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House Commerce Hearing on Strengthening Communications Networks for Crises

The House Energy and Commerce Committee’s Communications and Technology Subcommittee held a legislative hearing on February 27 titled “Strengthening Communications Networks to Help Americans in Crisis.” The hearing focused on eight bills addressing communications network resiliency and public safety communications issues, and the discussion centered largely on the importance of wireless carriers working more closely with utilities and public safety.

Hearing Witnesses

- [Sue Ann Atkerson](#), CEO, Behavioral Health Link
- [Daniel Henry](#), Regulatory Counsel and Dir. of Government Affairs, National Emergency Number Association
- [Allen Bell](#), Distribution Manager, Georgia Power Company
- [Anthony Gossner](#), Fire Chief, City of Santa Rosa, CA
- [Matthew Gerst](#), Vice President, Regulatory Affairs, CTIA
- [Joseph Torres](#), Senior Director of Strategy and Engagement, Free Press and Free Press Action

Hearing Legislation

- **Don't Break Up the T-Band Act of 2019** ([H.R. 451](#)), which would rescind a congressional mandate that the FCC auction public safety spectrum in the T-band by 2021 and relocate incumbents by 2023.
- **Preserving Home and Office Numbers in Emergencies Act of 2019** (PHONE Act) ([H.R. 1289](#)), which would prohibit wireline providers from reassigning the number of subscribers in areas covered by a major disaster declaration during that declaration.
- **Wireless Infrastructure Resiliency during Emergencies and Disasters Act** (WIRED Act) ([H.R. 3836](#)), which would specify that state and local governments can impose mandates to promote resilient wireless infrastructure.
- **National Suicide Hotline Designation Act of 2019** ([H.R. 4194](#)), which would designate “988” for a suicide hotline.

- **Reliable Emergency Alert Distribution Improvement Act of 2019** (READI Act) ([H.R. 4856](#)), which would ban subscribers from blocking emergency alerts from the Federal Emergency Management Agency.
- A bill to direct the FCC to issue reports after activation of the Disaster Information Reporting System and to make improvement to network outage reporting ([H.R. 5918](#)).
- **Reinforcing and Evaluating Service Integrity, Local Infrastructure, and Emergency Notification for Today's Networks Act** (RESILIENT Networks Act) ([H.R. 5926](#)), which would seek to improve the resiliency of communications networks and require that outage data be shared with public safety entities.
- **Fee Integrity and Responsibilities and To Regain Essential Spectrum for Public-safety Operators Needed to Deploy Equipment Reliably Act of 2020** (FIRST RESPONDER Act of 2020) ([H.R. 5928](#)), which would rescind the T-band mandate and crack down on states that divert 911 funds for other purposes.

Member Opening Statements

In his opening remarks, **Chairman Michael Doyle** (D-PA) said the nation has faced a surge of extreme weather events that used to occur once in a generation but are now becoming a regular occurrence because of human-caused climate change. He said Californians have seen their state ravaged by some of the worst wildfires in history and in the Midwest, communities have experienced record flooding and crop losses.

“Our nation’s communications infrastructure is a lifeline to those facing exigent circumstances and it needs to be ready to take on the challenges we know it will face, whether that be fires, floods, Category 5 winds, or 911 call center outages, public safety emergency in a major city, or a personal crises that can cost someone their life. In each case, communication networks that are ready and resilient to the challenges we know they will face, can be the difference between life and death,” said Doyle.

Ranking Member Robert Latta (R-OH) expressed concerns about bills discussed at the hearing.

“While many of the bills before us have good intentions to improve the resiliency of our emergency communications systems, we must ensure that these bills receive proper attention,” he said.

For example, he mentioned the PHONE Act, and said that people could agree that subscribers should not lose their phone number during emergencies, “but whatever remedy we use to protect consumers must be manageable for companies.” A poor remedy could “cause more confusion for consumers,” he said.

Rep. Jerry McNerney (D-CA) said Northern California is experiencing the driest February on record. As experts warn about the possibility of early and more intense wildfire seasons, he said it’s imperative that “we help individuals stay connected during these natural disasters.”

Rep. Anna Eshoo (D-CA) said that on October 28, 2019, 874 cell towers were out of service in California because of wildfires and power shutoffs. Her constituents were “worried sick” that they wouldn’t be able to call 911 during emergencies, receive emergency alerts, or download public safety information. She said PG&E, the state’s largest electric utility, estimates that shutoffs will impact over 2 million Californians this year.

“So without real changes, I really worry that our telecom problem will once again worsen the impact of these disasters. That’s why I have introduced the WIRED Act, which clarifies that states can require carriers to take the measures to make wireless infrastructure more resilient to disasters such as requiring back-up power. We have to have this and the ambiguities are cleared away by this legislation,” said Eshoo.

Full Committee Chairman Frank Pallone (D-NJ) said climate change is causing more frequent and more severe disasters and a functioning communications network can be “the difference between life and death” and that it is “our responsibility to ensure our networks are prepared for this stark reality.”

Full Committee Ranking Member Greg Walden (R-OR) said his state has been facing wildfires for many years and that climate change is impacting it. He said, “We must get our forests back in balance and get the excess fuel loads out and we need your help on both sides of the aisle to do that.” He said the wireless industry has made “great strides” over the last several years to expand their wireless resiliency cooperative framework, which is a voluntary process to enhance coordination in times of emergency.

“This framework must remain flexible so we can allow best practices and lessons learned to evolve without creating unnecessary barriers to restoration. Every disaster is different, we’ve seen that firsthand. So communications providers and their partners need sufficient flexibility to adapt to specific situations,” said Walden.

He reminded his colleagues that state regulators have jurisdiction over electric distribution issues and he cautioned against disrupting those efforts with “heavy-handed federal regulations.”

“We must also be mindful to not extend the Federal Communications Commission’s jurisdiction to include the electric distribution or transmission system where they have no relevant expertise,” said Walden.

Key Witness Takeaways

In her testimony, **Sue Ann Atkerson**, CEO of Behavioral Health Link, summarized three key points: (1) suicide is a leading cause of death in the United States, and the numbers are growing; (2) fast access to the National Suicide Prevention Lifeline (NSPL or Lifeline) via 988 will save lives; and (3) specialized services for acutely at-risk populations, like LGBTQ youth and veterans, are essential and proven effective. She said H.R. 4194 would officially designate 988 as the 3-digit number for mental health and suicide crises, and would be “a landmark step toward parity, finally putting behavioral health on equal footing with physical health.”

Daniel Henry, regulatory counsel and director of government affairs at the National Emergency Number Association (NENA), said America’s 9-1-1 system is still years behind the smart phone revolution. Modernizing it faces four perennial challenges: (1) decentralized governance; (2) inadequate and inconsistent funding; (3) human resource challenges; and (4) the dynamic pace of evolving technology. He criticized the continuing diversion of 9-1-1 funds in some states to support unrelated issues. According to the FCC, five states -- Nevada, New Jersey, New York, Rhode Island, and West Virginia -- diverted \$197 million in consumer-paid 9-1-1 fees in 2018.

“Raids on these funds must cease both to maintain today’s level of service and to accelerate the transition to Next Generation 9-1-1,” he said.

Henry also cautioned against “one-size fits-all” regulations on Public Safety Answering Points (PSAPs) saying these entities vary widely from community to community.

“Each of these settings has its own unique needs, conventions, technology, and funding model. It would be impossible to impose a single cookie-cutter model for 9-1-1 on every jurisdiction in the United States,” said Henry.

Allen Bell, a distribution manager at the Georgia Power Company, provided some recommendations to improve wireless resiliency. While having an on-site generator at every site might not be economical or logistically feasible, Bell said wireless carriers should have generators at sites identified as critical to network operations. Carriers

should also implement redundancy and backup transport alternatives, particularly where the transport link has been identified as critical. He also stated that both Congress and the FCC should formally affirm that ensuring interoperability between public safety communication systems and other wireless networks is fundamental responsibility of FirstNet.

Bell also raised some issues with the RESILIENT Networks Act. For example, he said most critical infrastructure entities, such as electric companies, already maintain a master directory of customer contacts and have processes and procedures for priority restoration. Due to the local nature of emergencies, Bell said the goal should be to drive all coordination and information sharing through state or county Emergency Operation Centers (EOCs). He said the unintended consequence of a master directory, such as proposed in H.R. 5926, would be to encourage wireless providers to bypass EOCs.

Bell also announced that the Edison Electric Institute and CTIA are establishing a Cross-Sector Resiliency Forum for electric company and wireless disaster response and restoration. In the coming weeks, the forum will identify near-term actions to improve information sharing and preparedness by focusing on lessons learned from the California public safety power shutoffs related to wildfire-events and will also discuss organizing joint exercises to prepare for wildfire and hurricane seasons in coordination with emergency response agencies.

Recounting the impacts of the 2017 North Bay wildfires, **Chief Anthony Gossner** of the City of Santa Rosa, CA Fire Department said policymakers should mandate certain requirements to harden wireless infrastructure. Those requirements should include: the installation of more fail-safe battery backups at cell towers; increasing the number of sites with backup generators and sufficient fuel to operate for a minimum of 72 hours; reciprocity between cell providers for sharing cellular networks to maintain at least a minimal level of emergency messaging support; retrofitting existing cell tower sites; and enhanced vegetation management and defensible space standards near cell towers.

Given the historic storms and disaster events of the past few years, **Matthew Gerst**, Vice President of Regulatory Affairs at CTIA, said the wireless industry supports establishing clear expectations for wireless resiliency, while also enhancing the coordination and collaboration among wireless providers, electric utilities, government officials and public safety stakeholders that is essential to rapidly respond and restore services in areas that are most affected by emergency events.

Gerst said the industry supports the goals of the RESILIENT Networks Act, which recognizes that stakeholders need new tools to share information and work together to ensure critical infrastructure providers “can meet the evolving challenges of emergencies and disasters, including pre-planned power downs.” However, he cited several areas where it could be improved. Gerst said the bill could create confusion by requiring providers to disclose the status of their networks while excluding areas where customers are roaming on another provider’s network.

“This approach may not further situational awareness among public safety when customers can still communicate with emergency services in a roaming circumstance,” he said.

The wireless industry also supports the bill’s focus on enhanced information sharing, both between industries and different levels of government, and with the public safety community. However, Gerst said a recently announced FCC Notice of Proposed Rulemaking will likely generate a robust record and may spur new ideas for better enhancing information sharing among key stakeholders moving forward.

Joseph Torres, senior director of strategy and engagement at Free Press, spoke about the lack of situational awareness in Puerto Rico after Hurricane Maria, which was caused by communication network outages. He said

95 percent of cell sites were out of service, 97 percent of radio stations were off the air, and no TV stations were broadcasting. Free Press authored a report that sought answers to numerous questions, from whether the FCC coordinated with FEMA on the communications outages to whether customers were reimbursed for services they did not receive. He said the FCC's response to the Puerto Rican communications crisis was "lackluster."

"There needs to be oversight ... so first responders are able to respond to disasters. We need reporting to ensure the money is being spent and industry is doing what they say they will," said Torres.

In his written testimony, Torres said the RESILIENT Networks Act requires the Commission to issue rules providing for "coordination among providers of advanced communications service during times of emergency." He wrote that this is a "much needed change — to make the Wireless Resiliency Cooperative Framework mandatory — given that the Commission has been unable to make any significant improvements despite a series of attempts."

Member Questions

Chairman Doyle asked about the effect of communications outages on response efforts during the 2017 North Bay fires in California. **Chief Anthony Gossner** said the wildfire happened quickly and impacted a large group of people in Napa and Sonoma Counties. Public safety officials activated the SoCo Alerts system to notify citizens in the affected areas, but over 70 cell phone towers were damaged or destroyed, so not everyone was forewarned, forcing first responders to go door-to-door.

Rep. Robert Latta (R-OH) asked **Mr. Gerst** to provide an update on how the FCC is expanding the Wireless Resiliency Cooperative Framework, which enhances voluntary coordination and information sharing during and after emergencies and disasters. Mr. Gerst said the industry has taken steps to ensure wireless providers can maintain services during power outages.

"We need to enhance our collaboration and coordination and that is what the FCC has been encouraging us to do. We work with the power companies in a number of places. We work in state emergency operation centers, we work in table top exercises during wildfire season. And we just announced today that the Edison Electric Institute and CTIA will bring its member companies together in a different way," said Gerst.

Rep. Jerry McNerney (D-CA) asked about additional investments in backup power capabilities amongst wireless providers. Mr. Gerst said the industry is evaluating those capabilities.

"We have hundreds of thousands of cell sites throughout the country. We have thousands of cell sites in California. Each one of them we have to look at on a case-by-case basis. We want backup power solutions available. We're talking about different types of battery sizes. We're not talking about batteries you can go to CVS and get. We're talking about truck-sized generators. Those all come with different challenges on how we deploy them. We are committed to looking at existing cell sites, new cell sites, and diversifying the solutions because if this is going to be the new normal, we need to maintain service," Gerst explained.

Rep. Bill Johnson (R-OH) asked about coordination efforts amongst wireless providers, backhaul providers, and power companies during disasters and whether it would be prudent for Congress to review the newly-formed Cross-Sector Resiliency Forum's recommendations. Mr. Bell said, "Absolutely."

Next Steps

TFG will continue to monitor and provide updates on legislative and regulatory developments affecting emergency communications networks, facilities, and services, such as 9-1-1 resiliency and reliability requirements (e.g., backup power), 9-1-1 location accuracy, and emergency alerts. TFG will also offer analysis of recommendations offered by the FCC's Disaster Response and Recovery Working Group of the Broadband Deployment Advisory Committee (BDAC) and the newly-formed Cross-Sector Resiliency Forum for electric company and wireless disaster response and restoration. If there are opportunities to provide public comments in these and other proceedings, TFG will provide notification to you.