

CPUC Fact Sheet

Resiliency and Service Quality Obligations of Communications Providers

Background

Voice communication technologies and services have changed significantly in recent history, and legislation and regulation are evolving to meet the opportunities and challenges posed by these changes. This fact sheet is intended to provide an outline of the regulatory landscape and efforts by the California Public Utilities Commission (CPUC) to ensure communications technologies serve all Californians reliably and equitably.

Plain Old Telephone Service (POTS)

Traditional telephone service, provided by powered copper lines to a home or business, is the oldest and most regulated service. Because plain-old telephone service (POTS) providers were often monopolies, and POTS was an essential utility, reporting requirements and enforcement mechanisms were put in place to ensure that interruptions in service were minimized. Effective monopolies still exist in some rural areas and these entities, known as General Rate Case Incumbent Local Exchange Carriers (GRC ILECs) operate under rate-of-return regulations. Competition in urban areas between Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLEC) has precluded the need for rate-of-return regulation. Instead, these carriers are regulated under the Uniform Regulatory Framework adopted in CPUC Decision D.06-08-030, and must report the following service quality metrics under GO 133-D:

- Customer trouble reports
- Out-of-service incidents
- Answer times
- Installation commitments and intervals

Wireless

Technologies for wireless voice service, such as cellular phones, were deployed in an environment where POTS was already firmly established. As such, wireless voice service was not treated as an essential utility service as households were assumed to already have landline POTS. Under current regulation, wireless voice service providers are required to submit to the CPUC a Wireless Identification Registration (WIR) pursuant

GENERAL ORDER 133-D (GO 133-D)

To establish transparent guidelines and “rules of the road” for regulated entities, the CPUC creates General Orders (GO). GO 133-D was adopted in August 2016. It revised service quality rules, measures, and standards under GO 133-C. The CPUC is considering updates to the General Order.



to D.94-10-031 but they are not required to report service quality measures as per GO 133-D. The CPUC analyzes service outages that are reported by customers directly to the CPUC but, until recently, the CPUC’s enforcement authority was limited to this reporting requirement.

The CPUC’s authority is still limited, but in response to widespread and prolonged power outages due to utility Public Safety Power Shutoff (PSPS) events and wildfire disasters, the CPUC now requires wireless (and wireline) providers to submit resiliency plans and emergency operations plans.

Wireline (VoIP)

Similar to POTS, wireline voice services may also be provided over Voice over Internet Protocol (VoIP), which requires a physical line to the customer’s home or business. However, it is a very different technology, and until recently, the CPUC was statutorily prohibited from regulating it.

This means that while POTS and VoIP services may look and perform identically in many situations, there are very different regulations and customer protections in place. VoIP service providers are subject to GO 133-D reporting requirements, but they are not subject to GO 133-D service quality standards. VoIP service requires electrical power at both the customer premise for the modem and telephone as well as at the provider’s facilities, which places an additional burden on consumers to maintain a backup battery compatible with their VoIP equipment.

Resiliency Plans

As wireless and VoIP technologies have become the standard means of voice communication, Californians are more likely to depend on them in emergency situations. In response to widespread outages of these services during utility PSPS events and wildfires, the CPUC unanimously approved two key Decisions:

- D.21-02-029 addresses the responsibilities of facilities-based wireline service providers.
- D.20-07-011 defines the requirements for facilities-based wireless service providers.

Together, these Decisions adopt six groups of resiliency strategies for all facilities-based wireline and wireless communications service providers. However, these Decisions had different effective dates and implementation dates as shown in the chart below.

Table 1: CPUC Requirements for Wireless and Wireline Backup Power

	CPUC Decision Number	Effective Date of Decision	Deadline to Implement 72 Hour Minimum Backup Power	Locations to Implement 72 Hour Backup	Exceptions to 72 Hour Backup Requirement
Wireline	D.21-02-029	Feb. 11, 2021	8 or 18 months from effective date of Decision	Tier 2 and 3 High Fire-Threat Districts	Permissible
Wireless	D.20-07-011	July 16, 2020	12 months from effective date of Decision	Tier 2 and 3 High Fire-Threat Districts	Permissible

When the CPUC adopted these two Decisions, the CPUC recognized that there exist instances when these companies cannot implement the minimum backup power duration of 72 hours. These companies are required to inform the CPUC when a facility (or group of facilities) falls under these situations:

1. Does not need backup power;
2. Is unable to support backup power due to safety risks; or,
3. Is objectively impossible or infeasible to deploy a backup power.

The two decisions require facilities-based wireline and wireless service providers to comply with the mandated resiliency requirements including backup power duration of 72 hours for their facilities in California's Tier 2 and 3 High fire threat districts. They are also required to annually report on their compliance. For findings, observations and recommendations from the CPUC's resiliency program in 2021-23, including visits to provider facilities to validate compliance, see [Communications Resiliency Plans](#). This information is updated as additional information is received from communications providers.

Potential Revisions to Telecommunication Service Quality Standards

On March 17, 2022, the CPUC opened a proceeding (R.22-03-016) that will assess whether the existing GO 133-D service quality standards and measures meet the goals of the CPUC and remain relevant to the current regulatory environment and market, including consideration of service quality standards applicable to VoIP, wireless, and broadband voice communications services. Additionally, the CPUC will consider whether the existing enforcement framework in GO 133-D is adequate to improve substandard voice communications service.

Providing the basis for opening the proceeding is a staff network exam into AT&T California and Frontier Communications and a petition (P.21-10-003) from the CPUC's Public Advocates Office (Cal Advocates). The network exam found that service quality was in decline for both AT&T and Frontier and that the declines were falling disproportionately on lower-income households. It also found that both providers had failed to adapt their infrastructure to adverse weather conditions and that AT&T had sufficient financial resources to address service quality issues but was not doing so. The network exam report recommended increasing financial penalties for not meeting GO 133-D service quality standards, rectifying the incentives that lead to providing worse quality for low-income households, and imposing uniform service quality standards on a wire center basis as opposed to a company-wide basis. A subsequent report found further disinvestment and the need to reevaluate the role the CPUC had over VoIP and broadband services as well as POTS.

The petition from Cal Advocates argued that communication services provided via broadband, wireless, and VoIP are now, along with POTS, essential services. Based on this, the petition asked the CPUC to amend and update GO 133-D to establish the minimum service quality standards that customers can expect. The CPUC accepted this petition and is assessing whether GO 133-D ensures that communications providers meet the goals of Pub. Util. Code Section 451, remains relevant in today's regulatory environment and market, and incorporates an effective penalty mechanism and enforcement framework.

Phase 1 of the proceeding is underway in which the CPUC is considering whether any existing service quality metrics should be extended to wireline and VoIP services, or whether new service quality metrics or service should be considered. The CPUC is currently reviewing a staff proposal on amending GO 133-D as

well as party comments. If you need assistance to become a party to the proceeding, please contact the Public Advisor's Office at (415) 703-2074 or (866) 849-8390 or by email at public.advisor@cpuc.ca.gov. You can also comment on the proceeding on the [Docket Card](#).