

**Introduced by Senator McGuire**  
**(Principal coauthor: Senator Stern)**  
**(Coauthors: Senators Dodd and Nielsen)**  
(Coauthors: Assembly Members Bloom, Gallagher, Levine, and Wood)

February 22, 2019

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An act to add Section 53122 to the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 670, as introduced, McGuire. Telecommunications: outages affecting public safety.

Existing provisions of 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. The act requires a telephone corporation serving rural telephone areas that cannot provide enhanced 911 emergency telephone service capable of selective routing, automatic number identification, or automatic location identification to present to the Office of Emergency Services a comprehensive plan detailing a schedule by which their facilities will be converted to be compatible with the enhanced emergency telephone system.

This bill would require a provider of telecommunications services, as defined, that provides access to 911 service to provide responder outage notification by electronic mail to the Office of Emergency Services whenever an outage occurs limiting the provider's customers' ability to make 911 calls or receive emergency notifications, within 60 minutes of discovering the outage. The bill would make the Office of Emergency Services responsible for notifying any applicable county

office of emergency services and the sheriff of any county affected by the outage. The bill would require the responder outage notification to the Office of Emergency Services to include the telecommunications provider's contact name, a calling number to be staffed as specified, and a description of the estimated area affected by the outage. The bill would require the telecommunications services provider to notify the Office of Emergency Services of the estimated time to repair the outage and when service is restored. The bill would require the office, except as provided, to keep the responder outage notifications confidential.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 53122 is added to the Government Code,  
2 to read:  
3 53122. (a) All providers of telecommunications services, as  
4 defined in Section 153(53) of Title 47 of the United States Code  
5 that provide access to 911 service shall provide responder outage  
6 notification to the Office of Emergency Services whenever an  
7 outage occurs that limits their customers' ability to make 911 calls  
8 or receive emergency notifications. Responder outage notification  
9 shall be provided within 60 minutes of discovery of the outage by  
10 the provider, and the Office of Emergency Services shall be  
11 responsible for notifying any applicable county office of emergency  
12 services and the sheriff of any county affected by the outage. The  
13 responder outage notification to the Office of Emergency Services  
14 shall be by electronic mail, and shall include the  
15 telecommunications provider's contact name and calling number  
16 and a description of the estimated area affected by the outage and  
17 the approximate number of telecommunications customers affected  
18 by the outage. The telecommunications services provider shall  
19 also notify the Office of Emergency Services by electronic mail  
20 of both of the following:

1 (1) The estimated time to repair the outage.

2 (2) When achieved, the restoration of service.

3 (b) The telecommunications service provider shall ensure that  
4 the calling number provided to the Office of Emergency Services  
5 with the responder outage notification is staffed by the indicated  
6 contact person, or by another contact person designated by the  
7 indicated contact person in the event the indicated contact person  
8 is unavailable. The contact person or designated person shall  
9 respond to inquiries about the outage at all times until the provider  
10 notifies the office that service has been restored.

11 (c) Except as provided in subdivision (a), the Office of  
12 Emergency Services shall keep responder outage notifications  
13 confidential and shall not disclose the contents of the notifications.

14 SEC. 2. The Legislature finds and declares that Section 1 of  
15 this act, which adds Section 53122 to the Government Code,  
16 imposes a limitation on the public's right of access to the meetings  
17 of public bodies or the writings of public officials and agencies  
18 within the meaning of Section 3 of Article I of the California  
19 Constitution. Pursuant to that constitutional provision, the  
20 Legislature makes the following findings to demonstrate the interest  
21 protected by this limitation and the need for protecting that interest:

22 The Federal Communications Commission has stated that  
23 telecommunications outage reports contain "sensitive data, which  
24 requires confidential treatment" because the data "could be used  
25 by hostile parties to attack those [telecommunications] networks,  
26 which are part of our Nation's critical information infrastructure"  
27 (In the Matter of New Part 4 of the Commission's Rules  
28 Concerning Disruptions to Communications (Aug. 19, 2004, FCC  
29 04-188)), and the Public Utilities Commission already treats  
30 information regarding telecommunications outages submitted to  
31 the commission as confidential. Therefore, the Legislature finds  
32 that the interest in public disclosure of contemporaneous  
33 telecommunications outage information submitted to the Office  
34 of Emergency Services is outweighed by the interest in protecting  
35 public safety.

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