



April 17, 2019

The Honorable Miguel Santiago
Chair, Assembly Communications and Conveyance Committee
State Capitol, Room 6027
Sacramento, CA 95814

RE: OPPOSE Unless Amended - AB 1699 (Levine) Public Safety Customer Accounts (Throttling)

Dear Chairman Santiago:

CTIA, the trade association for the wireless communications industry, respectfully opposes AB 1699 (Levine) relating to throttling of public safety accounts unless it is amended to address several concerns. We appreciate the amendments the author has offered to make, however the bill's vague mandates, problematic emergency trigger requirement and failure to include notification requirements could work to impede activities by first responders during disasters.

AB 1699's "not impair or degrade" standard is ambiguous and may result in serious unintended consequences, including needless litigation.

- Data prioritization for first responders is already provided by major mobile wireless providers and wireless carriers need the flexibility to manage their network traffic for optimum performance, especially during disasters. The vague terms of "impair or degrade" may result in serious unintended consequences and could invite litigation.

The "emergency" trigger for AB 1699 is excessive and should be limited to a 'state of emergency' declared by the President or the Governor.

- Using a declared 'state of emergency' – particularly at the local level - as the trigger for the obligations not to impair or degrade is problematic from an operational perspective. How would carriers learn of the emergency declaration in small county X or little town Y in a timely manner? How would carriers adjust their practices or service features to accommodate the emergency only in a small, specific geographic area? How could carriers account for and treat public safety customers and non-local public safety customers responding to that emergency from other jurisdictions?

AB 1699 should include notification requirements.

- The bill should require the authorities declaring an emergency to notify service providers of any such declaration and the scope of the emergency. Additionally, the holder of the affected public safety account should be required to notify the carrier regarding the declared state of emergency as is the case today. Data prioritization for first responders during emergencies is already provided by major mobile wireless providers. Allowing public safety to self-identify and request relief from their carrier is simpler and more effective than forcing a carrier to proactively try to determine which accounts belong to public safety customers and whether any service adjustments are necessary due to an emergency situation.

AB 1699's provisions should not be in the Public Utilities Code.

- The Office of Emergency Services (OES) is the appropriate entity to deal with issues related to emergencies.

For these reasons, CTIA must oppose AB 1699 unless it is amended to address the foregoing concerns and looks forward to working with the author to that end.

Sincerely,

A handwritten signature in black ink that reads "Lisa McCabe". The signature is written in a cursive, flowing style.

Lisa McCabe
Director, State Legislative Affairs
CTIA

CC: Members, Assembly Communications and Conveyance Committee
The Honorable Marc Levine
Edmond Cheung, Chief Consultant
Daniel Ballon, Assembly Republican Caucus