



ADDENDUM

Hall of Justice - Board Chambers

Tuesday, February 27, 2024

9:00 AM

REGULAR AGENDA

BOARD OF SUPERVISORS

37. Adopt a resolution authorizing and directing the President of the Board of Supervisors to issue a Subpoena on behalf of the Board of Supervisors to Pacific Bell Telephone Company d/b/a AT&T California to provide testimony and produce documents at a hearing to study actions the County might take to address emergency preparedness in the unincorporated areas of the County, including the coastside, that will be held on March 12, 2024 at 1 p.m. or as soon thereafter as is reasonable.

Sponsor: Supervisor Ray Mueller



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 3
File #: 24-157

Board Meeting Date: 2/27/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Supervisor Ray Mueller, District 3
Subject: Subpoena to Pacific Bell Telephone Company d/b/a AT&T California

RECOMMENDATION:

Adopt a resolution authorizing and directing the President of the Board of Supervisors to issue a Subpoena on behalf of the Board of Supervisors to Pacific Bell Telephone Company d/b/a AT&T California to provide testimony and produce documents at a hearing to study actions the County might take to address emergency preparedness in the unincorporated areas of the County, including the coastside, that will be held on March 12, 2024 at 1 p.m. or as soon thereafter as is reasonable.

BACKGROUND:

The County has a responsibility to engage in emergency preparedness planning under the California Emergency Services Act. Such plans are governed (in part) by Article 6.5 of that Act [Government Code Section 8593, et seq.]. Between 2016 and 2023, there have been multiple bills amending or adding to requirements for these plans.

Among many related emergency planning requirements, the County must describe in its plan its outreach efforts to “prepare communities and individuals to take action in the event of an emergency or disaster.” Cal. Govt Code § 8593.3.2.

Two critical aspects emerge in this context:

First, the ability of the public to call 911 is a paramount service provided by landlines, especially in areas with poor cell service, such as the San Mateo County Coastside and hillside areas. Landlines prove to be reliable during power disruptions, a crucial factor in emergencies where every moment counts. The potential withdrawal of landline services becomes a significant concern, given their resilience during power disruptions that might affect distributed antennas system and network equipment.

Second, the County Department of Emergency Management (“DEM”) relies on telephone service for

emergency notifications through the reverse 911 system. DEM's essential tool, reverse 911, primarily targets over 270,000 landlines affecting businesses and residences for emergency communication, emphasizing their importance in reaching people during emergencies.

My office has received reports and complaints regarding a lack of cell service and/or unreliable cell service in various areas on the San Mateo County Coastside and hillside areas. These complaints related to service in general, as well as to service outages caused by storms or emergencies, such as the CZU Fire. However, the County does not have access to comprehensive data regarding availability of cellular service during inclement weather or weather emergencies, although it is clear that cellular service can be unreliable in such conditions. See <https://about.att.com/pages/disaster-recovery/2023/california-atmospheric-river-storm>. Just this week a series of “unexplained” nationwide AT&T outages described as “massive” occurred (<https://www.cnn.com/2024/02/22/tech/att-cell-service-outage/index.html>), outages that also involved Verizon and T-Mobile.

Last year, Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”) filed with the California Public Utilities Commission (“CPUC”) an application for “relief from its carrier of last resort obligation.” If the CPUC were to grant AT&T’s request, AT&T would no longer be required to offer basic landline telephone service in many areas throughout the State of California, including in San Mateo County.

The basic services that AT&T is currently required to provide include service elements such as Lifeline rates for eligible customers, free access to 9-1-1, Telephone Relay Service, and directory and operator services. <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/att-colr-etc-proceedings>.

According to the CPUC, if an area is left without a carrier of last resort, “there would be no landline telephone company serving that area” and “there could possibly be no landline telephone access for customers in that area.” The CPUC further states that “if AT&T’s proposal were accepted as set forth in its application, then no Carrier of Last Resort (“COLR”) would be required to provide basic service [.]” Id.

AT&T’s application includes all of San Mateo County, including the coastside. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M521/K479/521479757.PDF>. The proceeding before the CPUC continues, with the final scheduled opportunities for public comment and participation scheduled for March 14, 2024 (in Indio, California) and March 19, 2024 (virtual).

DISCUSSION:

Under California law, County Boards of Supervisors have the power to issue subpoenas when the Board finds it necessary or important to examine any person as a witness regarding any matter within the jurisdiction of the Board. See Govt Code § 25170, et seq. A subpoena may require the person or officer to produce books, papers, and documents relating to such matters.

In order to further its obligations with respect to public safety and emergency preparedness and response planning, particularly in light of AT&T’s CPUC’s applications and the need to provide for contingencies in the event that AT&T’s applications are granted, the County has an urgent need to access information from AT&T regarding the specific areas of the County where AT&T’s cellular customers reside; locations where no accessible cellular signal exists; the instances when AT&T cellular service has failed, particularly during inclement weather or emergencies (such as the CZU Fire); and the number and places in those areas where customers have landlines provided by AT&T.

While the County may very well choose to participate in the COLR proceedings before the CPUC, the purpose and intent of gathering this information is to meet its public safety and planning obligations and the County has no intention to hinder or interfere with the exercise of any matters that are within the regulatory authority of the CPUC.

FISCAL IMPACT:

None.

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION AUTHORIZING AND DIRECTING THE PRESIDENT OF THE BOARD OF SUPERVISORS TO ISSUE A SUBPOENA TO PACIFIC BELL TELEPHONE COMPANY D/B/A AT&T CALIFORNIA TO PROVIDE TESTIMONY AND PRODUCE DOCUMENTS AT A HEARING TO STUDY ACTION THE COUNTY MIGHT TAKE TO ADDRESS EMERGENCY PREPAREDNESS IN THE UNINCORPORATED AREAS OF THE COUNTY, INCLUDING THE COASTSIDE, THAT WILL BE HELD ON MARCH 12, 2024 AT 1 P.M. OR AS SOON THEREAFTER AS IS REASONABLE

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”) possesses information and documents related to a subject matter under investigation by the Board of Supervisors and the Board of Supervisors is not reasonably able to acquire this information from other sources because of AT&T’s unique roles and obligations as the current designated Carrier of Last Resort for telecommunications services in certain areas of California, including in San Mateo County and AT&T’s designation as an Eligible Telecommunications Carrier; and

WHEREAS, AT&T has applied to the California Public Utilities Commission (“CPUC”) to be relieved of its Carrier of Last Resort status and obligations in certain areas of California, as well as its designation and obligations as an Eligible Telecommunications Carrier; and

WHEREAS, pursuant to the California Emergency Services Act and other authorities, the County has a responsibility to engage in emergency preparedness planning and among the matters that must be addressed in such planning is the

responsibility to undertake community outreach to prepare communities and individuals to take action in the event of emergency or disaster; and

WHEREAS, in light of the above-referenced applications that AT&T has submitted to the CPUC and the County's public safety-related obligations, including with respect to emergency preparedness and planning, the County has an urgent need to access information from AT&T regarding the specific areas of the County where AT&T's customers reside; locations where no accessible cellular signal exists; the instances when AT&T cellular service has failed, particularly during inclement weather or emergencies (such as the CZU Fire); and the number and places in those areas where customers have landlines provided by AT&T; and

WHEREAS, this Board has been presented with the form of subpoena requiring AT&T to attend a hearing of this Board and produce documents, has examined and approved it as to form and content, and desires to issue it.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. That pursuant to its authority under California Government Code Section 25170, et seq., the Board of Supervisors hereby authorizes and directs the President of the Board to issue a Subpoena on behalf of the Board of Supervisors to Pacific Bell Telephone Company d/b/a AT&T California to provide testimony and produce documents at a hearing to study actions the County might take to address emergency preparedness in the unincorporated areas of the County, including the San Mateo County Coastside that will be held on March 12, 2024 at 1 p.m. or as soon thereafter as is reasonable.

2. The President of the Board, in consultation with the County Executive and the County Attorney, may modify the form of subpoena included with this Resolution prior to issuing it, consistent with the direction and intent of this Resolution, such modifications may include (but are not limited to) issuing the subpoena to other AT&T-related entities as necessary to obtain the requested information.
3. The President of the Board may, in his discretion, modify the date and time set forth in the draft subpoena, and may reissue the subpoena with a modified date and time, in order to accommodate the witnesses and Board's schedules.
4. This Resolution shall be interpreted consistent with its purpose and intent of gathering information solely to meet the County's public safety and planning obligations in manner that does not hinder or interfere with the exercise of any matters that are within the regulatory authority of the CPUC.

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BOARD OF SUPERVISORS

County of San Mateo, California



HALL OF JUSTICE AND RECORDS, 400 COUNTY CENTER, 1ST FLOOR
REDWOOD CITY, CA 94063-1662
TELEPHONE: (650) 363-4250

**IN THE MATTER OF HEARING
ON EMERGENCY
PREPAREDNESS**

SUBPOENA

FROM: BOARD OF SUPERVISORS, COUNTY OF SAN MATEO

TO: Pacific Bell Telephone Company d/b/a AT&T California (hereinafter, "AT&T")
and the person AT&T designates as most qualified to testify on its behalf as to
those matters described below to the extent of any information known or
reasonably available.
430 Bush Street
San Francisco, CA 94108

You are hereby commanded to appear pursuant to California Government Code Section 25170, business and excuses being set aside, to attend and to testify at the demand of San Mateo County Board of Supervisors, in the above proceeding in the Board Chambers located at the Hall of Justice, 400 County Center, First Floor, Redwood City, California, on the 12th day of March, 2024 at the hour of One o'clock, p.m.

- To provide oral information and respond to questions at a public hearing of the Board of Supervisors regarding the following topics (1) areas within the boundaries of San Mateo County Supervisorial District 3 (“District 3”) (<https://www.smcgov.org/media/141721/download?inline=>) where AT&T’s cellular service customers reside; (2) locations within District 3 where no accessible cellular signal exists, regardless of carrier (3) instances known to AT&T within the last ten years when accessible AT&T cellular signal became unavailable for more than an hour in any locations within District 3, including during a weather event or emergency, such as the atmospheric rivers in the winter of 2022/23 or the CZU Complex Fire of 2020; (4) the number and places in District 3 where customers have landlines provided by AT&T.
- To produce and permit inspection and copying of all documents, records, and other materials (“Documents”) in your possession related to those four topics reasonably necessary to substantiate the accuracy of the oral information to be provided.

You must appear at that time and produce responsive Documents unless you make a specific arrangement with County Attorney John Nibbelin at 650-363-4250 to appear and produce responsive Documents at another time.

Disobedience to this subpoena may be punished as contempt in the manner and form prescribed by Section 25173, et seq., of the California Government Code.

WITNESS my hand this _____ day of _____, 20 _____.

BOARD OF SUPERVISORS

By: _____
Warren Slocum, President

PROOF OF SERVICE OF SUBPOENA

I personally served the attached subpoena by showing the original and delivering a true copy thereof personally to the following person:

Name of Person Served

Street Address and City Where Served

Date and time of service _____

Prepaid Fees Not Required [Cal. Government Code Section 25176]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____
(date)

at _____, California
(place)

(signature of declarant)

(type or print name of declarant)

(type or print address)
