

SENATE No. 2143

[Senate, February 16, 2012 – Text of the Senate Bill relative to the emergency service response of public utility companies (being the text of Senate, No. 2140, printed as amended)]

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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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:

1 SECTION 1. Subsection (a) of section 4C of chapter 25 of the General Laws, as
2 appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 11-12, the
3 words “who serves less than 100,000 customers in the commonwealth”.

4 SECTION 2. Said section 4C of said chapter 25, as so appearing, is hereby further
5 amended by striking out subsection (j).

6 SECTION 3. Said chapter 25 is hereby further amended by inserting after section 12O
7 the following section:-

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

17 SECTION 4. Section 18 of said chapter 25, as appearing in the 2010 Official Edition, is
18 hereby amended by inserting after the second paragraph the following paragraph:-

19 For the purpose of providing the department with additional operating funds for activities
20 of the department in investigating the preparation for and responses to storm and other
21 emergency events by the electric companies doing business in the commonwealth, the

22 commission may make a separate assessment proportionally against each electric company under
23 the jurisdictional control of the department, based upon the intrastate operating revenues subject
24 to the jurisdiction of the department of each of the companies derived from sales within the
25 commonwealth of electric service, as shown in the annual report of each of the companies to the
26 department. This assessment shall be made at a rate that shall be determined and certified
27 annually by the commission as sufficient to produce an annual amount of not less than \$460,000,
28 commencing in fiscal year 2012, plus the costs of fringe benefits and indirect costs as established
29 by the commissioner of administration under section 5D of chapter 29, including group life and
30 health insurance, retirement benefits, paid vacations, holidays and sick leave. The amount of the
31 assessment may be increased by the commission annually by a rate not to exceed the most recent
32 annual consumer price index as calculated for the northeast region for all urban consumers.
33 Notwithstanding any general or special law to the contrary, no electric company may seek
34 recovery of any assessments made under this paragraph in any rate proceeding before the
35 department. Each company shall pay the amount assessed against it within 30 days after the date
36 of the notice of assessment from the department. Such assessments shall be collected by the
37 department and credited to the Department of Public Utilities Storm Trust Fund established in
38 section 12P.

39 SECTION 5. Chapter 164 of the General Laws is hereby amended by inserting after
40 section 1J the following section:-

41 Section 1K. Any penalty levied by the department against an investor-owned electric
42 distribution, transmission or natural gas distribution company for any violation of the
43 department's standards of acceptable performance for emergency preparation and restoration of
44 service for electric and gas distribution companies shall be credited by the company to the
45 affected customers of the penalized company. The credit shall be distributed based upon the
46 kilowatt-hours used by the affected customer under regulations promulgated by the department.
47 The credit shall be credited during a single billing month and shall not be deferred; provided,
48 however, that companies may petition the department to distribute the credit over a period of
49 greater than 1 month if the credit exceeds \$10,000,000. The department shall promulgate rules
50 and regulations for the implementation of this section.

51 SECTION 6. Subsection (a) of section 85B of said chapter 164, as appearing in the 2010
52 Official Edition, is hereby amended by striking out paragraphs (1) and (2) and inserting in place
53 thereof the following 2 paragraphs:-

54 (1) the identification of management staff responsible for company operations during an
55 emergency, the number of service workers who are available to respond to an emergency within
56 24 hours, and the locations where said workers are employed when not responding to an
57 emergency;

58 (2) a communications system with customers during an emergency that includes
59 continuous access to staff assistance and twice-daily updates on estimated return of service
60 including via telephone, a website in which the twice-daily updates shall be displayed
61 prominently for easy public access and 1 other form of appropriate media outreach; provided that
62 such updates shall begin upon completion of a damage assessment or after the first 24 hours of a
63 damage assessment, whichever occurs first;

64 SECTION 6A. Said subsection (a) of said section 85B of said chapter 164, as so
65 appearing, is hereby further amended by striking out paragraph (3) and inserting in place thereof
66 the following paragraph:-

67 (3) contact with and procedures for prioritizing power restoration to customers who had
68 documented their need for essential electricity for medical needs and customers who are
69 otherwise vulnerable, including but not limited to elderly and physically challenged customers.

70 SECTION 7. Said subsection (a) of said section 85B of said chapter 164, as so appearing,
71 is hereby amended by striking out paragraph (4) and inserting in place thereof the following
72 paragraph:- (4) (i) designation of staff to communicate with local officials, relevant regulatory
73 agencies and designated community liaisons as required by subsection (f); and (ii) designation of
74 staff to be posted at the Massachusetts emergency management agency's emergency operations
75 center, as required by subsection (e);.

76 SECTION 8. Said subsection (a) of said section 85B of said chapter 164, as so appearing,
77 is hereby amended by striking out paragraphs (6) and (7) and inserting in place thereof the
78 following 3 paragraphs:-

79 (6) procedures for deploying company and mutual aid crews to work assignment areas;

80 (7) identification of additional supplies and equipment needed during an emergency and
81 the means of obtaining additional supplies and equipment; and

82 (8) designation of a call center in the commonwealth for service assistance for the
83 duration of an emergency or until full service is restored, whichever occurs first. The call center
84 shall be staffed continuously for the duration of the emergency and to ensure sufficient staffing
85 levels to handle all customer calls.

86 SECTION 9. Said section 85B of said chapter 164, as so appearing, is hereby further
87 amended by adding the following 3 subsections:-

88 (e) Each investor-owned electric distribution, transmission or natural gas distribution
89 company, when implementing an emergency response plan, shall designate an employee or
90 employees to remain stationed at the Massachusetts emergency management agency's
91 emergency operations center for the length of the emergency. The employee or employees shall

92 coordinate communications efforts with local officials and emergency management officials, as
93 required by this section.

94 (f) Each investor-owned electric distribution, transmission or natural gas distribution
95 company, when implementing an emergency response plan, shall designate an employee or
96 employees to serve as community liaisons for each municipality within their service territory. An
97 investor-owned electric distribution, transmission or natural gas distribution company shall
98 provide each community liaison with the necessary feeder map or maps outlining municipal
99 substations and distribution networks and up-to-date customer outage reports at the time of
100 designation as a community liaison. An investor-owned electric distribution, transmission or
101 natural gas distribution company shall provide each community liaison with twice-daily
102 customer outage report updates for the liaison's respective city or town. The community liaison
103 shall utilize the maps and outage reports to respond to inquiries from the general public, local
104 officials and relevant regulatory agencies.

105 (g) Notwithstanding any existing power or authority, each electric distribution,
106 transmission or natural gas distribution company conducting business in the commonwealth shall
107 provide periodic reports to the department and the Massachusetts emergency management
108 agency regarding emergency conditions and restoration performance during an emergency event.

109 SECTION 9A. Said section 85B of said chapter 164, as so appearing, is hereby further
110 amended by adding the following subsection:-

111 (h) Each investor-owned electric distribution, transmission or natural gas distribution
112 company shall file with the emergency management director of each municipality within their
113 service territory a copy of the emergency response plan and any updates. Failure to file the plan
114 with each emergency management director shall result in a fine of \$500.

115 SECTION 10. An investor-owned electric distribution, transmission or natural gas
116 distribution company with a call center within 50 miles of their service area, in operation as of
117 January 1, 2012, need not designate an additional call center under paragraph (8) of subsection
118 (a) of section 85B of chapter 164 of the General Laws as long as the call center continues in
119 operation.