages 100-110 our 2015 outage. There is a lot of good reading in this document; I have attached a "high-lighted" version where anything that pertains to Mendocino has been highlighted. You will also find Findings of Fact (page 136), Conclusions (page 142) and "It is Ordered" (page 147) that are all informative (I didn't highlight all these pages, but they all pertain).

Also, there will be a Phase 2 of this proceeding which will explore which carriers should be required to report outages and which will convene a WORKING GROUP which will include parties to the proceeding (ie, Mendocino) to make further recommendations. Mendocino County public safety should definitely become part of this upcoming WORKING GROUP to advocate for adequate reporting standards.

Below is a summary of the recommendations supplied in our submitted comments from October 4th, (and realize that we submitted very strong recommendations) and then following (in RED) is a summary of what the Commissioner recommended in this Proposed Decision (PD) on the same topic.

1. (regarding diversity/redundancy) Mendocino County would like to bring to the Commission's attention the need for telecommunication carriers to provide both redundancy and diversity in their networks to provide resiliency. ...If a telecommunications carrier is considered to be a "Carrier of Last Resort" then redundant AND diverse routing should be absolutely mandatory and required... We ask the Commission to take action to require that all ILEC have redundant and diverse networks in the territories that they serve.

The PUC notes that states such as Colorado requires diverse routing to their 911 facilities (page 110).

We direct Consumer Protection and Enforcement Division (CPED) to investigate the events associated with the outages associated with fiber cuts on August 3, 2014, September 3, 2015, and December 9, 2015 to analyze whether carriers provided safe, reliable service was provided in compliance with Cal. Public Util. sections 451, and 709, and in compliance with California laws, and the Commission's rules, orders, and Decisions. CPED shall examine whether the carriers involved in the outage promptly notified PSAPs and took appropriate action to allow public safety officials to take prudent steps to facilitate emergency services access while 9 1 1 was down, and to protect public safety.

CPED shall examine whether the lack of route diversity contributed to the extent and length of the outages... CPED shall recommend whether to bring an adjudicatory OII or take other actions based on these outages in light of their scale, widespread loss of dial tone including access to 9 1 1 service, and effect on several types of services. (page 113)

We encourage carriers to offer diversity, resiliency, and redundancy options to Emergency Services Offices and public safety access managers.

2. (regarding legislative efforts to withdraw landlines) We recommend that the commission take action by continuing to strongly oppose any type of legislation that circumvents the established Commission process for the withdrawal of legacy services.

I did not see any reference to this recommendation.

3. (regarding facilities not being maintained) The Commission should take immediate action to follow up on the verifiable problems identified by all speakers, and require that such facilities are repaired.

At our November 10 meeting, the Commission adopted a resolution to establish a Telecommunications Citation program to monitor compliance with GO 95 (rules for aerial lines) and GO 133 (service quality standards). We anticipate that this citation

program will speed compliance with Commission pole and undergrounding safety orders. (page 95).

We direct the Commission's Consumer Affairs Branch (CAB) to reach out to the consumers who spoke at the PPHs about these issues and offer CAB's informal complaint resolution services. Those consumers may also file a formal complaint with the Commission.

Carriers shall not require a working phone number to initiate a trouble ticket (*a complaint in Sonoma County*). While carriers may suggest that a call back number is helpful, carriers may not make it a condition of initiating a repair ticket, scheduling a repair appointment, or executing repairs.(page 95)

4. (regarding speakers not able to attend): We ask the commission to follow up on these organizations/individuals as well: Sally Griggs, Cancer Resource Center, Camp Win-narainbow, John Pinches

Nothing was specifically mentioned in regards to this recommendation

5. (regarding the authorized but not yet started Network Evaluation Study) The Commission should also verify that telecommunications carriers are complying with the rules for reliable service by completing the currently authorized, and now overdue, Network Evaluation Study.

At the time of this writing, the Network Study Request for Proposal (RFP) is going through the Commission's contracting process and once that is completed an RFP will be issued for the study. (page 11)

6. (regarding quality of service) We ask the Commission to act to update and enforce service quality metrics, including timelines for service restoration and call wait times, and to hold telecommunications carriers accountable to these metrics with fines if they are not met.

This OII received information from many Californians that service calls were often scheduled by carriers five days later, even for Out of Service (OOS) calls. In analyzing the referrals from this Decision, we direct Consumer Protection and Enforcement Division (CPED) to consider the GO 133 D standard (*on service quality metrics with fines for violations*), as well as the obligation to provide safe, reliable service with adequate facilities, 9 1 1 access, and the duty to ensure that different localities do not "maintain any unreasonable difference as to rates, charges, service, facilities.. (page 13)

7. (regarding outage reporting thresholds) We request that the Commission act to put residents of our rural counties on an equal footing with residents of urban counties, and require adequate notification at a level appropriate for rural counties... The threshold of 90,000 user minutes is appropriate for rural counties ... All telephone companies, both wireline and wireless, should be required to report such outages.

The Proposed Decision (PD) recognized the problem and that there was a Data Gap: In regards to the 2015 outage, the CPUC states: “We applaud Mendocino County for their creative outreach to the National Weather Service to relay this information about connecting 9 1 1 during the outage.” (page 101)...National Weather Service Facebook posts to the public about how to access 9 1 1, do not substitute for carrier information to public safety officials or to the Commission. ...Public safety officials at the Sheriff’s Office, County OES, and police departments, as well as the Commission, should not have to depend on AT&T phone calls with an elected officials for 140 character tweets about the status of repairs.

The PD doesn’t think relying on the FCC reporting is enough (as recommended by the telecoms)

Carriers who replied on this issue (AT&T, California CTIA, Comcast, the California Cable & Telecommunications Association (CCTA)) argued that the Commission should defer to the FCC to set national outage standards and only require reporting based on the national thresholds the FCC sets (page 124)...TURN, CforAT, and the County of Mendocino argue that the Commission should adopt an outage reporting threshold of 90,000 user minutes.

This Commission must carry out its responsibilities under state law. We decline to defer to the FCC’s judgment about the federal outage reporting standard in lieu of analyzing and determining the appropriate type and level of information to be collected and reported in California to ensure public safety and reliability. We determine that additional reporting about outages to the Commission and local, county, and state Office of Emergency Services contacts is necessary to do so.(page 128)

The PD pointed out that other states report differently than ‘user minutes:’

The PUC notes that other states (Ohio, Nebraska) have reporting standards that are not based on user-minutes, and that if CA had such standards, the Mendocino outages would have required reporting.

An Ohio Local Exchange Carrier shall “submit, within two hours of discovery, to the commission’s outage coordinator and when appropriate, the news media in the affected area, a notification that it has experienced an outage,” expected to last for 30 minutes or more. (page 112)

The PD recognizes an “information void” and reduced the threshold from 900,000 minutes to 300,000 user minutes for reporting to the commission (not public safety agencies)

We determine that to meet the Commission’s duties under state law duties to ensure safe, reliable service, that calls are completed, the 9 1 1 access is available, and that service is reasonably comparable in California’s diverse regions, it is critical to fill the current information void about call failures and outages between the levels of individual calls for service and the Commission’s current limited access to FCC NORs data for large scale outages affecting at least 900,000 user minutes and last 30 minutes.

To close the data gap and provide safe, reliable, high quality service throughout California, we order respondent COLRS to begin within 60 days of the date of this Decision report to the Commission within 120 minutes of an outage of 300,000 user minutes that last 30 minutes or more.

We direct Communications Division to monitor reports of outages submitted to the Commission of 300,000 user minutes lasting 30 minutes or more...(page 17)

We direct Communications Division to develop a format for reporting to the Commission. (page 132)

The PD recommendation is a compromise between leaving it at 900,000 as recommended by the telecoms, and reducing it to 90,000 as recommended by Mendocino and TURN:

A 300,000 user minute reporting threshold is approximately 3.3 times larger than a 90,000 (typo, should be 90,000) user minute threshold suggested by Mendocino County, TURN and CforAT, and three times smaller than the 900,000 user minute threshold used by the FCC NORs standard and the GO 133 D major service interruption standard. (Page 133)

The PD encourages providers to voluntarily report outages to Public Safety Agencies:

We encourage all respondents to on a voluntary basis report outages of 300,000 user minutes that last 30 minutes or more ... to Cal OES, City, and County OES, and California federally recognized tribal OES official contacts. We encourage such reports to be made as soon as possible, and such reports should be communicated no later than 60 minutes after their discovery of such outages. (page 15)

The PD directs COLA’s to provide 24/7 contact information to Public Safety Officials:

We direct respondents to provide to city, county, and federally recognized tribal OES officials an emergency contact name and number available 24 hours a day, 7 days a week, and not just a general 800 or 8xx number. We direct a meet and confer with OES officials, Communications Division, and Safety and Enforcement Division (SED) to

discuss communications during and after emergencies such as fires and means to shorten the time for accessible communications. (page 14).

The PD directs the PUC to submit comments to the FCC requesting a review as to whether AT&T submitted adequate reports under NORs to the FCC for three Mendocino outages:

(page 3) We direct Communications Division and Legal Division to prepare a resolution to submit comments to the FCC to request review of whether service failures were adequately reported under Network Outage Reporting System (NORs) and FCC rules, orders, and Decisions, and federal law for the August 3, 2014, September 3, 2015, and December 9, 2015 outages in Mendocino, Humboldt, and Del Norte Counties.

TURN recommended the PUC investigate the outages further, and determine if penalties should be assessed. This PD agreed, and directs the Commission to do such an investigation which would also include analysis of the recent software upgrades that AT&T says will now prevent such outages, and find out why they didn't happen prior to the outages, how lack of diversity contributed to the outages, and if other actions should be taken.

In its response to the September 2016 ACR, TURN recommends the Commission instruct either its Communications Division and Safety and Enforcement Division Staff to further investigate, identify additional violations, and correct them, and to assess fines and penalties where violations are systemic, persistent and ongoing. In light of the extensive impact of each of the outages... we determine that examination by CPED is appropriate to determine if carrier action in association with these outages complied with California law and the Commission's rules, decisions, and orders.

We direct CPED to investigate the events associated with the outages associated with fiber cuts on August 3, 2014, September 3, 2015, and December 9, 2015 to analyze whether carriers provided safe, reliable service was provided in compliance with Cal. Public Util. sections 451, and 709, and in compliance with California laws, and the Commission's rules, orders, and Decisions. CPED shall examine whether the carriers involved in the outage promptly notified PSAPs and took appropriate action to allow public safety officials to take prudent steps to facilitate emergency services access while 9 1 1 was down, and to protect public safety.

CPED shall examine whether the lack of route diversity contributed to the extent and length of the outages. CPED shall analyze reports that software modifications were made to increase resiliency, and inquire why such modifications were not made prior to the outages of 2014 2015 in the Mendocino, Humboldt, and Del Norte regions. CPED shall recommend whether to bring an adjudicatory OII or take other actions based on these outages in light of their scale, widespread loss of dial tone including access to 9 1 1 service, and effect on several types of services.

Phase 2 of the this proceeding establishes a WORKING GROUP which will explore whether carriers should be required to report outages directly to Public Safety Agencies and at what level:

Phase II of this Proceeding will consider outage reporting requirements, including whether public reporting or reporting to the media should be required as this Commission requires for electric corporations. (page 16)

This Decision directs that Phase II of this Proceeding shall consider whether outage reporting should be made to those OES official contacts, what level of outages should be reported, and which types of carriers, if any, should be required to provide outage such reporting. A Working Group shall be convened in Phase II including Communications Division, Safety and Enforcement Division, the parties, and inviting Cal OES, City, County, and federally recognized tribal OES officials to discuss and recommend outage reporting thresholds, requirements, and protocols that reflect California's public safety needs and this Commission's responsibilities (page 134). Emergency Services officials to discuss whether outage reporting by carriers to public safety officials should be required, and, if so, policies, procedures, rules, thresholds, requirements, and protocols that reflect California's public safety needs and this Commission's responsibilities. (page 134)

911 Access issues (where public safety couldn't find specific addresses in an emergency) were also addressed:

To address 9 1 1 access issues raised in the course of this proceeding, we direct carriers to meet and confer with California's federally recognized tribes and County OES offices to determine if action is needed to make residential addresses visible to the 9 1 1 database, including assigning a unique address by mutual agreement in areas where all households currently have the same address.

The goal of the meet and confer is not to impose an address on tribal members, but to allow tribal members to get quicker access to emergency services through a commonly agreed to addressing system that will speed help to their door when needed. Carriers shall report to the Commission within 30 days of each meet and confer regarding the progress and substance of their meet and confer and mutual efforts to improve 9 1 1 location information on tribal lands in California. (page 115)

8. (regarding greater transparency between telecommunications companies and high-ranking county public safety officials): We ask the Commission act so that when official requests from high-level public safety officials for information in matters that potentially impact public safety are made to telecommunications carriers operating in their county, those carriers are required to provide that information in good faith, or to provide to the Commission a valid reason as to why that information cannot be shared.

This should be address in Phase 2 of this proceeding.

9. (regarding should the commission develop mechanism for public to report outages): Yes, the Commission should take steps to develop a reporting mechanism for the public to both report and receive information on prolonged outages and ongoing outages due to maintenance issues... The Commission should take action to develop a comparable requirement for telecommunications companies to report to the public the number of lines affected, and estimated time before repair... a method for the public to report outages and for that information to be publicly available is necessary.

The Commission should make it easier for consumers to tell the Commission about problems and trends, rather than relying on third party platforms to tweet or post carrier problems.

We direct the Commission's News and Public Information Office continue and enhance the Call Completion survey and reporting tool now available on the CPUC's Commission's web site developed during this OII, and to look into the feasibility of developing an App to allow for easy mobile input and viewing of material relevant to telephone corporation compliance with Commission rules including outages, 9 1 1 access and initiation failures, call completion failures, and any associated causes such as compliance with pole safety rules...(page 5)

Such a Commission site and app will help us monitor trends, identify compliance issues, and allow customers to share information about carrier service or outages. (page 102)

A "meet and confer" is directed to understand needs during a time of a natural disaster such as a wildfire, and county OES representatives will be invited:

To foster cooperation prior to emergency incidents, and understanding of mutual needs and opportunities, we direct the Safety and Enforcement Division and the Communications Division to convene a meet and confer between respondents and the California Utility Emergency Association (CUEA), the California Communications Association, and invite Cal OES, Cal Fire, the Governor's Tree Mortality Task Force, the Governor's Office of Tribal Advisor, Emergency Services representatives for federally recognizes tribes in California, County OES representatives, to discuss emergency communications needs, and options to improve speed of access to communications facilities and services during emergencies (page 120).

Carriers would be required to make a database available to county OES (although I don't understand what this database is...)

Within 90 days of the date of this Decision, we direct carriers to provide County OES offices with written information about how to obtain access to the database for the purpose of having 9 1 1 call constituents about evacuation or other such emergency messages. The information should detail the price for such database(s) and the process for obtaining it. Carriers shall work cooperatively with County OES and any local OES who wants to purchase the database to facilitate public safety and safe, reliable service.

There is a great discussion of “Software Related outages” and details of what happened in April 2014 with Intrada on page 39. During this software-driven outage, 11 million people were without 911 for 6 hours in 7 states (California, Florida, Minnesota, North Carolina, Pennsylvania, South Carolina, and Washington); it affected 81 9-1-1 call center, including 13 in California. Recommendations are found on page 45. We should learn more about these sorts of outages and research whether we are vulnerable to them with out new network upgrades.

The FCC observed that the April 9, 2014 multi state 9 1 1 outage was not an anomaly, but a flash point that indicates a pattern of software driven outages. The FCC concluded “What is most troubling is that this is not an isolated incident or an act of nature. So called “sunny day” outages are on the rise. That’s because, as 911 has evolved into a system that is more technologically advanced, the interaction of new and old systems is introducing fragility into the communications system that is more important in times of dire need.”

CPUC: We concur with the FCC, and similarly are concerned about the risks related to software driven outages. Frontier cited software driven issues as a key reason why more than 1,500 customers, as estimated by complaints to the FCC and the CPUC, who had functioning lines when they were Verizon, California customers, lost dial tone service including 9 1 1 access shortly after the Verizon, California Frontier transition in April 2016.

Regarding Call Completion Failures (not identified as a major problem in Mendocino but there were a few complaints, this PD directs the PUC to investigate carriers for more info and to draft comments for possible submission to the FCC:

We direct the Commission’s CPED to initiate investigations of the two major CPs, Verizon Business and Level 3 (who settled with the FCC and paid fines regarding Call Completion issues, and were ordered to take corrective actions on their handling of CCP), to obtain more information about the above mentioned gaps in their intrastate long distance traffic data for calls originating from or intended to a destination in California, and recommend appropriate action....

Carriers that experience call completion problems going forward shall provide information about the issue in a detailed letter to Communications Division. We direct Commission Division to analyze such letters, request data, and recommend appropriate action as needed. We delegate to Communications Division to develop reporting templates or guidelines for reporting call completion problems for California intrastate or interstate calls. (page 35)

We direct Communications Division and our Legal Division to draft comments for our consideration to file at the FCC about the data gaps and inconsistency in their RCCP database, and seek improvements in the reporting, data gathering, and monitoring process. (page 36) We adopt the CHCF A Fund Carriers suggestion that we direct the Commission's News and Public Information Office and Consumer Affairs Branch to develop and post on the web and through brochures consumer information about rural call completion failure issues and steps to take to help the Commission identify and resolve them. Customers should be encouraged to track the time and date of the failed calls, the telephone numbers of the called and calling parties, the carriers for the called and calling parties including the calling parties interexchange (long distance) carrier. CAB shall request this information if it receives a call completion complaint from the public.

