



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 10-02

February 16, 2010

Investigation by the Department of Public Utilities on its own Motion to Establish Guidelines for Electric Companies' Emergency Response Plans.

ORDER OPENING A NOTICE OF INQUIRY TO ESTABLISH GUIDELINES FOR
ELECTRIC COMPANIES' EMERGENCY RESPONSE PLANS

I. INTRODUCTION

In this Order, the Department of Public Utilities (“Department”) opens an investigation to establish guidelines for emergency response plans (“ERPs”) for electric distribution and transmission companies (“Companies”). ERPs are to be designed for the safe and reasonably prompt restoration of service in the case of an outage, including an outage associated with an emergency event. Pursuant to G.L. c. 164, § 85B, Companies are required to submit an ERP by May 15 each year to the Department for review and approval.¹ The purpose of the ERP guidelines is to provide uniform content and formatting requirements for the companies. This investigation has been docketed as D.P.U. 10-02.

II. BACKGROUND

On November 12, 2009, Governor Patrick signed into law St. 2009, c. 133, An Act Relative to Public Utility Companies (“Act”). This Act amended G.L. c. 164 by adding two new sections, §§ 1J and 85B. Section 1J requires the Department to promulgate rules and regulations to establish standards of acceptable performance for preparation and restoration of service outages, including outages associated with emergency events, for electric and gas companies doing business in the Commonwealth. Section 85B requires that electric distribution, transmission and natural gas companies submit annually an ERP for review and approval by the Department.

¹ Each Company currently has an emergency response plan in place. Once these guidelines are finalized, Companies will be required to file ERPs that are consistent with the guidelines.

On February 2, 2010, the Department issued Emergency Preparation and Restoration of Service Regulations, D.P.U. 10-01, an Order adopting emergency regulations 220 C.M.R.

§ 19.00: Standards of Performance for Emergency Preparation and Restoration of Service for Electric Distribution and Gas Companies.² The regulations create standards that require Companies to ensure that they (1) are adequately and sufficiently prepared to restore service to their customers, and (2) restore service in a safe and reasonably prompt manner in the event of an outage, including an outage associated with an Emergency Event. 220 C.M.R. § 19.03. Company ERPs are an integral part of the standards. Id. The regulations establish minimum requirements for the ERPs, based on G.L. c. 164, § 85B. 220 C.M.R. § 19.04. In the Order adopting the regulations, the Department stated that we would open a separate docket establishing ERP guidelines to develop the specifics of the ERPs. D.P.U. 10-01 at 3. Draft ERP guidelines are attached to this Order (see Appendix).

III. DESCRIPTION OF THE GUIDELINES

The guidelines require that each Company develop a classification system for service outages that ranks outages from Level One (Small Impact Events) to Level Five (Catastrophic System Events). Using this classification system, each Company shall describe how it will respond to each event level, and in particular identify which actions, responsibilities, and reporting requirements are triggered for each service outage classification level.

² G.L. c. 164, § 85B and 220 C.M.R. § 19.00 et seq. apply to both electric and gas companies. Gas companies are also subject to a comprehensive system of existing federal and state requirements and guidelines for handling outages and emergency events. See 49 U.S.C. §§ 60101- 60125; 49 C.F.R. Part 192; G.L. c. 164, § 105A; 220 C.M.R. § 69.00 and 220 C.M.R. §§ 100.00 through 113.00.

The guidelines also require that each Company develop an incident command structure that is responsible for preparing for outage events and, in the case of such an event, for restoring service in a safe and reasonably prompt manner. The incident command structure shall include a Strategic Response Team, a system-level incident commander, and district-level commanders. In addition, each Company shall designate positions at the system-level and district-level to address key functions during service outage events. The key functions include service restoration, environmental response, worker health and safety, customer communications, communications with government officials, logistics and field support, and finance and administration.

The guidelines establish minimum requirements for advance planning and training. These requirements focus on meetings with local government officials, training and drills/exercises, and updates to contact information. The guidelines also provide the format, content and timing of reports required under 220 C.M.R. § 19.00 et seq.

IV. DESCRIPTION OF THIS PROCEEDING

The Department adopts the following procedural schedule. The Department will accept initial written comments on the guidelines (see Appendix) by March 3, 2010. The Department strongly encourages the Companies to work together to provide joint comments and proposed revisions to the guidelines, in order to create ERPs that will be as consistent as possible across all Companies. The Department will hold two technical sessions on March 8, 2010 and March 10, 2010. Reply comments will be due by March 18, 2010.

