

**TOWN OF FAIRFAX**  
**STAFF REPORT**  
Department of Planning and Building Services

TO:	Planning Commission
DATE:	October 19, 2023
FROM:	Linda Neal, Principal Planner
LOCATION:	<b>16 Cypress Dr.</b> (APN 003-202-05), <b>284 Forrest Avenue</b> (APN 002-123-33), <b>185 Tamalpais Rd.</b> (APN # 001-053-17), <b>1728 Sir Francis Drake Blvd.</b> (APN 001-236-82), <b>1 Shemran Ct.</b> (APN 174-111-84)
ZONING:	RS-6 Residential Single-family Zone, High Density - 16 Cypress Dr., 284 Forrest Avenue, 185 Tamalpais Rd. RD 5.5- Residential Zone, High Density - 1728 Sir Francis Drake Blvd PDD Planned Development District Zone - behind 1 Shemran Court
PROJECT:	Install battery backup cabinets in the public rights-of-way to house emergency back-up battery systems for existing COMCAST power sources
ACTION:	Encroachment Permit; Application # 23-30
APPLICANT:	COMCAST
RIGHT-OF-WAY EASEMENTS:	Town of Fairfax
CEQA STATUS:	Categorically exempt, §§ 15301(b) and 15302(c).

Note: Each site will have its 300-foot radius map at the beginning of that site's specific discussion within this staff report.

**PROJECT DESCRIPTION**

Each proposed battery back-up cabinet site is within the public right-of-way easement, out of the travel portion of the road. If the cabinets are placed in an existing sidewalk area, an ADA complaint 4-foot-wide clear sidewalk width has been maintained. On streets where there are no sidewalks, an area on at least one side of the street remains available for development with a 4-foot-wide sidewalk in the future. The COMCAST power supply utility pole mounted boxes, which the new batteries at 16 Cypress Drive, 284 Forrest Avenue and 185 Tamalpais Road will provide with power in an emergency, are immediately adjacent to the proposed cabinet locations with the proposed cabinets on Cypress Drive located approximately 4-feet to 6-feet from the adjacent pole and the cabinets on Forrest Avenue and Tamalpais Road, located across the street from the poles. The backup cabinet on Cypress Drive will be hardwired underground between the cabinet and the pole mounted box housing the upgraded power supply. The systems on Forrest Avenue and Tamalpais Road will run from the pole cabinets with the upgraded power supply underneath the developed public roadway to the back-up battery cabinets across the street.

The cabinets proposed at 1738 Sir Francis Drake Boulevard and 1 Shemran Court will continue new batteries to support existing power supply sources that are contained in ground mounted enclosures, not pole mounted boxes.

As part of the project, the existing batteries currently located in the existing pole mounted metal boxes or ground mounted enclosures will be removed and the power source mechanisms in those same pole mounted boxes will be updated and replaced. The existing batteries in the boxes and enclosures did not provide enough power to run the emergency 911 call system during previous storm years and other emergencies where the power was turned off. The new batteries in the ground mounted cabinets will be capable of providing emergency phone/internet service for at least 72 hours.

All the cabinet installations will have two cabinets placed side-by-side, together measuring approximately, 52-inches x 52-inches by 24-inches ( $\pm$  4.3-ft. x 4.3-ft. x 2-ft.). The cabinets will be of metal in a green color (Sea Foam Green) mounted on 6-inch-thick, precast, approximately 12- square-foot, concrete slabs.

## **BACKGROUND**

The California Public Utilities Commission (CPUC) has adopted regulations to ensure customer protection requirements are met for California customers of communications providers. CPUC had found that the wildfires of 2017, 2018 and 2019 as well as Public Safety Power Shutoffs had revealed failures in California's communications network resulting in loss of service to customers that endangered the lives of customers and first responders.

Under California Law, whether service is provided via a traditional landline, wireless technology or internet protocol (IP)-enabled does not affect whether the provider meets the definition of a public utility telephone corporation. The Commission has jurisdiction over wireline providers and any facility to which 911 services and emergency notifications are sent and the authority to ensure the reliability of communications networks in emergencies. COMCAST falls within the definition of a Telephone Corporation and the CPUC backup power rules apply to their equipment facilities.

Recent regulation by the CPUC includes the requirement that a minimum of 72-hour backup power is installed for all wireline providers facilities in high fire danger areas like Fairfax. The batteries that will be housed in the cabinets being proposed by COMCAST will bring them into compliance with this regulation. Service must be sufficient to maintain access for all customers to 911 service, to receive emergency notifications, and to access internet browsing for emergency notices.

The applicants estimate that the cabinets will provide service during power outages for well over 2,000 customers for periods of 72 hours. The current batteries in the existing pole mounted power source cabinets cannot do this. The applicants also explained that their service capability is not measured by numbers of customers but is based on designed footage and electrical demand to support the customers in the areas where the cabinet improvements are proposed.

## **DISCUSSION**

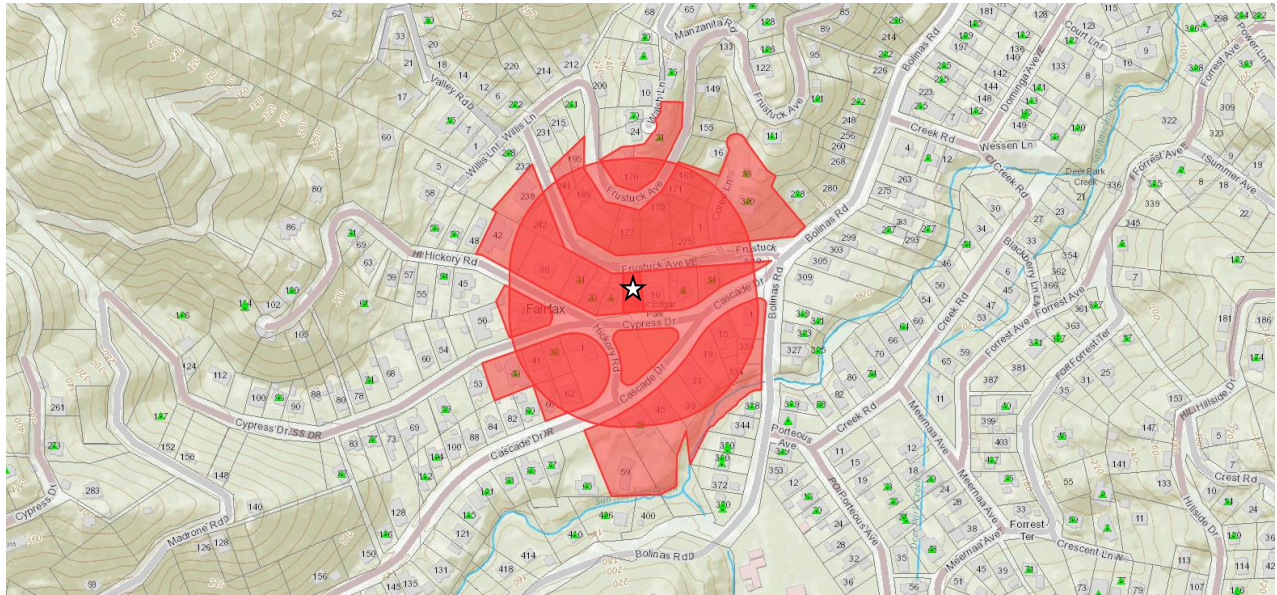
### **Encroachment Permit Requirements**

Town Code § 12.32.010 allows the use of portions of the public rights-of-way, not being used for vehicular or pedestrian travel, to be temporarily used for other structures. To use a portion of the public right-of-way for a privately owned structure, an applicant must obtain a revocable encroachment permit from the Planning Commission in accordance with Town Code 12.32.020. The language in the Town Code was added in

1962 with the adoption of Ordinance No. 246 and has not been amended or updated except when section 12.32.030 adding a required fee for processing was adopted in 1978. It has not been amended to take into consideration the other uses, applicants, or businesses that may have to utilize the public right-of-way for structures such as modern internet and cellular phone service providers.

## Sites and Application Numbers

### 16 Cypress Drive



The proposed cabinets will be placed 5-feet east of the pole supporting the current power source and backup batteries. On October 6, 2023, the owner of 16 Cypress Drive notified staff that PG & E had just replaced the pole in front of his property and installed a second guide wire affixed to the ground in the proposed location of the new cabinets without removing the old guide wire. There is space for the cabinet between the new guide wire and the pole mounted metal power source cabinet if the original guide wire is removed. The applicant has indicated that Comcast and possible AT&T will have to work together to get the original guide wire removed.

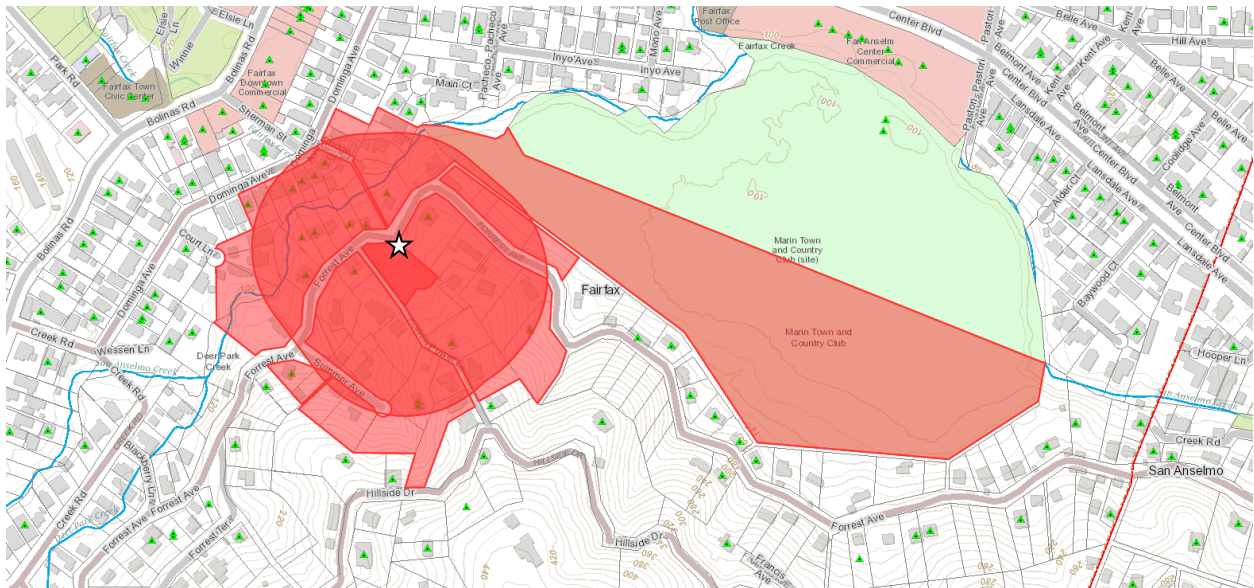
The owner of 16 Cypress Drive provided the photo below depicting the recent change.



Staff has included the following condition of approval in Resolution No. 2023-29 to cover this new development while keeping the processing of the emergency back-up upgrades moving forward:

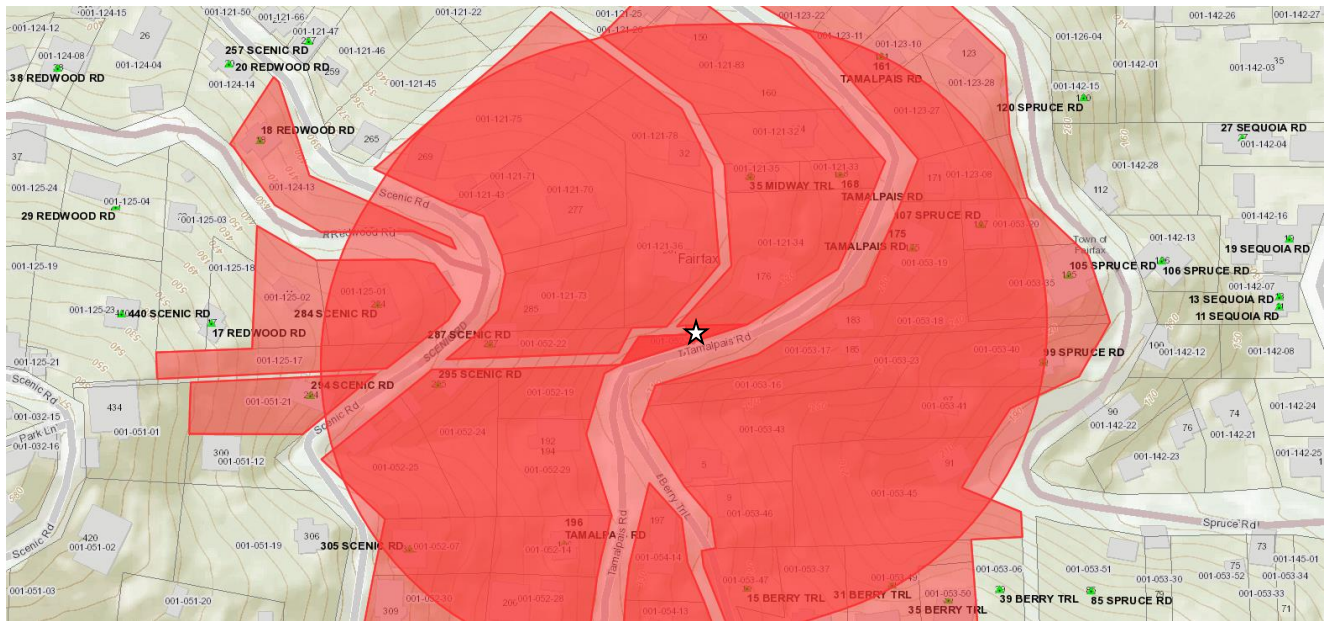
The final placement of the cabinet shall be determined by the Fairfax Building Official and/or Public Works Director working with the adjacent property owner and Comcast representative. If agreement as to the final location cannot be reached by the aforementioned parties, the Planning Director shall make the final location determination. The final location shall maintain clear visibility site lines for persons entering and exiting the driveway at 16 Cypress Drive and maintain adequate sidewalk clearance to comply with the Americans with Disabilities regulations.

## 284 Forrest Avenue



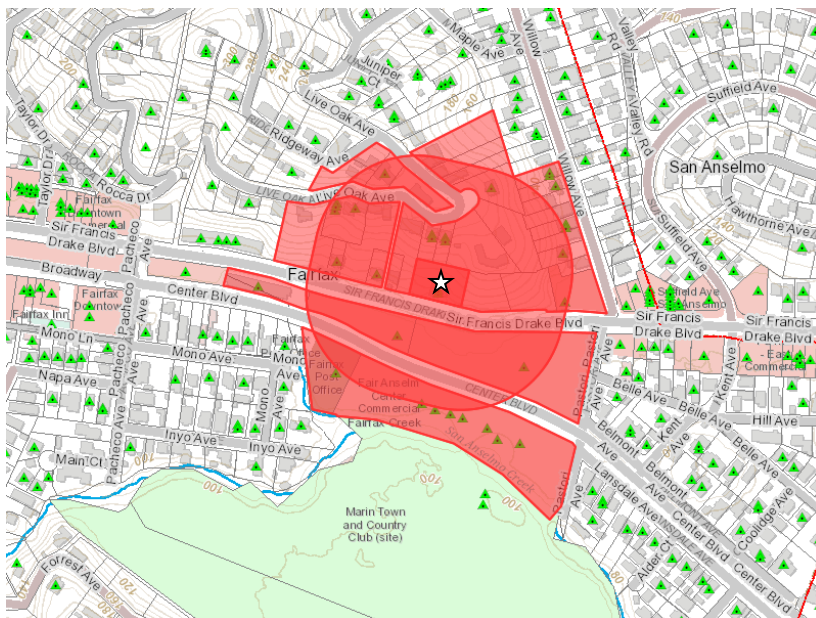
The proposed cabinets are located approximately 26 feet south of the cabinet mounted on the PG & E pole at the southwest corner of 284 Forrest Avenue at the top of the stairs running from Bridge Court across the San Anselmo Creek and up to Forrest Avenue. The cabinet will be located between the split driveway that accesses 253, 263, 265, 275, 299, 301 and 303 Forrest Avenue. Due to the slope a poured concrete wall will have to be erected to hold the hillside back from the precast concrete pad the cabinets will be mounted on. The wall will vary in height from 1-foot to 5-feet in height.

## 185 Tamalpais Road



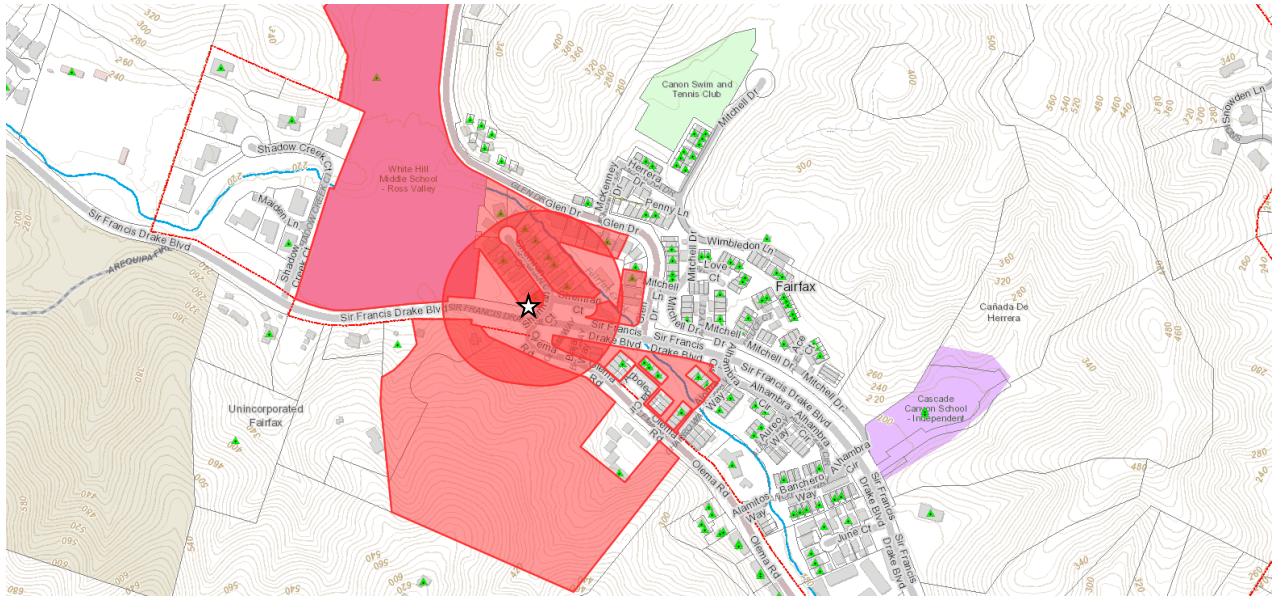
The two cabinets across the street from the parking deck at 185 Tamalpais Road will be located approximately 47-feet from the pole on the east side of the parking deck and approximately 46-feet west of the retaining wall along the frontage of 176 Tamalpais Road. The steep slope will require the construction of a poured concrete wall to retain the adjacent hillside around the precast concrete slab the cabinets will be affixed to that will be a maximum of 9-feet in height (see plan page S2).

## 1738 Sir Francis Drake Boulevard



The proposed two, side-by-side, cabinets will be installed approximately 10-feet west of the ground mounted existing enclosure that currently houses the power source and the batteries. The location will also require the installation of a poured concrete wall to support the hillside around the precast concrete slab the cabinets will be affixed to. This wall should not exceed 4-feet in height.

## 1 Shemran Court.



The two cabinets will be located approximately 29-feet west of the existing power source/battery back-up enclosure located at the rear of 1 Shemran Court at the corner of Shemran Court and Sir Francis Drake Boulevard. The location of the proposed cabinets is fairly level and is located between the rear fence for 1 Shemran Court and the pedestrian pathway that parallels Sir Francis Drake Boulevard along its northern side.

## Encroachment Permit Findings

1. The portions of the various public rights-of-way where the five Comcast cabinets are being proposed including 16 Cypress Drive, 284 Forrest Avenue, 185 Tamalpais Road, 1738 Sir Francis Drake Boulevard and 1 Shemran Court are not currently being used for vehicular or pedestrian travel. Therefore, use of portions of the rights-of-way to provide the infrastructure so the public can continue to use their cell phones and computers to receive emergency warning notification during power outages warrants the granting of these temporary easements.
2. The proposed cabinet locations will not obstruct any private driveway or create safety issues for vehicles or pedestrians traveling within the right-of-way.
3. The approvals to use the portions of the rights-of-way by the COMCAST utility are Temporary Encroachments which may be rescinded/revoked by the Town in the future if there is a need to utilize the rights-of-way for the greater public good.

## **OTHER AGENCY/DEPARTMENT COMMENTS/CONDITIONS**

Ross Valley Sanitary District commented that none of the proposed cabinet sites or their installation will conflict with any of the District's facilities or improvements.

Marin Municipal Water District (MMWD) commented that the District may own and maintain facilities in the area of the work at all of the locations in question. Should the proposed new cabinets and underground conduits encroach upon or encumber access to said facilities, 811 shall be notified of the work taking place so MMWD improvements can be located, and the proposed work can avoid impacting those existing facilities.

Staff has included the following condition in the attached Resolution 2023-09.

Utility Service Alert (811) shall be notified prior to any work taking place on any of the approved sites so MMWD improvements can be located, and the proposed work can avoid impacting any existing facilities.

The Town received no comments from the Ross Valley Fire Department, the Fairfax Public Works Department, Building Department, or the Fairfax Police Department.

### **Northern Spotted Owl**

None of the proposed locations are within ¼ mile of a known Northern Spotted Owl Nesting site and no trees are being removed to facilitate installation of the cabinets.

## **RECOMMENDATION**

- Conduct the public hearing.
- Move to approve application 23-30 by adopting Resolution No. 2023-29 setting forth the findings and conditions for granting the requested Encroachment Permits for the five COMCAST battery back-up sites at 16 Cypress Drive, 284 Forrest Avenue, 185 Tamalpais Road, 1738 Sir Francis Drake Boulevard, and 1 Shemran Court.

## **ATTACHMENTS**

A – Resolution No. 2023-29

B- Information sheets on battery backup requirements

C – Single cabinet and double cabinet standard battery backup cabinet elevations and color elevations

D – Applicant's letter addressing sound issues

E – Applicant's e-mail addressing number of customers served by the battery back-up installations





## RESOLUTION NO. 2023-29

**A Resolution of The Fairfax Planning Commission Approving Application No. 23-30 for Five Revocable Encroachment Permits Granted to Comcast for Ground Mounted Power Outage Emergency Back-up Battery Cabinets Located Within the Public Rights-of-Way of the Town of Fairfax adjacent to the Following Addresses:  
16 Cypress Drive, 284 Forrest Avenue, 185 Tamalpais Road, 1738 Sir Francis Drake Boulevard and 1 Shemran Court**

**WHEREAS**, the Town of Fairfax received an application from Comcast on June 7, 2023, to install five emergency back-up battery cabinets in various locations throughout Town adjacent to existing utility pole mounted power supply boxes or ground mounted power supply boxes; and

**WHEREAS**, Comcast requested the Revocable Encroachment Permits to comply with California Public Utility Commission regulations requiring 72-hour back-up battery sources to provide phone service and internet service whereby emergency notifications can be received by customers during any emergency that involves extended power outages; and

**WHEREAS**, after holding the public hearing and Commission discussion of the project at the regular Planning Commission monthly meeting on October 19, 2023, the Planning Commission determined that Revocable Encroachment Permit can be issued for the five battery back-up cabinets; and

**WHEREAS**, the Commission has made the following findings:

### **Encroachment Permit (Town Code §12.32.010)**

1. The portions of the various public rights-of-way where the five COMCAST cabinets are being proposed adjacent to 16 Cypress Drive, 284 Forrest Avenue, 185 Tamalpais Road, 1738 Sir Francis Drake Boulevard and 1 Shemran Court, are not currently being used for vehicular or pedestrian travel. Therefore, use of portions of the rights-of-way to provide the infrastructure so the public can continue to use their cell phones and computers to receive emergency warning notifications during power outages warrants the granting of these temporary easements.
2. The proposed cabinet locations will not obstruct any private driveway or create safety issues for vehicles or pedestrians traveling within the right-of-way.
3. The approvals to use the portions of the right-of-way by the COMCAST utility are Temporary Encroachments which may be rescinded/revoked by the Town in the future if there is a need to utilize the rights-of-way for the greater public good.

**WHEREAS**, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. Prior to issuance of any of the Public Works Encroachment permit for the project, the applicant or his assigns shall record the Revocable Encroachment Permit for the project sites at the Marin County Recorder's Office and provide a recorded copies to the Fairfax Planning and Building Services Department.
2. Any damages to the public portions of Cypress Drive, Forrest Avenue, Tamalpais Road, Sir Francis Drake Boulevard, Shemran Court, or other public roadway used to access any of the five sites referenced in the Title of this Resolution, resulting from construction activities, shall be the responsibility of the Comcast Utility.
3. Comcast shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council or Planning Director or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.
4. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act and Best Management Practices for Stormwater Pollution Prevention.

5. Utility Service Alert (811) shall be notified prior to any work taking place on any of the approved sites so MMWD improvements can be located, and the proposed work can avoid impacting any existing facilities.
6. COMCAST shall schedule an inspection with the Fairfax Building Official prior to placing the slab for the cabinet at 16 Cypress Drive so he can verify the location maintains the required ADA sidewalk clearance.
7. The pair of cabinets along the 16 Cypress Drive frontage shall not block site lines for persons exiting from 16 Cypress Drive. The exact location of the pair of cabinets along the 16 Cypress Drive frontage shall be determined by the Building Official and the Public Works Director in consultation with the adjacent property owner and the applicant. If agreement cannot be reached on a location option by the Building Official, Public Works Director, the applicant and the residents, the final location shall be determined and approved by the Planning Director.

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the requested Revocable Encroachment Permits, Application 23-30, allowing installation of five emergency back-up battery cabinets at 16 Cypress Drive, 284 Forrest Avenue, 185 Tamalpais Road, 1738 Sir Francis Drake Boulevard and 1 Shemran Court complies with the requirements of the California Public Utilities Commission and the Town Code Chapter 12.32, Temporary Carports and Other Structures in the Public Rights-of-way; and

Installation of the battery backup cabinets can occur without causing significant impacts on neighboring residences and will be a benefit for the general public in emergencies allowing emergency notifications to occur even when there is a widespread loss of power.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 19<sup>th</sup> day of October 2023 by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:

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Chair Cindy Swift

Attest:

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Jeffrey Beiswenger, Planning Director



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## Communications Network Resiliency



Californians rely on their phones and the Internet, whether wireline or wireless, to receive emergency notifications, access evacuation and outage maps, contact family and friends, and reach emergency responders. Without access to these resources, Californians cannot receive and act on vital information that can keep them safe in an emergency.

### CPUC Resiliency Strategies

The Commission adopted six groups of resiliency strategies for all facilities-based wireless and wireline service providers with facilities located in [Tier 2 and Tier 3 High-Fire Threat Districts](#). The widespread loss of communication services during natural disasters and power outages prompted the Commission to take this action. Service providers can then use these strategies along with other innovative approaches to ensure they always provide: 1) access to 911 and 211 services, 2) the ability to receive emergency alerts and notifications, and 3) access to basic Internet browsing.



The Commission gave service providers the flexibility to decide how to implement these six groups of resiliency strategies:

- a. Implement 72-hour back-up power to support essential communications equipment and minimum service levels for the public
- b. Build and maintain redundant communication networks
- c. Harden communication networks to withstand damage
- d. Restore service to damaged or destroyed facilities. Use temporary facilities (mobile cell sites, mobile satellite, and microwave backhaul, etc.)
- e. Establish communication and coordination processes with first responders, other public utilities, the Commission, and the general public
- f. Establish preparedness planning for employees and ensure sufficient staffing levels.

Nonetheless, the Commission prioritized the deployment of back-up power duration of at least 72 hours in [Tier 2 and Tier 3 High Fire-Threat Districts](#). Also, the Commission prioritized the facilities-based wireline providers deploy back-up power duration of at least 72 hours in locations with insufficient mobile wireless coverage.

The Commission aims to achieve the following benefits:

### FACT SHEET

[Reliability Obligations of Communications Providers](#)

### RELATED TOPICS

[Compliance, Safety, Enforcement](#)  
[Public Safety Power Shutoffs \(PSPS\)](#)

### RELATED PROGRAMS

[Safety](#)  
[Broadband and Telecommunications](#)

### RELATED DIVISIONS

[Communications](#)

- Strengthen the ability and preparedness of service providers to maintain a minimum level of communication services and coverage during a disaster or commercial power grid outage events/incidents;
- Strengthen service providers' ability to recover from or adjust to adversity or change through an array of strategies;
- Ensure the existence of resilient and dependable communications networks aiding first responders;
- Ensure the existence of timely and reliable access to essential communication services for the public; and
- Ensure the capability to assess and identify the weaknesses in service providers' resiliency planning and implementation so that we may develop solutions that will increase safety.

The Commission also required the submission of five recurring reports and advice letter filings, i.e., resiliency plans, emergency operations plans, outreach and coordination plans, emergency contact information, and emergency preparedness exercise.

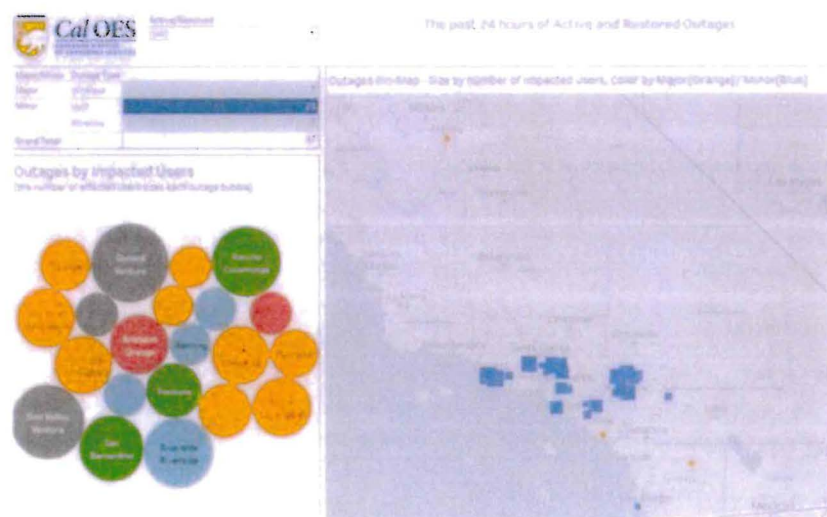
### **Senate Bill 341 [McGuire. Telecommunication service: Outages]**

Existing law requires all providers of telecommunications service that provide access to 911 service to notify the California Office of Emergency Services (Cal OES) whenever a community isolation outage occurs that limits their customers' ability to make 911 calls or receive emergency notifications.

SB 341 requires each provider of telecommunications service to maintain on its internet website a public outage map showing provider's outages. Cal OES is required, in consultation with the Public Utilities Commission, on or before July 1, 2022, to adopt by regulation requirements for those outage maps. The bill requires Cal OES to provide the commission with all the information provided to it as part of a telecommunication service provider's community isolation outage notification and to aggregate that data and post on its internet website. The bill requires the commission to annually report to the Legislature on the commission's actions taken based on that information provided by Cal OES.

While Cal OES continues to gather outage notification and the aggregated data from the respective carriers' internet website, Cal OES has developed a public Dashboard which provides the past 24 hours of active and restored outages at the following link.

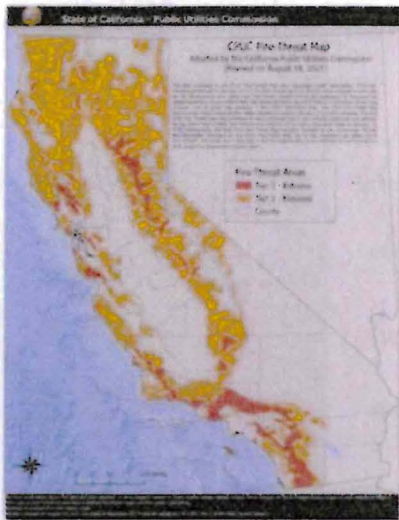
<https://public.outage.ca.nga911.com/dashboard>



### **Templates, Reports, and Additional Information**

- [CPUC Emergency Communications Template \(Wireline and Wireless\)](#)
- [Wireless Resiliency Plan Template - Rev 3.0](#)
- [Wireline Resiliency Plan Template - Rev 3.0](#)

- [Disaster Event Data Request](#)
- Webinar for Wireline [Presentation](#) and [Recording](#)
- Commission's resiliency decisions: [D.20-07-011](#) (wireless) & [D.21-02-029](#) (wireline)
- Information about the Commission's rulemaking ([R.18-03-011](#)) regarding emergency disaster relief program
- [Commission's efforts to estimate availability of mobile broadband internet access services](#)
- [Information about planned energy utility outages](#)
- [Information about High Fire Threat Districts](#)
- [CalFIRE's information about fire incidents](#)
- [Environmental Protection Agency's information about air quality](#)
- [Information about the Commission's informal complaint process](#)
- [Information about low-cost Internet plans](#)



[Tier 2 \(elevated\) & Tier 3 \(extreme\) High Fire-Threat Districts \(Rev. 8.21\)](#)



[Locations with insufficient mobile wireless coverage in High Fire-Threat Districts \(Tier 2 & Tier 3\)](#)

# CPUC Fact Sheet

## Reliability Obligations of Communications Providers

### Introduction

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 a brief overview of the regulatory environment and efforts by the California Public Utilities Commission (CPUC) to ensure these technologies serve all Californians.

### 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 obviated 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. These carriers must report service quality measures for G.O 133-D. These measures include the quarterly submission of customer trouble, out of service, and answer time reports. GRC ILECs are also required to report on installation intervals and installation commitments.

### 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 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.

### GENERAL ORDER 133-D (GO 133-D)

To establish transparent guidelines and "rules of the road" for regulated entities, the CPUC

adopted in August 16,

quality rules, measures, and standards under GO 133-D.



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 began requiring 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. It is, however, a very different technology, and one that, until recently, the CPUC was statutorily prohibited from regulating.

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. This means VoIP places an additional burden on consumers with the added need to maintain a backup battery compatible with their VoIP equipment.

As with wireless providers, service outages prompted the CPUC to create wireline (including both POTS and VOIP providers) resiliency strategies and reporting requirements to ensure customers can communicate during emergencies and emergency operations plan to ensure providers’ preparedness for the emergencies.

**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 Public Safety Power Shutoff events and wildfires, the CPUC unanimously approved two separate Decisions, D.21-02-029 and D.20-07-011. Together, these Decisions adopt six groups of resiliency strategies for all facilities-based wireline and wireless communications service providers. D. 21-02-029 addresses the responsibilities of facilities-based wireline communications service providers. In contrast, D.20-07-011 delineates the requirements for facilities-based wireless communications service providers. Each of these Decisions had different effective dates for the requirements and implementation dates. As an example, facilities-based wireline communications service providers had to prioritize the deployment of 72-hour backup power to specific types of facilities (see pages 2, 52-54, 65, 91, and 99 of D.21-02-029), such as critical facilities per CPUC Rulemaking R.18-12-005, facilities functioning as wireless backhaul, and facilities located in communities lacking sufficient wireless service coverage.

**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.

Each of the four facilities-based wireless service providers asserted that they have implemented the minimum backup power duration of 72 hours for their facilities in California's Tier 2 and 3 High Fire Threat Districts. Each also submitted their resiliency plans by the deadline.

### **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.

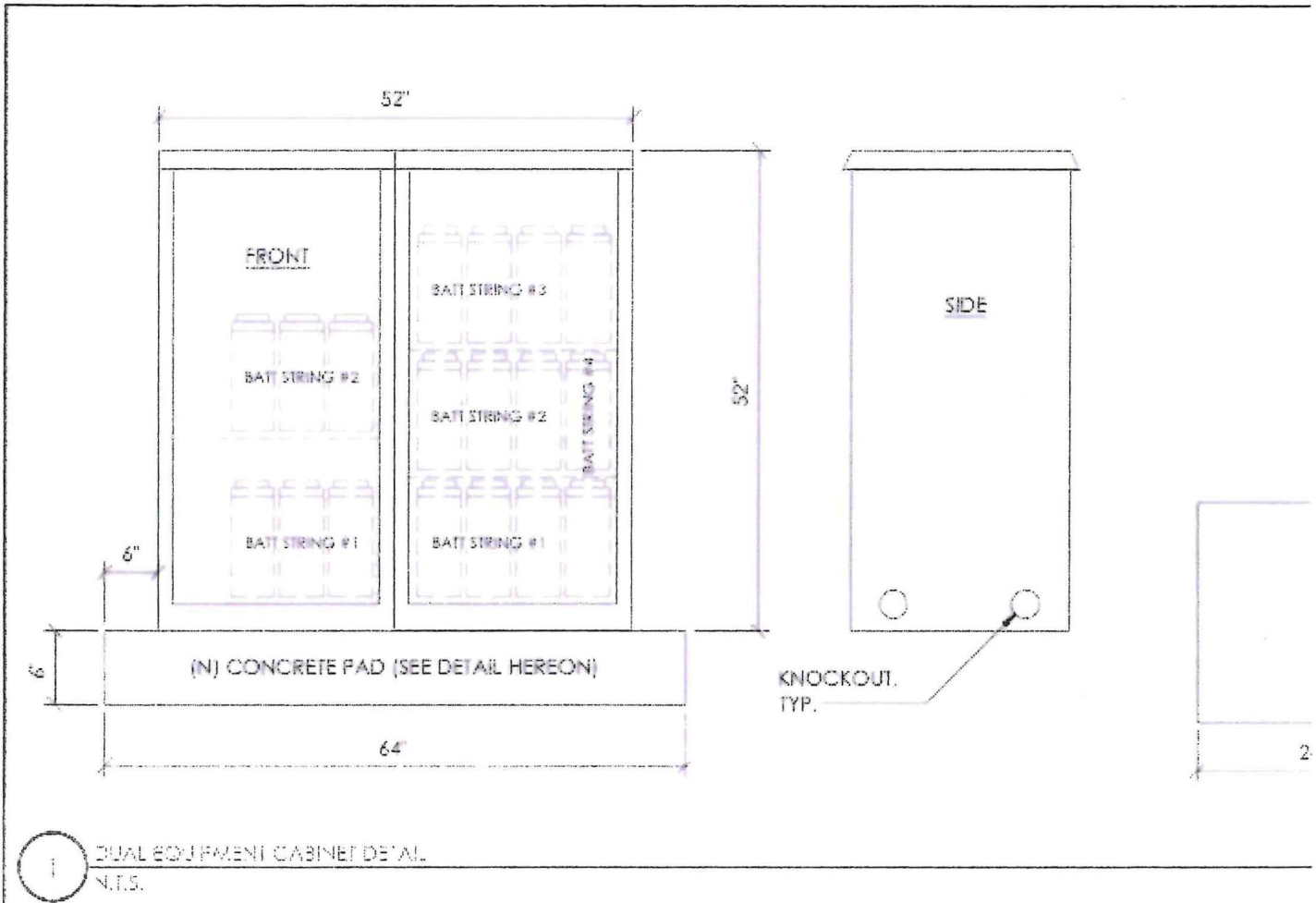
The petition from Cal Advocates argued that communication services provided via broadband, wireless, and VoIP are now, along with POTS, essential services. Based on this, the petition asked the CPUC to amend and update GO 133-D to establish the minimum service quality standards that customers can expect. The CPUC accepted this petition, and in a new proceeding will assess whether GO 133-D ensures that telecommunications 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.

In Phase 1 of the proceeding, the CPUC will consider whether any existing service quality metrics should be extended to wireline and VoIP services, or whether new service quality metrics or standards should be created for these services. Modifications to GO 133-D's enforcement framework and penalty mechanism will also be considered. In Phase 2 of the proceeding, service quality metrics and standards for broadband

REGULATORY AND PUBLIC PARTICIPATION PROCEDURES

service will be considered. In the preliminary schedule, initial comments are expected within 46 days of the issuance of the Rulemaking. If you need assistance to become a party to the proceeding please contact the Public Advisor at (415) 703-2074 or (866) 849-8390 or email [publicadvisors@cpuc.ca.gov](mailto:publicadvisors@cpuc.ca.gov). You can comment on the proceeding on the [Order Form](#).





Anything you want us to take as an action item from those comments from Mark with Building you attached?

Let us know if you need anything else.

Thanks,

--

**Alvaro Gandara Astray**  
 Project Manager Service II  
 ENERGY SYSTEMS  
 Cell: 916-282-8158









Comcast Cable Communications, Inc.  
3055 Triad Place  
Livermore, CA 94551-9559

Town Of Fairfax  
Building and Planning  
Attn: Linda Neal Principal Planner  
142 Bolinas Rd, Fairfax Ca 94930

RE: Comcast Submitted Planning Application/Permits

To whom it may concern,

Comcast is requesting an exemption to provide a certified sound engineering report referenced in the planning application in pursuant to implement CPUC mandate Wireline Resiliency, see this link for additional background information;  
<https://www.cpuc.ca.gov/industries-and-topics/Internet-and-phone/service-quality-and-etc/communications-network-resiliency>

These battery support cabinets have no active electronics stored in them that would transmit or inmate any electronic demcial sound. They will only store battery units much like a automotive battery to support the 72hr time frame mandated by the CPUC for our existing infrustructure power supply units. Our technology has been certified by all state & federal standards and poses no threat or impact to the public safety.

Comcast is a willing partner with the Town of Fairfax and its residents to assist in any landscaping betterment, as well other considerations where these cabinets will need to be deployed to support our existing infrustructure power supply units that have been in place for numerous years. We are very willing to meet with Town officials to discuss this program in depth.

Please feel free to contact me to discuss any questions/concerns that may arise from our request for this exception.

We are looking forward to the opportunity to provide a more resilient network to the Town of Fairfax. We appreciate the continued partnership with Comcast.

Best,

Billy Glisson  
Area Construction Manager-Comcast  
Ph: 925/337-0726  
[billy\\_glisson2@cable.comcast.com](mailto:billy_glisson2@cable.comcast.com)



**ATTACHMENT D**



**From:** Glisson, Billy <Billy\_Glisson2@comcast.com>

**Date:** Monday, April 3, 2023 at 3:43 PM

**To:** Linda Neal <lneal@townoffairfax.org>, Nielson, Colleen <colleen.nielson@enersys.com>, Bottari, Brian <Brian\_Bottari@comcast.com>, Gandara Astray, Alvaro <Alvaro.Gandara@enersys.com>

**Subject:** RE: Fairfax Planning Application Form

**CAUTION:** This email originated from outside of the Company. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Linda,

My letter for an exception applies here also, as we are not changing any of the current configuration of the sites the current ambient noise concern can be addressed during the hearing if necessary.

From your information provided to me, 1 unit was moved 3yrs ago due to the noise. Moving the unit did not reduce the noise however it's possible the different location provided more opportunity for it to not be so noticeable.

Hopefully, we can be added to the next planning commission session in April to address all items regarding the project.

Thanks,

Billy

**From:** Linda Neal <lneal@townoffairfax.org>

**Sent:** Monday, April 3, 2023 8:29 AM

**To:** Nielson, Colleen (Enersys.Com - Guest) <colleen.nielson@enersys.com>; Glisson, Billy <Billy\_Glisson2@cable.comcast.com>; Bottari, Brian <Brian\_Bottari@comcast.com>

**Subject:** [EXTERNAL] RE: Fairfax Planning Application Form

Dear Colleen,

The application form looks good. The Building Official had the attached comments which include:

Comments on the proposed locations.

He has explained that while the battery back-ups may not make noise the power sources they will supply do. Can you provide assurances and/or decibel information that the new power sources being installed along with the battery back-up cabinets, will make equal or less noise than the existing ones? We get complaints about the noise and this is a small Town so the Commission will have already heard complaints or may hear complaints at the public hearing.

We requested information about the area each pole/back-up until will supply.

We requested elevations on all sides of the two different types of cabinets that will be installed and have not received those.



## Linda Neal

---

**From:** Glisson, Billy <Billy\_Glisson2@comcast.com>  
**Sent:** Tuesday, April 4, 2023 10:46 AM  
**To:** Linda Neal; Nielson, Colleen (Energys.Com - Guest); Bottari, Brian; Gandara Astray, Alvaro (Energys.Com - Guest)  
**Subject:** RE: One last thing  
**Attachments:** RE: Fairfax Planning Application Form

Linda,

This is great news, please let us know when you can confirm for the 20<sup>th</sup>, Brian and I will adjust our schedules to attend.

As to your other two items:

*One last thing, if someone can respond in an e-mail about the Building Official's concern that the replaced power sources on the poles will not be any louder and/or will be quieter, than the existing ones, that would be great. See my email I sent yesterday Monday 4/3.*

*The one thing we are still missing and I hope it will be easy for you to get to me ASAP is the number of customers the various locations will serve.....this can be an estimate, but I think it will really show how many citizens the back-ups will help in an emergency in case one or two neighbors next to the various sites, speak against the cabinets for some reason. This information is proprietary information, however, to provide an estimate, with 15 units falling into the Fairfax city zip codes with the understanding 2 of them fall under Marin County jurisdiction however they still support Fairfax residents, I can provide an "estimated" number of +- of more than 2k> potential customers. Our units are not based on number of customers they are based on designed footage and electrical demand to support the customers in those areas.*

Please let me know how else we can assist.

Billy

**From:** Linda Neal <lneal@townoffairfax.org>  
**Sent:** Tuesday, April 4, 2023 8:39 AM  
**To:** Glisson, Billy <Billy\_Glisson2@cable.comcast.com>; Nielson, Colleen (Energys.Com - Guest) <colleen.nielson@energys.com>; Bottari, Brian <Brian\_Bottari@comcast.com>  
**Subject:** [EXTERNAL] One last thing

One last thing, if someone can respond in an e-mail about the Building Official's concern that the replaced power sources on the poles will not be any louder and/or will be quieter, than the existing ones, that would be great.

Linda Neal  
Principal Planner  
(415) 453-1584

**From:** Linda Neal  
**Sent:** Tuesday, April 4, 2023 8:37 AM  
**To:** Glisson, Billy <Billy\_Glisson2@comcast.com>; Nielson, Colleen <colleen.nielson@energys.com>

**ATTACHMENT E**