



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 3
File #: 24-162

Board Meeting Date: 3/12/2024

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:

Recommendation to:

- A) Receive testimony from representative of Pacific Bell Telephone Company d/b/a AT&T California ("AT&T") regarding AT&T's recent applications to the California Public Utilities Commission and consider possible County actions to address emergency preparedness in the unincorporated area, including the coastside; and
- B) Consider whether further steps are needed to obtain additional information and direct staff with respect to such steps, with such steps potentially including to adopt a resolution authorizing and directing the President of the Board of Supervisors to issue to AT&T a Subpoena on behalf of the Board of Supervisors; and
- C) If determined necessary by the Board of Supervisors, adopt a resolution authorizing and directing the President of the Board of Supervisors to issue to Pacific Bell Telephone Company d/b/a AT&T California a Subpoena on behalf of the Board of Supervisors 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 26, 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.

The Board initially took this matter up at its meeting of February 27, 2024. At that time, a representative from AT&T requested that, in lieu of the Board issuing a subpoena, AT&T be afforded the opportunity to provide information responsive to the County's concerns. AT&T also agreed to make available a representative at the board's meeting of March 12, 2024 to answer questions that the Supervisors have regarding the matter. This item was therefore continued to March 12, 2024.

At the March 12th meeting, the Board will hear testimony from an AT&T representative regarding AT&T's application to the CPUC and matters related to the County's need to address emergency preparedness in the unincorporated areas of the County, including the coastside. The Board will also consider whether further steps are needed to obtain additional information from AT&T and, if so, what further steps are appropriate. Such steps, if needed, may include the issuance of a subpoena by the Board to AT&T directing AT&T to produce documents and to appear at a meeting of the Board on March 26, 2024.

FISCAL IMPACT:

None.