

2021 -- H 5204

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND
CARRIERS

Introduced By: Representatives Kennedy, Abney, Ruggiero, Carson, and Azzinaro

Date Introduced: January 27, 2021

Referred To: House Corporations

(Lieutenant Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 39-2 of the General Laws entitled "Duties of Utilities and Carriers"
2 is hereby amended by adding thereto the following sections:

3 **39-2-26. Emergency response plans - Submission, approval, penalties for failure to**
4 **file, and denial of recovery of service restoration costs for failure to implement emergency**
5 **response plan.**

6 (a) Each electric distribution company and natural gas distribution company conducting
7 business in the state shall, on or before May 15, 2022 and annually thereafter, submit to the division
8 an emergency response plan for review and approval. The emergency response plan shall be
9 designed for the reasonably prompt restoration of service in the case of an emergency event, which
10 is an event where widespread outages have occurred in the service area of the company due to
11 storms or other causes beyond the control of the company.

12 (b) After review of an electric distribution or natural gas distribution company's emergency
13 response plan, the division may request that the company amend the plan. The division may open
14 an investigation of the company's plan. If, after hearings, the division finds a material deficiency in
15 the plan, the division may order the company to make such modifications that it deems reasonably
16 necessary to remedy the deficiency.

17 (c) Any investor-owned electric distribution or natural gas distribution company that fails
18 to file its emergency response plan may be fined five hundred dollars (\$500) for each day during

1 which such failure continues. Any fines levied by the division shall be returned to ratepayers
2 through distribution rates in a manner determined by the commission.

3 (d) Each investor-owned electric distribution or natural gas distribution company, when
4 implementing an emergency response plan, shall designate an employee or employees to remain
5 stationed at the Rhode Island emergency management agency's emergency operations center for
6 the duration of the emergency when the emergency operations center is activated in response to an
7 emergency with an electric or gas service restoration component. In the event of a virtual activation
8 of the emergency activation center, each investor-owned electric and natural gas distribution
9 company shall designate an employee or employees to participate in the virtual activation. The
10 employee or employees shall coordinate communications efforts with designated local and state
11 emergency management officials, as required by this section.

12 (e) Each investor-owned electric distribution or natural gas distribution company, when
13 implementing an emergency response plan, shall designate an employee or employees to serve as
14 community liaisons for each municipality within their service territory. An investor-owned electric
15 distribution or natural gas distribution company shall provide each community liaison with the
16 necessary feeder map or maps outlining municipal substations and distribution networks and up-
17 to-date customer outage reports at the time of designation as a community liaison. An investor-
18 owned electric distribution or natural gas distribution company shall, at a minimum, provide each
19 community liaison with three (3) customer outage report updates for each twenty-four (24) hour
20 period, to the liaison's respective city or town. The community liaison shall utilize the maps and
21 outage reports to respond to inquiries from state and local officials and relevant regulatory agencies.

22 (f) On or before October 1 of each year, every city or town shall notify each investor-owned
23 electric distribution or natural gas distribution company and the Rhode Island emergency
24 management agency of the name of the emergency management official or designee responsible
25 for coordinating the emergency response during storm restoration. If a municipality does not have
26 a designated emergency management official, the chief municipal officer shall designate one public
27 safety official responsible for said emergency response.

28 (g) Notwithstanding any existing power or authority, the division may open an
29 investigation to review the performance of any investor-owned electric distribution or natural gas
30 distribution company in restoring service during an emergency event. If, after evidentiary hearings
31 or other investigatory proceedings, the division finds that, as a result of the failure of the company
32 to follow its approved emergency response plan, the length of the outages were materially longer
33 than they would have been but for the company's failure, the division shall recommend that the
34 commission enter an order denying the recovery of all, or any part of, the service restoration costs

1 through distribution rates, commensurate with the degree and impact of the service outage.

2 (h) Notwithstanding any general or special law or rule or regulation to the contrary, upon
3 request by the commission, division and any emergency management agency each electric
4 distribution or natural gas distribution company conducting business in the state shall provide
5 periodic reports regarding emergency conditions and restoration performance during an emergency
6 event consistent with orders of the commission and/or division.

7 **39-2-27. Standards of acceptable performance for emergency preparation and**
8 **restoration of service.**

9 The division shall open a docket and establish standards of acceptable performance for
10 emergency preparation and restoration of service for each investor-owned electric and gas
11 distribution company doing business in the state. The division shall levy a penalty not to exceed
12 one hundred thousand dollars (\$100,000) for each violation for each day that the violation of the
13 division's standards persists; provided, however, that the maximum penalty shall not exceed seven
14 million five hundred thousand dollars (\$7,500,000) for any related series of violations. The division
15 shall open a full investigation, upon its own initiative. Nothing herein shall prohibit any affected
16 city or town from filing a complaint with the division regarding a violation of the division's
17 standards of acceptable performance by an investor-owned electric distribution or natural gas
18 distribution company; provided, however, that said petition shall be filed with the division no later
19 than ninety (90) days after the violation has been remedied. After an initial review of the complaint,
20 the division shall make a determination as to whether to open a full investigation.

21 **39-2-28. Levied penalties to be credited back to customers.**

22 Any penalty levied by the division against an investor-owned electric distribution or natural
23 gas distribution company for any violation of the division's standards of acceptable performance
24 for emergency preparation and restoration of service for electric and gas distribution companies
25 shall be credited back to the company's customers in a manner determined by the commission.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require every electric distribution company and natural gas distribution
2 company conducting business in the state to, on or before May 15, 2022, and annually thereafter,
3 submit to the division of public utilities and carriers an emergency response plan for review and
4 approval. The act would also authorize the assessment of monetary penalties to each investor-
5 owned electric and gas distribution company doing business in the state when the company does
6 not comply with the division's requirements for responding to and restoring utility service to
7 customers.

8 This act would take effect upon passage.

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