

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member Aguiar-Curry

February 18, 2021

An act to add Section 914.8 to the Public Utilities Code, relating to communications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as introduced, Aguiar-Curry. Communications service: emergencies and disasters: reports.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations, electrical corporations, and water corporations. Existing law requires the commission to establish standards for disaster and emergency preparedness plans, as specified, and requires an electrical corporation and a water company regulated by the commission to develop, adopt, and update an emergency and disaster preparedness plan, as specified. Existing law requires the commission, in consultation with the Office of Emergency Services, to identify the need for telecommunications service systems not on customers' premises to have backup electricity to enable telecommunications networks to function, and to enable customers to contact a public safety answering point operator during an electrical outage, to determine performance criteria for backup systems, and to determine whether specified best practices for backup systems have been implemented by telecommunications service providers operating in California. Existing law requires that a facilities-based mobile telephony services provider undertake specified steps in preparation for receiving notifications regarding the

deenergization of electrical lines. Existing law requires the commission to report certain information to the Legislature.

This bill would, following a fire- or disaster-related state of emergency or a local emergency declared by the Governor, require the commission to collect specified information from telecommunications service providers relating to the provider's efforts to repair or replace communications infrastructure that was damaged as a result of the emergency or disaster. The bill would require that the information collected from telecommunications service providers by the commission be broken down by each emergency or disaster and be submitted in a report by the commission to the appropriate policy committees of the Legislature, and posted in a conspicuous area on the commission's internet website. The bill would additionally require the president of the commission to annually present a summary of the information to the appropriate policy committees of the Legislature. The bill would authorize the commission to require a telecommunications service provider to collect and forward to the commission any relevant information required to be collected by the commission and to make this information public, unless the commission determines that making the information public would present a security threat to the public, a threat to the property of the telecommunications service provider, or a threat to the employees of the telecommunications service provider. The bill would require a telecommunications service provider to identify any information the disclosure of which might present a security threat to the public, a threat to the property of the telecommunications service provider, or a threat to the employees of the telecommunications service provider, when submitting information to the commission.

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.

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

Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 914.8 is added to the Public Utilities
2 Code, to read:

3 914.8. (a) For purposes of this section, the following terms
4 have the following meanings:

5 (1) “Advanced telecommunications capability” has the same
6 meaning as defined in Section 1302 of Title 47 of the United States
7 Code.

8 (2) “Communications infrastructure” means the conduits, ducts,
9 wires, lines, cables, poles, towers, instruments, appliances, fixtures,
10 personal property, and any other equipment and facilities used to
11 provide telecommunications service and advanced
12 telecommunications capability.

13 (3) “Telecommunications service” has the same meaning as
14 defined in Section 2892.1.

15 (b) Following a fire- or disaster-related state of emergency or
16 a local emergency declared by the Governor pursuant to Section
17 8558 of the Government Code, the commission shall collect all of
18 the following information from telecommunications service
19 providers relating to the provider’s efforts to repair or replace
20 communications infrastructure that was damaged as a result of the
21 emergency or disaster:

22 (1) The extent of any damage to communications infrastructure
23 caused by the emergency or disaster, including the type of
24 infrastructure damaged.

25 (2) The types of infrastructure used to restore
26 telecommunications service and advanced telecommunications
27 capability following an outage caused by, or to repair or replace
28 related communications infrastructure damaged by, the emergency
29 or disaster.

1 (3) The backup electrical supply, if any, that was used to support
2 communication network services as part of the communications
3 infrastructure repair or replacement.

4 (4) The obstacles encountered by the telecommunications service
5 provider in repairing or replacing communications infrastructure.

6 (c) (1) The information collected from telecommunications
7 service providers by the commission pursuant to subdivision (b)
8 shall be broken down by each emergency or disaster and, consistent
9 with paragraph (2) of subdivision (a) of Section 920, and shall be
10 submitted in a report by the commission to the appropriate policy
11 committees of the Legislature, and posted in a conspicuous area
12 on the commission’s internet website.

13 (2) The president of the commission shall annually present to
14 the appropriate policy committees of the Legislature a summary
15 of the information collected pursuant to subdivision (b). The
16 summary may be presented at the same time that the president
17 presents the annual report pursuant to Section 321.6.

18 (d) The commission may require a telecommunications service
19 provider to collect and forward to the commission any relevant
20 information required to be collected by the commission pursuant
21 to subdivision (b) and, notwithstanding Section 583, may make
22 this information public, unless the commission determines that
23 making the information public would present a security threat to
24 the public, a threat to the property of the telecommunications
25 service provider, or a threat to the employees of the
26 telecommunications service provider. When submitting information
27 that is requested by the commission, a telecommunications service
28 provider shall identify any information the disclosure of which
29 might present a security threat to the public, a threat to the property
30 of the telecommunications service provider, or a threat to the
31 employees of the telecommunications service provider.

32 SEC. 2. The Legislature finds and declares that Section 1 of
33 this act, which adds Section 914.8 to the Public Utilities Code,
34 imposes a limitation on the public’s right of access to the meetings
35 of public bodies or the writings of public officials and agencies
36 within the meaning of Section 3 of Article I of the California
37 Constitution. Pursuant to that constitutional provision, the
38 Legislature makes the following findings to demonstrate the interest
39 protected by this limitation and the need for protecting that interest:

1 The interests in withholding information from the public that,
2 if disclosed, is deemed by the Public Utilities Commission to
3 present a security threat to the public, to the property of a
4 telecommunications service provider, or the employees of a
5 telecommunications service provider outweigh the benefits of
6 public disclosure of that information.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

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