

Introduced by Senator Scott

February 20, 2003

An act to add Section 720 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as introduced, Scott. Telecommunications.

Under existing federal law, the Federal Communications Commission licenses and regulates providers of commercial mobile radio service. Under existing federal law, no state or local government may regulate the entry of or the rates charged by any commercial mobile radio service, but is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service. Existing federal law administered by the Federal Communications Commission authorizes public safety agencies or entities to operate radio communication systems on specified frequencies of the radio spectrum and directs states to oversee interoperability of public safety spectrum.

Existing law empowers the Public Utilities Commission to regulate public utilities including telephone corporations. Existing law requires telephone corporations that are commercial mobile radio services providers to provide customer services.

Existing law provides that the Public Safety Radio Strategic Planning Committee has the primary responsibility in state government for developing and implementing a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies.

Existing law requires the Department of Justice to maintain a statewide telecommunications system, known as the California Law

Enforcement Telecommunications System, for use by law enforcement agencies, and requires the Attorney General to appoint an advisory committee to assist with management of the system.

This bill would require the commission, in consultation with the advisory committee on the California Law Enforcement Telecommunications System and the Public Safety Radio Strategic Planning Committee, through rules or other appropriate procedure, to provide for the conversion from existing Cellular Digital Packet Data telecommunications systems used by public safety departments, in a manner that does not jeopardize the public safety or the safety of employees of public safety departments. Because a violation of the Public Utilities Act or an order of the commission is a crime under existing law, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Cellular Digital Packet Data (CDPD) is a wireless
4 telecommunications technology that most law enforcement
5 agencies have been utilizing to communicate from the mobile
6 patrol field unit to the law enforcement agency databases.

7 (b) CDPD allows access to vital information including
8 Department of Motor Vehicle files, California Law Enforcement
9 Telecommunications System information, individual department
10 databases, and the Internet.

11 (c) Over the past several years, law enforcement agencies have
12 made increased use of CDPD to enhance officer safety and to
13 increase efficiency, and law enforcement agencies have invested
14 heavily in infrastructure to support the system.



1 (d) American Telephone and Telegraph (AT&T) is the sole
2 provider of CDPD for public safety departments.

3 (e) AT&T has announced that it will be phasing out CDPD for
4 a newer wireless telecommunications technology, known as
5 Global Mobile System/General Packet Radio Service
6 (GMS/GPRS).

7 (f) AT&T has announced that it will be accepting no new
8 CDPD accounts after April 1, 2003, and that it will be phasing out
9 CDPD on July 1, 2004, for the newer GMS/GPRS technology.

10 (g) The phase out of CDPD technology will negate years of
11 investment in CDPD infrastructure by public safety departments
12 and will necessitate purchases of new equipment when public
13 safety departments are under critical financial constraints.

14 (h) With the phase out of the existing CDPD technology in
15 favor of the new GMS/GPRS technology, AT&T also intends to
16 shift all accounts from a government flat rate to a usage based rate,
17 which will substantially increase operating costs.

18 (i) Because of the short notice provided public safety
19 departments by AT&T, those agencies will have insufficient time
20 to research the new technology for equipment, find sources of
21 funds to purchase the necessary infrastructure, and to make budget
22 adjustments.

23 (j) The new GMS/GPRS technology must be approved by the
24 California Law Enforcement Telecommunications System
25 advisory committee.

26 (k) The new GMS/GPRS technology only provides 68 bit
27 encryption, but the California Department of Justice requires 128
28 bit encryption and additional software will be needed before the
29 new technology satisfies the department's standards.

30 (l) The ability to have immediate exchange of mission critical
31 information has become a public safety necessity, particularly in
32 an era of heightened homeland security readiness.

33 (m) Although conversion to the newer GMS/GPRS is in the
34 public interest because it will provide greater speed and
35 information capacity, public safety agencies have insufficient time
36 to convert to the GMS/GPRS technology, possibly jeopardizing
37 public safety and officer safety.

38 (n) It is anticipated that public safety departments will need
39 until at least July 1, 2007 to convert to the new GMS/GPRS
40 technology.

1 SEC. 2. Section 720 is added to the Public Utilities Code, to
2 read:

3 720. The commission, by rule or other appropriate procedure,
4 and in consultation with the advisory committee on the California
5 Law Enforcement Telecommunications System and the Public
6 Safety Radio Strategic Planning Committee, shall provide for the
7 conversion from existing Cellular Digital Packet Data
8 telecommunications systems used by public safety departments, in
9 a manner that does not jeopardize the public safety or the safety of
10 employees of public safety departments.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

