

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24M-0173E

IN THE MATTER OF THE COMMISSIONS' INVESTIGATION INTO THE APRIL 2024 FRONT RANGE WINDSTORM AND XCEL ENERGY'S PUBLIC SERVICE POWER SHUT-OFFS.

COMMENTS OF CTIA

CTIA¹ hereby provides its reply comments as directed by Decision No. C24-0526 (July 23, 2024), the Commission Decision Requiring Email Notice to Interested Parties, Setting Deadlines for Responses, and Forwarding Decision to the Colorado Insurance Commission in the above-captioned docket (“Decision”). CTIA appreciates the opportunity to participate in this proceeding.

I. INTRODUCTION

In its Decision, the Colorado Public Utilities Commission (“Commission”) identifies two goals for the instant docket. The Commission seeks “to determine the manner in which Public Service (“Xcel Energy”) conducted outages during a high wind event that occurred April 6 to April 7, 2024” and to obtain “recommendations from those parties as to how any future outages should be conducted to ensure transparent and frequent communications, and to mitigate programs that occurred with the outage....”² It is regarding the second goal – recommendations

¹ CTIA – The Wireless Association® (“CTIA”) (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless providers, device manufacturers, and suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

² Decision at 1.

to lessen the negative impacts of future de-energization (public safety power shutoff (“PSPS”)) events – that CTIA offers its comments.

CTIA’s members offer mobile service throughout the nation, including throughout Colorado. In the course of operating their networks across western states in recent years, CTIA’s members have experienced numerous PSPS events. Both CTIA and its members have learned a great deal from those experiences and from their participation in regulatory proceedings examining them. CTIA draws from such experiences to offer a handful of targeted suggestions for processes to follow and information to share that will better enable wireless providers to maintain wireless service to their customers during PSPS events.

It is imperative that wireless providers are affirmatively identified for receipt of advanced notice of pending PSPS events. But advanced notice by itself is insufficient. Wireless providers need such notices to be delivered at pre-determined intervals, except when changed circumstances dictate more rapidly disseminated notice, and to contain needed actionable information. They also need processes in place to ensure that wireless providers and electric utilities alike identify in advance the appropriate contacts for such notice. And while advance notice containing crucial information that is delivered to the correct contact is vital, it is equally important that the exchange of such information is conducted in a way that avoids disclosure of information that could compromise public safety if released. Finally, CTIA urges that restoration priorities be established in consultation with wireless providers so that critical wireless facilities that are without power can be re-energized expeditiously.

Xcel Energy clearly has put a great deal of effort into creating its PSPS Plan, and it contains many positive elements. However, there are areas that should be improved upon in the interest of promoting public safety during de-energization events. CTIA appreciates the work

Xcel Energy has dedicated to developing its PSPS Plan and looks forward to working cooperatively with Xcel Energy to improve it.³

II. CTIA REQUESTS THAT XCEL ENERGY MAKE TARGETED IMPROVEMENTS TO ITS PSPS PLAN TO MINIMIZE NEGATIVE IMPACTS TO WIRELESS NETWORKS FROM PSPS EVENTS.

A. Xcel Energy’s PPS Plan Should Affirmatively Recognize That Wireless Networks are “Critical Infrastructure.”⁴

Among the most important element of any PPS Plan is ensuring that necessary information is shared in advance with government stakeholders, such as public safety entities and first responders, and non-governmental stakeholders that offer critical services, such as wireless providers. To ensure necessary information is shared at the appropriate time, one key step is to accurately identify in advance all such stakeholders.

Xcel Energy’s PPS Plan takes steps in that direction by correctly identifying operators of “Critical Infrastructure” as “Critical Customers,”⁵ but no further definitions or identification is provided. Xcel Energy’s PPS Plan would be greatly improved by identifying the types of stakeholders that are captured by the two terms. CTIA suggests that Xcel Energy either include wireless networks in a definition of Critical Infrastructure or incorporate existing, non-controversial federal definitions for those terms.

³ CTIA notes for the Commission that these reply comments identify areas of the PPS Plan that can be improved specific to wireless providers. The questions posed in the Decision were, of course, not focused on wireless providers. In an effort to best assist the Commission, CTIA notes in footnotes throughout these reply comments to which of the Commission’s questions CTIA’s comments are responsive.

⁴ CTIA’s suggestions regarding defining wireless networks as Critical Infrastructure provide information responsive to questions b, c, g.1, g.3, i, and j.

⁵ PPS Plan at 6.

Wireless networks have long been recognized as critical infrastructure.⁶ Their critical nature is also evidenced by their designation in the National Response Framework⁷ as indispensable to the delivery of an Emergency Support Function.⁸ By either defining Critical Infrastructure to include wireless networks, and the backhaul networks that carry wireless traffic from cell sites, or adopting the federal definitions, Xcel Energy will improve its PSPS Plan by leaving no doubt for itself or stakeholders⁹ regarding who must receive particularly detailed notices in order to best maintain public safety during a PSPS event.

B. Xcel Energy Should Provide More and Earlier Advance Notice That Includes the Types of Information Necessary for Wireless Providers to Plan for and Adjust to the Loss of Commercial Power.

1. Timing of Notice⁹

Wireless networks generally are designed to withstand a “typical” power outage without the significant deployment of additional resources. However, the extended power outages that may occur during de-energization events likely will require the deployment, operation, and maintenance of additional resources by wireless providers. During these extended power outages, wireless providers will support the continued operation of their networks, to the extent feasible, by deploying, operating and maintaining portable generators, and other equipment as necessary, where it is technically feasible and safe to do so.

The ability of wireless providers to maintain the operation of their networks is affected significantly by the timeliness and precision of information included in notices provided before,

⁶ See Presidential Policy Directive 21, <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil> (February 12, 2013) (designating 16 Critical Infrastructure Sectors, including Communications and Energy).

⁷ See <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response>.

⁸ See <https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response#esf> (designating communications networks, including wireless networks, as Emergency Service Function #2).

⁹ CTIA’s suggestions regarding the timing of notice provide information responsive to questions e, g, h, i, k, and l.

during, and after a de-energization event. Timely notification to wireless providers is therefore critical to enable them to effectively operate their networks during de-energization events.

Xcel Energy's PSPS Plan currently provides for less advance notice than is needed and typically received in states that have addressed PSPS planning.¹⁰ Currently, Xcel Energy proposes to provide advance notice at 48-72 hours, 24-48 hours, and 1-4 hours prior to de-energization, with further notices provided once every 24 hours during the de-energization event and a restoration notice¹¹ Mirroring the notice timing sequence developed in other states will help wireless providers by maintaining consistent expectations and practices among their personnel. CTIA suggest notices in the following sequence:

- 5 days prior;
- 3 days prior;
- 48 hours prior;
- 24 hours prior;
- 2 hours prior;
- 1 hour prior
- At the time of de-energization;
- Regularly during the de-energization event;
- Upon reenergization; and
- Immediately upon cancellation/conclusion of the event.

It is also essential for wireless providers to receive updates as quickly as possible when Xcel Energy identifies changed circumstances that could have a substantive impact. This “as quickly as possible” standard is applicable equally to out of sequence updates pre-event and to updates during the event. In particular, notices provided “regularly during the de-energization event” should not be delayed to match a pre-set schedule. Rather, they should be provided as important information becomes available in addition to whatever preset schedule otherwise applies.

¹⁰ PSPS planning has been addressed by state commissions in California and Nevada, among other states.

¹¹ PSPS Plan at 28.

2. *Content of Notices*¹²

Not only is it critical that wireless providers receive advance notice of pending de-energization events, but it is equally essential that the content of such notices provide wireless providers the information they need to best maintain service on their networks when commercial power is lost. Among the most important information that wireless providers need in order to prepare for de-energization events are the following:

- Links to access GIS shapefile maps;
- All affected county/location/meter details for the PSPS event;
- The total number of each wireless provider's impacted meters; and
- The estimated date and time that de-energization will start and the estimated date and time that re-energization is expected to be completed.

At minimum, every notice (apart from the notice cancelling/concluding an event) should include accurate updates for these points of data. Further, it would be helpful for Xcel Energy to develop a standardized notice format. This would help both Xcel Energy (by enabling it to quickly populate a template with necessary information) and wireless providers (by helping providers quickly identify the necessary information and any changes.)

3. *Contact Information Updates*¹³

Another suggested improvement to Xcel Energy's PSPS Plan is to affirmatively establish a process for maintaining current contact information for Xcel Energy and wireless providers. Without such a process in place, there is a substantial risk that notices will be directed to the wrong person or people, creating confusion and potentially denying access to critical

¹² CTIA's suggestions regarding the content of notices provide information responsive to questions b, c, e, g, h, i, and l.

¹³ CTIA's suggestions regarding the identification of points of contact provide information responsive to questions e, h, i, j, and k.

information. At a minimum, it will take resources away from Xcel Energy and wireless providers as both are attempting to ensure the minimum possible impact from a de-energization event. This problem is easily avoided by establishing in advance a process in the PSPS Plan to ensure both parties have accurate contact information at all times.

C. Xcel Energy Should Ensure it Follows Processes to Maintain the Confidentiality of Critical Infrastructure Information.¹⁴

As CTIA explained above, wireless networks are identified as critical infrastructure at the federal level, and the federal government has policies and processes in place to protect information pertaining to critical infrastructure.¹⁵ Among those are a structured approach to handling “Protected Critical Infrastructure Information” (“PCII”), which the Department of Homeland Security defines as follows:

- Information that is not customarily in the public domain and is related to the security of critical infrastructure or protected systems. CII consists of records and information concerning any of the following:
 - Actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety[;]
 - The ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit[; and]

¹⁴ CTIA’s suggestions regarding the necessity to maintain the confidentiality of Protected Critical Infrastructure Information provide information responsive to questions c, e, and g.

¹⁵ See Title II, Subtitle B, of the Homeland Security Act of 2002, Public Law 107-296, 116 Statute 2135 (6 U.S.C. 131 et seq.); 6 Code of Federal Regulations, Part 29, as amended. Also known as Procedures for Handling Protected Critical Infrastructure Information; Final Rule.

- Any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.¹⁶

Wireless providers' outage and outage recovery information clearly is PCII because it is "not customarily in the public domain and is related to the security of critical infrastructure or protected systems."¹⁷ Such information is due the highest standard of care. Wireless providers trust that Xcel Energy, whose facilities also are critical infrastructure, will work with wireless providers to ensure that the necessary exchange of information in the course of PSPS events does not lead to the disclosure of PCII. The wireless industry looks forward to working with Xcel Energy to achieve this shared goal.

D. Xcel Energy Should Commit to Prioritization of Critical Infrastructure, Including Wireless Facilities, for Restoration.¹⁸

CTIA recognizes that PSPS events often will have widespread impacts across broad geographic areas affecting many customers and stakeholders and that the ordinality of restoration priorities is influenced by many factors. CTIA hopes both that restoration of critical infrastructure is among the factors that influence restoration prioritization and that Xcel Energy will commit to discussing the prioritization of restoring power to critical wireless facilities that either could not receive backup power during a PSPS event or are in danger of losing such during the restoration period.

¹⁶ Department of Homeland Security, Protected Critical Infrastructure Information Program Procedures Manual (April 2009), at Appendix 2, Definitions, *available at* <https://www.dhs.gov/sites/default/files/publications/pci-program-procedures-manual-508.pdf>.

¹⁷ *Id.*

¹⁸ CTIA's suggestions regarding the prioritization of wireless facilities for restoration provide information responsive to questions c and g.1.

III. CONCLUSION

CTIA deeply appreciates the opportunity to participate in this docket and looks forward to working with the Commission, Xcel Energy, and other stakeholders to establish appropriate processes that will lessen the negative impacts of future PSPS events.

DATED: August 13, 2024.

SHERMAN & HOWARD L.L.C.

By: *s/Mark W. Williams*

Mark W. Williams, #15304
675 15th Street, Suite 2300
Denver, CO 80202

CERTIFICATE OF SERVICE

<u>Recipient</u>	<u>Address</u>	<u>Method</u>
Colorado PUC	1560 Broadway, Suite 250 Denver, CO 80202	Colorado PUC E-Filings
Advanced Energy United	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Black Hills Colorado Gas, Inc.	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
City of Boulder	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
City of Boulder, Veronique Van Gheem	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Colorado Energy Office	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Colorado Insurance Commission	1560 Broadway, Suite 850, Denver, CO 80202	Colorado PUC E-Filings
Thomas Dixon	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Office of Utility Consumer Advocate	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Public Service Company of Colorado, Emily Giraldo and Tyler Mansholt	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Rocky Mountain Natural Gas LLC	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Tri-State Generation and Transmission Association, Inc.	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
The City and County of Denver, Maria Gutierrez	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
Schuna Wright	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings

Xcel Energy, Linda Nguyen and Steven Berman	Recipient's Filing Center in E-Filings System	Colorado PUC E-Filings
--	--	------------------------