

815-RICR-00-00-04

TITLE 815 - DIVISION OF PUBLIC UTILITIES AND CARRIERS

CHAPTER 00 - EMERGENCY PREPAREDNESS

SUBCHAPTER 00 - N/A

PART 4 – Standards of Acceptable Performance for Emergency Preparation and Restoration of Electric Distribution and Gas Companies

4.1 Purpose

It is the purpose of these rules to establish standards of acceptable performance for emergency preparation and restoration of service for electric distribution and gas companies.

4.2 Authority

These rules are issued pursuant to the authority granted by R.I. Gen. Laws § 39-2-27, and shall apply to any person, firm, corporation, or other entity now or hereafter engaged as an investor-owned public utility in the business of furnishing electric distribution services and/or natural gas distributionservices within the State of Rhode Island.

4.3 Definitions

- A. “Public Utility” refers to any electric distribution company or gas distribution company as defined in R.I. Gen. Laws § 39-1-2 (20).
- B. “Investor-Owned Public Utility” refers to a corporation owned by investors that is engaged in distributing either electricity or natural gas, or both, to more than one retail customer in the state.
- B. “Division” means the Rhode Island Division of Public Utilities and Carriers.
- C. “Emergency Event” means an event where widespread outages or Service Interruptions have occurred in the service area of a Public Utility due to storms or other causes beyond the control of the Public Utility.
- D. “Emergency Response Plan (ERP)” means a Public Utility’s plan which prepares the Public Utility to restore service in a safe and reasonably prompt manner in the case of an Emergency Event, as required by R.I. Gen. Laws § 39-2-27.
- E. “Life Support Customers”, also known as medical priority customers, means those customers who have provided documentation to the electric distribution Public Utility of their medical conditions necessitating electric service.

- F. "Municipal Liaison" means a liaison designated by a Public Utility to communicate with a municipality during an Emergency Event.
- G. "Mutual Assistance Agreement" means an agreement among a Public Utility and independent companies, including other utilities, both inside and outside the State of Rhode Island, that details specifics for obtaining or lending resources, including, but not limited to, material, equipment, and trained personnel, when internal resources are not sufficient to ensure the safe and reasonably prompt restoration of service during and after an Emergency Event.
- H. "Service Interruption" means the loss of service to a significant number of customers connected to a Public Utility's distribution system.

4.4 Performance Standards for Emergency Preparation and Restoration of Service

- A. Emergency Preparation. Each Public Utility shall ensure that it is adequately and sufficiently prepared to restore service to its customers in a safe and reasonably prompt manner during and after an Emergency Event.
 - 1. For electric distribution companies, this shall include at a minimum, but not be limited to:
 - a. implementing all applicable components of the Public Utility's ERP related to planning and preparation for Emergency Events;
 - b. conducting the following on at least an annual basis:
 - (1) meetings with state and local officials to ensure an effective and efficient flow of information and substantial and frequent coordination between the Public Utility and local public safety officials, including coordination with local officials with respect to vegetation management; and
 - (2) training and drills/exercises to ensure effective and efficient performance of personnel during Emergency Events, and to ensure that each Public Utility has the ability to restore service to its customers in a safe and reasonably prompt manner.
 - c. maintaining updated lists of local elected and appointed officials, state and local public safety officials, Life Support Customers, and all internal personnel and external entities involved in the Public Utility's restoration efforts.
 - 2. For gas companies, this shall include at a minimum preparing and following written procedures consistent with those required by 49 U.S.C. §§ 60101 through 60125; 49 CFR Part 192: Transportation of Natural and

Other Gas by Pipeline: Minimum Federal Safety Standards; and the Division rules and Regulations Prescribing Standards for Gas Utilities, Master Meter Systems and Jurisdictional Propane Systems 815-RICR-20-00-1

- B. Restoration of Service. Each Public Utility shall restore service to its customers in a safe and reasonably prompt manner during all Service Interruptions and outages. During an Emergency Event, this shall include at a minimum, but not be limited to, implementing all applicable components of the Public Utility's ERP related to restoration of service.
- C. Reporting. Each Public Utility shall comply with the following reporting requirements:
 - 1. Each electric distribution Public Utility shall submit an annual report with supporting documentation to the Division on its preparation for Emergency Events that details each meeting, training, and drill/exercise held pursuant to 815-RICR-50-00-1.4(A)(1)(b).
 - 2. During an Emergency Event, each Public Utility shall provide periodic reports to the Division, appropriate Rhode Island Emergency Management Agency representatives and municipal emergency managers, or their designees, that contain detailed information related to emergency conditions and restoration performance for each affected city and town;
 - 3. Within 90 days following an Emergency Event, each Public Utility shall submit a detailed report with supporting documentation to the Division on its restoration performance, including lessons learned; and
 - 4. Before, during, and after an Emergency Event, electric distribution companies are required to track, maintain, and ensure accuracy of all required storm-related data.

4.5 Emergency Response Plans

- A. Each Public Utility shall submit to the Division an ERP that shall be designed to achieve safe and reasonably prompt restoration of service associated with an Emergency Event. The ERP shall include, but not be limited to, the following:
 - 1. Identification of management staff responsible for Public Utility operations, including a description of their specific duties and identification of the number of workers and crews available to respond within 24 hours of an Emergency Event;
 - 2. A communications process with customers that provides continuous access to staff assistance. A Public Utility shall provide estimated times of

restoration on a website. Such information shall be prominently displayed and updated at least three times per day. A Public Utility shall also provide estimated times of restoration at least three times per day through at least one other form of media outreach, and when requested by customers via telephone;

3. For electric distribution companies, procedures for maintaining an updated list of Life Support Customers, including a process to immediately update a Public Utility's Life Support Customer list when a customer notifies the Public Utility of a medical need for electric service, communicating with Life Support Customers before, during and after an Emergency Event, providing information to public safety officials regarding the status of electric service to Life Support Customers' homes, and procedures for prioritizing power restoration to Life Support Customers;
 4. Designation of staff to communicate with local officials, including public safety officials, relevant regulatory agencies, and designated Municipal Liaisons, and designation of staff to be posted at the Rhode Island Emergency Management Agency's emergency operations center;
 5. Provisions regarding how the Public Utility will assure the safety of its employees, contractors and the public;
 6. Procedures for deploying Public Utility and contractor crews, and crews acquired through Mutual Assistance Agreements to work assignment areas;
 7. Identification of additional supplies and equipment needed during an emergency and the means of obtaining additional supplies and equipment; and
 8. Maintenance of a customer communication center in the State of Rhode Island that is sufficiently staffed to handle all customer request for service assistance for the duration of an Emergency Event or until full service is restored, whichever occurs first.
- B. The ERP shall set forth the content, format and timeline for each report that the Public Utility shall submit to the Division pursuant to RICR-50-00-1.4 (C).
- C. Each investor-owned electric distribution or natural gas distribution company, when implementing its ERP, shall designate an employee or employees to remain stationed at the Rhode Island Emergency Management Agency's emergency operations center for the length of the Emergency Event. The employee or employees shall coordinate communication efforts with emergency management officials.
- D. Each investor-owned electric distribution or natural gas distribution company, when implementing its ERP, shall designate an employee or employees to serve

as Municipal Liaisons for each affected municipality within its service territory. The investor-owned electric distribution or natural gas distribution company shall provide each Municipal Liaison with the necessary feeder map or maps outlining municipal substations and distribution networks and up-to-date customer outage reports at the time of the designation as Municipal Liaisons. The Public Utility shall provide each Municipal Liaison with three daily customer outage report updates for the Municipal Liaison's respective municipality. The Municipal Liaisons shall use the maps and outage reports to respond to inquiries from state and local officials and relevant regulatory agencies.

- E. Each Public Utility shall file an ERP, which the Public Utility has reviewed and updated within the previous 12 months, with the Division on or before May 15 each year, for review and approval. The filing shall include a copy of all written Mutual Assistance Agreements into which the Public Utility has entered and identify and describe any modifications to the ERP and Mutual Assistance Agreements. An investor-owned electric distribution or natural gas distribution company that fails to timely file its ERP may be fined \$500 for each day during which such failure continues. The fines levied by the Division shall be credited back to the Public Utility's customers in a manner determined by the Commission.
- F. Each Public Utility shall file with the emergency management director of each municipality within its service territory a copy of its ERP and any updates. Failure of an investor-owned electric distribution or natural gas distribution company to file the ERP with the emergency management director of each municipality in the Public Utility's service territory shall result in a penalty of \$500. The penalties levied by the Division shall be credited back to the Public Utility's customers in a manner determined by the Commission.
- G. A Public Utility's ERP shall go into effect when filed with the Division, pending Division review and approval, and shall remain in effect until a new ERP is filed or the Division directs otherwise. After review of a Public Utility's ERP, the Division may request that the Public Utility amend the ERP. The Division may open an investigation of the Public Utility's ERP. If, after hearings, the Division finds a material deficiency in the ERP, the Division may order the Public Utility to make such modifications to the ERP that it deems reasonably necessary to remedy the deficiency.
- H. If a Public Utility makes any updates or changes to its ERP between annual filings, it shall submit such changes to the Division as soon as possible. Such changes shall go into effect when filed with the Division, pending Division review and approval.

4.6 Division Investigation into Public Utility Performance; Remedies

- A. Investigations

1. The Division may open a full investigation, upon its own initiative, to review the performance of any investor-owned electric distribution or natural gas distribution company in restoring service during an emergency event. Nothing herein shall prohibit any affected city or town from filing a complaint with the division regarding a violation of the division's standards of acceptable performance by an investor-owned electric distribution or natural gas distribution company; provided, however, that the petition shall be filed with the division no later than ninety (90) days after the violation has been remedied. After an initial review of the complaint, the division shall make a determination as to whether to open a full investigation.

B. Penalties

1. If after an investigation the Division finds a violation of established standards established, the Division shall levy a penalty against an investor-owned Public Utility not to exceed one hundred thousand dollars (\$100,000) for each violation for each day that the violation of the division's standards persists; provided, however, that the maximum penalty shall not exceed seven million five hundred thousand dollars (\$7,500,000) for any related series of violations. In assessing any penalties, the Division may consider:
 - a. the gravity of the violation;
 - b. the appropriateness of the penalty to the size of the Public Utility;
 - c. the good faith of the Public Utility in attempting to achieve compliance; and
 - d. the degree of control that the Public Utility had over the circumstances that led to the violation.
2. Any penalty levied by the Division against a Public Utility for any violation of the Division's standards established in R.I. Gen. Laws § 39-2-27 shall be credited back to the Public Utility's customers in a manner determined by the Public Utilities Commission as provided for under R.I. Gen. Laws § 39-2-26 (c).
3. Recovery of Service Restoration Costs. If after investigation the Division finds that, as a result of the failure of the Public Utility to implement its ERP, the length of the Service Interruptions or outages was materially longer than they would have been but for the Public Utility's failure, the Division may seek to disallow the recovery of all, or any part of, the

service restoration costs through distribution rates, commensurate with the degree and impact of the Service Interruptions or outages.