

STATE OF CALIFORNIA

Public Utilities Commission
San Francisco

M e m o r a n d u m

Date: May 28, 2009

To: The Commission
(Meeting of June 4, 2009)

From: Pamela Loomis, Director
Office of Governmental Affairs (OGA) — Sacramento

Subject: **SB 712 (Padilla & Benoit) – “211” telephone number system.
As Amended May 5, 2009**

LEGISLATIVE SUBCOMMITTEE RECOMMENDATION: SUPPORT

SUMMARY OF BILL:

SB 712 would codify the CPUC’s current responsibility to evaluate and authorize requests from information and referral service providers for the use of the “ 211” abbreviated telephone dialing code, and to assist providers to improve the system and increase cooperation among relevant state and private entities.

The bill also would require a CPUC-authorized 211 provider to operate the system in a manner consistent with the applicable orders of the CPUC and the FCC. It would also provide the employees and agents of a 211 provider immunity from liability for injuries or losses in connection with the operation of the 211 system, unless due to willful or wanton misconduct of the employee or agent.

In anticipation of the passage of federal funding legislation, the bill would establish the California Health and Human Services Agency (HHSA) as the lead entity responsible for implementing 211 services throughout the state, with responsibility for: planning, administrative, fiscal and required reporting functions; developing a plan for implementation of 211 services statewide; allocating 211 funds to entities in accordance with applicable law; reporting activities and progress as requested by the CPUC; and acting as a liaison between state agencies and 211 providers, LECs, and local public agencies on 211 implementation matters. The bill would also give the CPUC new authority to request reports from the system’s lead entity.

The bill would allow HHSA to delegate lead entity functions to another entity; and it would allow the HHSA or the entity it designates to receive funding from federal, state, or other sources.

SUMMARY OF SUPPORTING ARGUMENTS FOR RECOMMENDATION:

- This bill would enhance the provision of 211 services in California by providing government oversight for the 211 system, currently coordinated by two nongovernmental organizations (the California Alliance of Information & Referral Services and the United Ways of California working together as the 2-1-1 California Partnership).
- SB 712 would facilitate receipt of federal grant money for the development, administration and operation of California's 211 system and providers should pending federal legislation, H.R. 211 (Eshoo, CA) and S. 211, be enacted. The federal legislation would establish a federal 211 grant program and require a state to designate a lead entity to receive and administer the grants and to implement 211 statewide. SB 712 would designate the state Health and Human Services Agency (HHSA), or its designee, as this lead entity to receive and allocate funding for 211 implementation -- thus positioning California to receive federal 211 grants if the federal legislation is enacted.
- SB 712 would also improve the public safety communications system statewide because 211 helps reduce "clogging" of the 911 system. The 211 system supplements the emergency alert system by providing location and time-specific information to individuals in highly dynamic emergency situations such as wildfires.

SUMMARY OF SUGGESTED AMENDMENTS:

On page 6, line 38, delete the word "currently".

(Need to ensure 211 providers authorized after passage of the bill are included under these provisions)

DIVISION ANALYSIS (Telecommunications Division):

- Under FCC -delegated authority, the CPUC currently evaluates requests for and authorizes the use of the 211 dialing code under rules established by the Commission in D.03-02-029.
- SB 712 is consistent with current CPUC programs, practice, and policies, and would have no significant impact, fiscal or administrative impact, on our programs or practices.

PROGRAM BACKGROUND:

- The CPUC established procedures for 211 dialing in California, under authority delegated by the FCC and under its state law authority to regulate public utilities. D.03-02-029.
- In addition to providing residents with referrals to necessary social services, the 211 number is often included in the Governor's emergency alerts and serves as a mechanism for the state's domestic preparedness and security agency (Cal-EMA) to distribute emergency response information.
- The CPUC recognized the importance of the role of the 211 calling system during the 2007 southern California firestorms. At a workshop in January 2008 to discuss communications issues during the firestorms, Commissioners Simon and Chong said that the state should focus on implementing a statewide 211 service. (*Michigan Office of Public Health Preparedness Guardian of Public Health Update*, January 25, 2008.) The CPUC Communication Division's September 2008 firestorm report also noted the role of the 211 system in the emergency response to the firestorms:
- **3.2.2** During the Grass Valley and Slide Fires, SBOES [San Bernardino Office of Emergency Services] also utilized 2-1-1 as an emergency phone bank. Call takers provided the most up to date information that was simultaneously broadcast on the website and the Fire Department's Incident Information Line. Through 2-1-1, SBOES answered more than 7,000 calls from San Bernardino residents seeking information about the fires.
 - Throughout the disaster, 2-1-1 functioned as an interactive communications asset with personnel gathering information from the JIC, WebEOC20, private sector corporations, and other resources to get information to county officials and to the public. By the end of the fires, 2-1-1 had answered approximately 140,000 calls. Technology and automation played a major role in the successful response to the fires and delivery of evacuation notifications in San Diego. Reverse 911, AlertSanDiego, and 2-1-1 allowed the county to quickly notify residents of the need to evacuate and provided other emergency information to the public. *Communications System Performance During the 2007 Southern California Firestorm*

LEGISLATIVE HISTORY:

In 2004, similar legislation, AB 2284 (Chu), was passed by the Legislature but was vetoed as premature.

STATUS:

SB 712 is currently on the Senate Appropriations Committee Suspense File after passage out of the Senate Energy, Utilities and Communications Committee on April 27, 2009.

SUPPORT/OPPOSITION:

Support: 211 California (sponsor)
211 LA County
211 of San Luis Obispo County
Access Services
California Alliance of Information and Referral Services
California State Association of Counties
Catholic Charities of the Diocese of Santa Rosa's
Lake County Program
Children Now
Contra Costa Crisis Center
Family Service Agency of Santa Barbara
Family Service Agency of Sonoma County
Inland Empire United Way
Johnanson Transportation
Lake County Community Action Agency
Legal Aid of Sonoma County
LMWS Inc., Pacific Lifeline
Mendocino County Youth Project
NAMI Sonoma County
Reach Out Morongo Basin
Redwood Community Health Coalition
Redwood Credit Union
United Way of California
United Way of the Desert
United Way of Merced County
United Way of Monterey County
United Way of San Diego County
United Way of Santa Cruz County
United Way of Silicon Valley
United Way of Stanislaus County
United Way of Stanislaus and the Mother Lode
United Way of Ventura County
Women's Crisis Support-Defense de Mujeres
2 individuals

Opposition: None on file.

STAFF CONTACTS:

Alicia Priego
Legislative Liaison, OGA

arp@cpuc.ca.gov
(916) 322-8858

Date: May 28, 2009

BILL LANGUAGE:

BILL NUMBER: SB 712 AMENDED
BILL TEXT

AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 22, 2009
AMENDED IN SENATE APRIL 2, 2009

INTRODUCED BY Senators Padilla and Benoit

FEBRUARY 27, 2009

An act to add Article 6.7 (commencing with Section 53128) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 712, as amended, Padilla. "211" telephone number system.

Existing law requires a public safety agency, as defined, to maintain a "911" emergency telephone number, as specified, and sets forth the duties of the Division of Telecommunications of the Department of General Services, including the provision of management oversight of statewide telecommunications developments. Existing law authorizes a local public agency, as defined, to establish a nonemergency "311" telephone system, and authorizes the Division of Telecommunications to, among other things, aid local public agencies in the formulation of concepts, methods, and procedures that will improve the operation of the "311" systems and to increase cooperation among public agencies.

This bill would require an information and referral service provider, as defined, to operate a "211" system in a manner that is consistent with the applicable orders of the Federal Communications Commission and the Public Utilities Commission. The bill would provide that an information and referral services provider and its employees, directors, officers, and agents are not liable to any person in a civil action for injuries or losses to persons or property, as a result of an act or omission of the provider or its employees, directors, officers, or agents, in connection with certain specified activities, unless the act or omission constitutes willful or wanton misconduct.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature hereby finds and declares all of the following:

(1) Californians need easy-to-find, easy-to-access information for

their social services needs as provided by "211" call centers.

(2) Californians experience major disasters every year and need up-to-date, accurate information during those disasters in a manner that prevents overloading "911" systems with nonemergency calls.

(3) Over the past five years, California has experienced four major wildfire natural disasters where the population either benefitted from or could have benefitted from a "211" system that provided information regarding evacuation, shelters, and other services.

(4) In 2008, "211" call centers in California handled over 1.8 million calls to assist people in finding the help they needed.

(5) At a time of great economic crisis, with "211" call centers experiencing a 40 percent increase in calls for help, "211" is more important than ever to providing Californians access to the information and services they need.

(6) California families are struggling in this economic recession. With the unemployment rate increasing to 10.5 percent throughout the state, many workers who have lost their jobs are also losing their homes and their health care. All too often, families and individuals don't know where to turn for help. "211" is an easy-to-remember number that provides access to telephone and Internet-based means to connect people to the help they need now, and allows the caller to speak to a live person about his or her needs.

(7) Many Californians, including senior citizens, people with disabilities, and low-income families, have restricted mobility. Where available, Californians can call "211" to obtain information on transportation services or other social services in order to help them maintain their independence.

(8) Mental illness affects many families in California, and "211" call centers in California help those families connect with local resources.

(9) Many of the counties that do not have a "211" system lack the resources to plan and implement a "211" system on their own. These counties need the assistance of the state and federal governments to help their residents access health and human service programs and disaster-response information.

(10) During emergencies and disasters, the "911" system is sometimes overrun with nonemergency calls. A "211" system can help to divert nonemergency calls away from the "911" system, as evidenced by the "211" system in southern California that handled over 130,000 calls in the five-day period following the wildfires of October 2007.

(11) In authorizing the use of the "211" dialing code, the Federal Communications Commission found that "[i]ndividuals facing serious threats to life, health, and mental well-being have urgent and critical needs that are not addressed by dialing 9-1-1 for emergency assistance or 3-1-1 for non-emergency police assistance."

(12) Californians need help navigating the sea of telephone help lines available to assist them, many of which rely on automated menu systems, only provide recorded information, or lack the capability to provide multilingual service or evening and weekend service. Research shows it sometimes takes a caller as many as eight separate calls to be connected with the appropriate resource. The "211" system allows those in need to make one free call to access the information and resources they need, in 140 different languages, 24 hours a day.

(13) The 2-1-1 California Partnership (2-1-1 California), a partnership of the California Alliance of Information and Referral Services (CAIRS) and the United Ways of California, currently coordinates statewide planning and research activities and provides leadership for "211" systems in California. 2-1-1 California has worked with key state agencies to establish and improve "211" systems in California, including the Public Utilities Commission, the California Emergency Management Agency, the State 911 Advisory Board, the California Health and Human Services Agency, California Volunteers, the Department of Transportation, the Department of Food and Agriculture, and the Department of Veterans Affairs.

(14) Currently, there are 21 California counties with established "211" systems, serving 86 percent of California's population. All "211" call centers in California look to 2-1-1 California for direction, guidance, and leadership.

(15) 2-1-1 California is governed under the leadership of CAIRS and the United Ways of California, which are the main entities in the state that provide funding, training, standards, and technical support to the "211" call centers and oversee operations and planning for expanding "211" coverage statewide.

(b) It is the intent of the Legislature to do all of the following:

(1) Provide all Californians with an easy-to-remember, toll-free telephone number that can help them access the information, services, and benefits they need from public and nonprofit social services providers and emergency services providers.

(2) Provide the state with a more efficient and cost beneficial way to provide information to members of the general public, while saving public agencies the costs of operating various help lines and redirecting misdirected service request calls from members of the general public.

(3) Ensure oversight of "211" systems.

(4) Ensure coordination of "211" systems, policies, and standards with state and local government agencies.

(5) Ensure that "211" systems are developed in coordination with the Department of Veterans Affairs to increase access to information and resources for veterans who have sacrificed for our nation and for those new veterans who protected us from foreign terrorists and are now returning from current conflicts.

(6) Ensure that "211" systems maintain a close working relationship with California's lead homeland security agency, the California Emergency Management Agency.

(7) Comply with federal funding opportunities, to the extent consistent with federal law, including potential future funding through the proposed Calling for 2-1-1 Act of 2009 (S. 211 and H.R. 211).

SEC. 2. Article 6.7 (commencing with Section 53128) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6.7. Community Health and Social Services Disaster Response Telephone System

53128. (a) An information and referral service provider that uses the abbreviated dialing code "211," shall operate the system in a

manner that is consistent with the applicable orders of the Federal Communications Commission and the Public Utilities Commission.

(b) Except as specified in subdivision (c), an information and referral service provider that has been authorized by the Public Utilities Commission to use the "211" abbreviated telephone dialing code and its employees, directors, officers, and agents are not liable to any person in a civil action for injuries or losses to persons or property, as a result of an act or omission of the authorized information and referral service provider or its employees, directors, officers, or agents, in connection with any of the following:

(1) Developing, adopting, implementing, maintaining, or operating a "211" system.

(2) Making "211" available for use by the public.

(3) Providing "211" services.

(c) Subdivision (b) is not applicable to injuries or losses resulting from the willful or wanton misconduct of the information and referral service provider or its employees, directors, officers, or agents.

(d) The Public Utilities Commission shall be responsible for evaluating requests for, and authorizing the use of, the "211" abbreviated telephone dialing code. The Public Utilities Commission may assist information and referral service providers, local exchange carriers, and local public agencies to improve operation of, and access to, a "211" telephone dialing system and to increase cooperation among information and referral service providers, local exchange carriers, and public agencies.

(e) All state agencies and other official state organizations may provide reasonable assistance and cooperation in carrying out the purposes of this article, including, but not limited to, promoting the use of "211" telephone dialing for access to health and social services and for disaster response information.

53128.1. As used in this article, the following terms have the following meanings:

(a) "Agency" means the California Health and Human Services Agency.

(b) "Information and referral service provider" means an information and referral service provider currently authorized by the Public Utilities Commission to use the "211" abbreviated telephone dialing code.

53128.2. (a) In order to assist in the implementation of a "211" abbreviated telephone dialing system throughout the state, the agency shall be the lead entity, and shall be responsible for all of the following:

(1) Performing planning, administrative, fiscal, and reporting functions required under any state and federal "211" funding program.

(2) Developing a plan for implementation of "211" services throughout the state.

(3) Allocating "211" funds to entities in accordance with applicable law.

(4) Reporting activities and progress as requested by the Legislature or the Public Utilities Commission.

(5) Acting as liaison between state agencies and information and referral service providers, local exchange carriers, and local public agencies for the purposes of coordinating communication, training,

and development of public-private partnerships and updating statewide service information.

(b) The agency may delegate the functions of the lead entity to another entity if the decisions and actions of the delegated entity are reviewed and approved by the agency. In selecting an entity to be delegated the functions of the lead entity, or in reviewing the performance of an entity that has been delegated functions of the lead entity, the agency shall consider the extent to which that entity conforms to all of the following:

(1) Consists of representatives from different geographic areas of the state.

(2) Demonstrates experience in providing leadership, education, and support to the information and referral service industry in the state.

(3) Demonstrates experience in statewide "211" planning and implementation efforts in the state.

(4) Demonstrates established relationships with information and referral service providers throughout the state.

(5) Demonstrates the means to maintain established relationships with information and referral service providers throughout the state.

(6) Demonstrates established relationships with national information and referral service interests and with information and referral service interests in other states.

(7) Demonstrates the ability to provide training, technical assistance, and service evaluation in adherence with information and referral service industry standards.

(8) Demonstrates substantial expertise with the operational requirements of information and referral service providers in the state, including, but not limited to, database resources, software requirements, and referral practices.

(9) Has the endorsement of information and referral service providers to act as the lead entity and to represent the system in statewide matters.

(c) The lead entity shall allocate federal and state funds made available for the development, implementation, and administration of the "211" telephone dialing system. In allocating those funds, the lead entity shall be responsible for accomplishing all of the following:

(1) Maximize the federal funds available to information and referral providers using the "211" abbreviated dialing code to provide comprehensive information and referral services ~~within~~ throughout the state.

(2) Consider population, poverty rates, and geographic isolation.

(3) Consider information and referral service providers' developmental requirements, in addition to their operational requirements.

(4) Include a reasonable administration fee sufficient to support the activities of the lead entity.

(5) Ensure that any fund-matching requirement is met.

53128.3. The activities of the lead entity may be funded in any of the following manners:

(a) Through compliance with federal funding opportunities, to the extent consistent with state law, including potential future funding through the proposed Calling for 2-1-1 Act of 2009 (S. 211 and H.R. 211).

- (b) Upon appropriation by the Legislature.
- (c) By other public and private sources.