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ARTICLE 8

RELATING TO PUBLIC UTILITIES AND CARRIERS

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

39-2-26. Emergency response plans.

Submission, approval, penalties for failure to file, and denial of recovery of service restoration costs for failure to implement emergency response plan.

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

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

(c) Any investor-owned electric distribution or natural gas distribution company that fails to file its emergency response plan may be fined five hundred dollars (\$500) for each day during which such failure continues. Any fines levied by the division shall be returned to ratepayers through distribution rates in a manner determined by the commission.

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

1 emergency management officials, as required by this section.

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

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

18 (g) Notwithstanding any existing power or authority, the division may open an
19 investigation to review the performance of any investor-owned electric distribution or natural gas
20 distribution company in restoring service during an emergency event. If, after evidentiary hearings
21 or other investigatory proceedings, the division finds that, as a result of the failure of the company
22 to follow its approved emergency response plan, the length of the outages were materially longer
23 than they would have been but for the company's failure, the division shall recommend that the
24 commission enter an order denying the recovery of all, or any part of, the service restoration costs
25 through distribution rates, commensurate with the degree and impact of the service outage.

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

31 **39-2-27. Standards of acceptable performance for emergency preparation and**
32 **restoration of service.**

33 The division shall open a docket and establish standards of acceptable performance for
34 emergency preparation and restoration of service for each investor-owned electric and gas

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

11 **39-2-28. Levied penalties to be credited back to customers.**

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

16 SECTION 2. This article shall take effect upon passage.