SENATE . . . . . No. 2136

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the emergency service response of public utility companies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Said chapter 25 as so appearing is hereby amended by inserting after section 12O the following section:-

Section 12P. There shall be established upon the books of the commonwealth a separate fund to be known as the Department of Public Utilities Storm Trust Fund. There shall be credited to this fund all amounts collected under the third paragraph of section 18 and any income derived from the investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust and shall be available for expenditure, without further appropriation, by the department of public utilities, for activities of the department in investigating the preparation for and responses to storm and other emergency events by the electric companies. Any unexpended balance in the fund at the close of a fiscal year shall remain in the fund and shall be available for expenditure in the following fiscal year.

SECTION 2. Section 18 of said chapter 25, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:-

For the purpose of providing the department with additional operating funds for activities of the department in investigating the preparation for and responses to storm and other emergency events by the electric companies doing business in the commonwealth, the commission may make a separate assessment proportionally against each electric company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each of such companies derived from sales within the commonwealth of electric service, as shown in the annual report of each of such companies to the department. This assessment shall be made at a rate that shall be determined and certified annually by the commission as sufficient to produce an annual amount of not less than $460,000, commencing in fiscal year 2012, plus the costs of fringe benefits and indirect costs as established by the commissioner of administration under section 5D of chapter 29, including group life and

25 health insurance, retirement benefits, paid vacations, holidays and sick leave. The amount of the
26 assessment may be increased by the commission annually by a rate not to exceed the most recent
27 annual consumer price index as calculated for the northeast region for all urban consumers.
28 Notwithstanding any other provision to the contrary, no electric company shall be entitled to
29 seek recovery of any assessments made under this paragraph in any rate proceeding before the
30 department. Each company shall pay the amount assessed against it within 30 days after the date
31 of the notice of assessment from the department. Such assessments shall be collected by the
32 department, and credited to the Department of Public Utilities Storm Trust Fund established by
33 section 12P.

34 SECTION 3. Chapter 164 of the General Laws, as appearing in the 2010 Official edition,
35 is hereby amended by inserting after section 1J the following section:-

36 Section 1K. Any penalty levied by the Department against an investor-owned electric
37 distribution, transmission, or natural gas distribution company for any violation of the
38 department's standards of acceptable performance for emergency preparation and restoration of
39 service for electric and gas distribution companies shall be credited to the affected customers of
40 the penalized company. The credit shall be distributed based upon the kWh used in the month or
41 months during which the company incurred the penalty. Said credit shall be credited during a
42 single billing month and shall not be deferred. Companies may petition the department to spread
43 out the credit over a period of greater than one month if it exceeds $10,000,000. The department
44 shall promulgate rules and regulations for the implementation of this section.

45 SECTION 4. Subsection (a) of section 85B of said chapter 164, as so appearing, is hereby
46 amended by striking out paragraph (2), and inserting in place thereof, the following paragraph:

47 (2) a communications system with customers during an emergency that includes
48 continuous access to staff assistance and includes twice-daily updates on estimated return of
49 service. Such updates must begin upon completion of a damage assessment or after the first 24
50 hours of damage assessment, whichever comes first.

51 SECTION 5. Paragraph (4) of said subsection (a) of said section 85B of said chapter 164,
52 as so appearing, is hereby further amended by inserting after the word "agencies" in line 17, the
53 following words:- including staff posted at Massachusetts emergency management association's
54 Emergency Operations Center

55 SECTION 6. Said subsection (a) of said section 85B of said chapter 164, as so appearing,
56 is hereby amended by inserting after paragraph (7) the following paragraph:-

57 (8) designation of a Massachusetts-based call center for service assistance for the
58 duration of an emergency, or until full service is restored, whichever comes first. Said call
59 center must be staffed continuously for the length of the emergency and to ensure sufficient
60 staffing levels to handle the extraordinary volume of customer calls. A call center within 50

61 miles of an investor-owned electric distribution, transmission or natural gas distribution company
62 operating as of July 1, 2012 shall qualify for this section.

63 SECTION 7. Said section 85B of said chapter 164, as so appearing, is hereby further
64 amended by inserting after subsection (d) the following subsections:-

65 (e) Each investor-owned electric distribution, transmission or natural gas distribution
66 company, when implementing an emergency response plan, must designate staff to remain
67 stationed at the Massachusetts emergency management association's Emergency Operations
68 Center for the length of an emergency. Said staff will coordinate communications efforts with
69 local officials and emergency management officials, as required by this section.

70 (f) Each investor-owned electric distribution, transmission or natural gas distribution
71 company, when implementing an emergency response plan, must designate staff to serve as
72 community liaisons in each municipality within their service territory.

73 (g) Notwithstanding any existing power or authority, each electric distribution,
74 transmission and natural gas distribution company conducting business in the commonwealth
75 shall provide periodic reports to the department and the Massachusetts emergency management
76 association regarding emergency conditions and restoration performance during an emergency
77 event.