May 29, 2020

The Honorable Anthony Portantino  
Chair, Senate Appropriations Committee  
State Capitol, Room 2206  
Sacramento, CA 95814

RE: SB 1069 (Jackson) as amended Telecom: Emergencies and Natural Disasters - OPPOSE

Dear Chairman Portantino:

On behalf of CTIA®, the trade association for the wireless communications industry, I write to respectfully oppose SB 1069. The wireless industry is committed to working with our public safety partners and government agencies to ensure that consumers remain connected during emergencies. Although SB 1069 is well intentioned, it would not advance the objective of increasing awareness of service availability. Instead, it would detract from that goal because, amongst other issues, it is redundant. Information is already being provided to government entities. SB 1069 would unnecessarily divert resources during an emergency or natural disaster. Amendments taken in Senate Energy, Utilities and Communications Committee do not remove our opposition as they do not address the problem of redundant and unnecessary reporting, which is unhelpful and adds unnecessary costs.

Specifically, our reasons for opposition include:

1) SB 1069 requires service providers to submit annual and real-time inventories of critical communication infrastructure – defined as any equipment necessary to “provide communications service to customers” – to local jurisdictions. It also requires providers to submit the name and contact information of an individual to participate at an emergency operation center upon the declaration of an emergency.

   • The focus on “critical communications infrastructure” is vague and fails to acknowledge today’s wireless networks are designed with numerous, overlapping cell sites that provide maximum capacity and continuity of service even when individual sites are inoperable. The focus on communications infrastructure - rather than service availability – is misplaced, may well cause confusion for local emergency management officials, and will not advance the emergency alert process.

   • Public safety is already served by the tested protocols established by the California Utilities Emergency Association (CUEA) to share and protect infrastructure critical in any given emergency. Diverting limited resources away from emergency communications to efforts to reorganize the entire communications network for local agencies is worrisome.
2) The required disclosure of “the location and status” of critical communications infrastructure would result in the disclosure of information the Federal Communications Commission (FCC) repeatedly has deemed sensitive from a commercial and national security perspective. Amendments to address this issue described in the committee analysis appear far too limited. Such a disclosure mandate would also effectively provide virtually every local government, city and/or county with the location of every cell site of every facilities-based carrier. Bad actors will now know that local jurisdictions have this extremely valuable and sensitive information and likely do not have the appropriate cybersecurity defenses. The risk of a data breach is enhanced and very concerning. Further, such information will not enhance local or federal alert systems.

3) SB 1069 applies a one-size-fits-all approach to various industry obligations, which will likely divert important resources during emergencies and disasters.

   • It requires telecommunications service providers to generate real-time reports (which are unreliable under rapidly changing conditions) and after-action reports on impacted infrastructure to the California Public Utilities Commission (CPUC). These reports will offer no additional actionable intelligence for first responders and/or are already provided through procedures established under SB 670.

4) At the federal level, this bill largely mirrors efforts already underway to improve information sharing with state emergency management officials. In February, the FCC adopted a Notice of Proposed Rulemaking to allow greater sharing of service availability information with state officials. SB 833 (McGuire) sets a similar system for California. SB 1069 largely duplicates those efforts, resulting in redundant and inefficient requirements for wireless providers during times of emergencies or disasters.

5) Providing cell-site information would not further the public safety mission. In an emergency, alert originators should focus on crafting the appropriate message and identifying the area to send the WEA message. The new enhanced WEA geo-targeting features were implemented to address concerns of over-alerting. Alert originators should not have to know and calculate each cell site’s radio propagation characteristics in order to designate the appropriate geographic area for a WEA message. In addition, disclosure of cell site data raises both competitive and national security issues.
Communication is critical, especially during an emergency or natural disaster. SB 1069, however, creates redundant processes and additional unnecessary costs that risk diverting critical resources when and from where they are needed most. The wireless industry stands ready to work with public safety entities and government agencies to help ensure consumers can stay connected during emergencies. CTIA® regrettably opposes SB 1069.

Sincerely,

Gerard Keegan  
Vice President,  
State Legislative Affairs

CC: Members of the Senate Appropriations Committee  
The Honorable Hannah-Beth Jackson  
Mark McKenzie, Staff Director  
Ashely Ames, Consultant  
Kirk Feely, Republican Consultant  
Kerry Yoshida, Republican Consultant