

May 24, 2024

**VIA ELECTRONIC MAIL**

Mr. Thomas Kogut  
Associate Administrator - CATV  
Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Docket No. D-24-06 – The Narragansett Electric Company d/b/a Rhode Island Energy  
Division of Public Utilities and Carriers Rulemaking, 815-RICR-00-00-05  
Standards of Acceptable Performance for Emergency Preparation and Restoration  
of Electric Distribution and Gas Distribution Companies  
Rhode Island Energy Comments**

Dear Mr. Kogut:

On behalf of The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”), I am providing the Company’s comments regarding the proposed adoption of 815-RICR-00-00-05, Standards of Acceptable Performance for Emergency Preparation and Restoration of Electric Distribution and Gas Distribution Companies (“Emergency Preparedness Standards”) by the Division of Public Utilities and Carriers (the “Division”).

The Company generally supports and concurs with the approach taken by the Division in the proposed Emergency Preparedness Standards. The proposed Emergency Preparedness Standards are based on a relatively objective benchmark of “acceptable” utility conduct in gauging whether a public utility has met the statutory requirement to achieve “reasonably prompt restoration of service in the case of an emergency event.” R.I. Gen. Laws §§ 39-2-6 and 39-2-7. The Company provides the following limited comments to the Division to achieve an increased level of clarity within the regulations in furtherance of the Division’s compliance structure. To assist with the Division’s review of the Company’s comments, enclosed is a redlined version of the proposed Emergency Preparedness Standards showing the Company’s proposed changes.

First, the Company proposes a change to the definition of “Emergency Event” in Section 5.4(C). As drafted, the proposed definition “Emergency Event” is overly broad because it does not define “widespread,” and leaves open the possibility that the proposed Emergency Preparedness Standards and any potential penalties from alleged noncompliance could apply to *any* cause beyond the public utility’s control. The Company’s proposed revision would provide clarity to the definition of “Emergency Event.” Therefore, the Company proposes to add the following redlined language at the end of the definition of “Emergency Event” in Section 5.4(C) to more directly link the definition to the activation of the Company’s Emergency Response Plan (“ERP”):

“Emergency Event” means an event where widespread outages or Service Interruptions have occurred in the service area of a Public Utility due to storms of other causes beyond the control of the Public Utility that are classified as a Type 1, 2, or 3 event under the Public Utility’s Emergency Response Plan.

Second, the Company proposes a change to Section 5.5(C)(1) to remove the requirement that an electric distribution company’s annual report include supporting documentation and details regarding each meeting. The Company conducts dozens of meetings each year, and has dozens (and perhaps hundreds) of additional conversations that could be classified as a “meeting” under a broad interpretation of word. To require detailed reporting separately for each meeting would impose significant administrative burden on the Company and the Division with no appreciable public safety benefit. In addition, this level of individualized reporting and documentation would require that the Company allocate resources that could otherwise be utilized in conjunction with prompt restoration of service. The Company will be able to provide supporting documentation on its preparation for Emergency Events that detail trainings and drills/exercises. Therefore, the Company proposes the following redlined revision to Section 5.5(C)(1):

Each electric distribution company 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 § 5.5(A)(1)(2) of this Part.

Third, if the Division does not accept the Company’s proposed change to the definition of “Emergency Event” above, the Company proposes to remove Section 5.5(C)(3) in its entirety. That provision would require the Public Utility to, within 90 days following an Emergency Event, submit a detailed report with supporting documentation to the Division on its restoration performance, including lessons learned. Complying with this requirement as currently drafted would result in the Company submitting an abundance of reports with the Division. For instance, the Company experienced 54 Type 5 events in the last two years. Under the requirement as proposed in Section 5.5(C)(3), the Company would have filed 54 detailed reports with the Division with supporting documentation on its restoration performance and lessons learned. Therefore, the Company proposes that the Division remove Section 5.5(C)(3) in its entirety.

Fourth, the Company proposes changes to Section 5.6(A)(1) to provide clarity. Instead of the requirement to identify “management staff responsible for Public Utility operations,” the Company proposes that it be required to identify the “incident command positions” responsible for “emergency operations.” Narrowing the identification of responsible staff to those in their incident command positions is more closely tied to the Company’s responsibilities under the ERP. Providing the identification of *all* management staff who work on *all* public utility operations is overly broad; however, identifying the staff in incident command positions involved in emergency operations has a more direct relationship to the ERP. Further, it would be challenging for the Company to identify the specific number of workers in the ERP, as required.

The Company is flexible in the number of workers needed and utilized under the ERP at any given time, and the number of workers constantly increases and decreases. Therefore, the Company proposes the following redlined revision to Section 5.6(A)(1):

Identification of incident command positions ~~management staff~~ responsible for Public Utility emergency operations, including a description of their specific duties ~~and identification of the number of workers.~~

Fifth, the Company proposes to remove the requirement in Section 5.6(A)(3) to communicate with Life Support Customers *after* each Emergency Event. The Company firmly agrees with communicating with Life Support Customers before and during an Emergency Event to make sure those vulnerable customers are aware of an impending Emergency Event and safe during the event. When an Emergency Event is over, however, there is no longer a public safety benefit to additional communication with Life Support Customers. Therefore, the Company proposes the following redlined revision to Section 5.6(A)(3):

For electric distribution companies, procedures for maintaining an updated list of Life Support Customers, including a process to 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, and during ~~and after~~ an Emergency Event, and procedures for prioritizing power restoration to Life Support Customers.

Sixth, in Section 5.6(G), the Company proposes to add a cross-reference to Section 5.6(F). Section 5.6(F) describes the process by which the Division would review and approve ERPs filed by the Company. Section 5.6(G) references updates or changes to the ERP that would go into effect when filed with the Division, pending Division review and approval. Such Division review and approval in Section 5.6(G) should be consistent with the process outlined in Section 5.6(F). Therefore, the Company proposes the following redlined revision to Section 5.6(G):

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 in accordance with § 5.6(F) of this Part.

Seventh, the Company believes that the references to “R.I. Gen. Laws § 29-2-27” in Section 5.7(A)(1) and Section (B)(1) should be to “R.I. Gen. Laws § 39-2-27.” Further, the Company proposes that Section 5.7(B)(1) should include language introducing the list of factors that the Division may consider in assessing any penalties. Therefore, the Company proposes the following redlined revisions to Section 5.7(B)(1) (with the corresponding revision to the statute referenced in Section 5.7(A)(1)):

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If after an investigation the Division finds a violation of established standards established, the Division shall levy a penalty pursuant to the provisions of R.I. Gen. Laws § 239-2-27. In assessing any penalties, the Division may consider:

In addition to the foregoing proposed changes to the proposed Emergency Preparedness Standards, the Company proposes minor clean-up edits in Sections 5.4(D) and Section 5.5(C)(1) that are included in the enclosed redlined version of the proposed Emergency Preparedness Standards.

The Company appreciates the opportunity to provide these comments to the Division and looks forward to further engaging with the Division and other stakeholders as part of this rulemaking proceeding.

Thank you for your attention to this matter. If you have any questions, please contact me at 401-578-2700.

Very truly yours,



Celia B. O'Brien

Attachment

cc: Linda George, Administrator  
Christy Hetherington, Esq.

815-RICR-00-00-05

## TITLE 815 - DIVISION OF PUBLIC UTILITIES AND CARRIERS

### CHAPTER 00 - EMERGENCY PREPAREDNESS

#### SUBCHAPTER 00 - N/A

#### PART 5 – STANDARDS OF ACCEPTABLE PERFORMANCE FOR EMERGENCY PREPARATION AND RESTORATION OF ELECTRIC DISTRIBUTION AND GAS DISTRIBUTION COMPANIES

##### 5.1 Purpose

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

##### 5.2 Authority

- A. 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 distribution services within the State of Rhode Island.

##### 5.3 Incorporated Materials

- A. These regulations hereby adopt and incorporate 49 CFR Part 192: Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

##### 5.4 Definitions

- A. "Commission" means the Public Utilities Commission.
- 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 [that is classified as a Type 1, 2, or 3 event under the Public Utility's Emergency Response Plan.](#)
- D. "Emergency Response Plan" or "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. “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.
- F. “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.
- G. “Municipal Liaison” means a liaison designated by a Public Utility to communicate with a municipality during an Emergency Event.
- H. “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.
- I. “Public Utility” refers to any investor-owned electric distribution company or investor-owned gas distribution company as defined in R.I. Gen. Laws § 39-1-2 (20).
- J. “Service Interruption” means the loss of service to a widespread number of customers connected to a Public Utility's distribution system.

## **5.5 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/or 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 distribution companies, this shall include at a minimum preparing and following written procedures consistent with those required by 49 U.S.C. §§ 60101 through 60125; and pursuant to Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards incorporated above at § 5.3 of this Part; 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 company 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 § 5.5(A)(1)(2) of this Part.
  2. Each electric distribution company shall continue to comply with the applicable reporting requirements pursuant to Commission ~~D~~docket No. 2509 and Division Docket No. D-11-94. If requested by the Division, each ~~P~~ublic ~~U~~tility shall submit a detailed report with supporting documentation on its restoration performance, including lessons learned within 90 days following an Emergency Event for which there is not an existing reporting requirement under Docket ~~No.~~ 2509 or ~~Docket No.~~ D-11-94.
  - ~~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~~
  34. Before and during an Emergency Event, electric distribution companies are required to track and maintain all required storm-related data. After an

Emergency Event, electric distribution companies are required to maintain storm-related data to support any post-event reporting requests in accordance with any applicable record retention schedules.

## 5.6 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 ~~incident command positions management staff~~ responsible for Public Utility ~~emergency~~ operations, including a description of their specific duties ~~and identification of the number of workers~~;
  2. A communications process with customers that provides access to information regarding active outages, customers affected and estimated restoration times available on a website. Such information shall be prominently displayed and updated. 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 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 ~~and~~, during ~~and after~~ an Emergency Event, 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 ensure 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 call 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 § 5.5(C) of this Part.
- C. Each electric distribution or natural gas distribution company, when implementing its ERP, shall designate an employee or employees to support 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 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 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 regular 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 of each year. 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 previous ERP and Mutual Assistance Agreements. An 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.
- F. 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. Any ERP provisions filed with the Division, in response to a Division-requested change, or on the Company's initiative, shall be approved by the Division within 60 days. If there is no action by the Division to reject a filing, in whole or in part, within that specified period of time, the ERP provisions shall be deemed to be approved. 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.
- G. 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 [in accordance with § 5.6\(F\) of this Part](#).

## 5.7 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 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 pursuant to the provisions of R.I. Gen. Laws § [329-2-27](#).

### B. Penalties

1. If after an investigation the Division finds a violation of established standards established, the Division shall levy a penalty pursuant to the provisions of R.I. Gen. Laws § [329-2-27](#). [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 Commission.
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.

## 5.8 Miscellaneous

- A. The Division may grant, for good cause shown and not contrary to statute, an exception from any provision of 815-RICR-00-00-5.