

Legislative Regulation Review Committee

2010-018a

Department of Public Utility Control

**REQUIREMENTS OF PUBLIC SERVICE
COMPANIES & ELECTRIC SUPPLIERS TO
REPORT ACCIDENTS**

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT
REGULATION

NAME OF AGENCY
DEPARTMENT OF PUBLIC UTILITY CONTROL

Concerning

SUBJECT MATTER OF REGULATION
Docket No. 08-09-02 DPUC Review of Regulations
Concerning the Requirments of Public Service
Companies and Electric Suppliers to Report Accidents

SECTION _____

PROPOSED REGULATIONS
(Final Version)

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 16-16-1 to 16-16-4, inclusive, as follows:

(NEW) Section 16-16-1. Definitions.

(a) As used in sections 16-16-1 to 16-16-4, inclusive:

- (1) "Department" means the Department of Public Utility Control or its successor;
- (2) "Gas company" means "gas company" as defined in section 16-1 of the Connecticut General Statutes;
- (3) "Electric supplier" means "electric supplier" as defined in section 16-1 of the Connecticut General Statutes;
- (4) "Public service company" means "public service company" as defined in section 16-1 of the Connecticut General Statutes;
- (5) "Utility" means any public service company or electric supplier; and
- (6) "Water company" means "water company" as defined in section 16-1 of the Connecticut General Statutes.

(NEW) Section 16-16-2. Types of accidents.

(a) Major accidents. The following types of accidents are considered major accidents:

- (1) Any fatality which was or may have been connected with or due to a utility's operation, property or facility, except vehicular accidents that would be considered minor accidents pursuant to subsection (b)(3) of this section;
- (2) A shutdown of a water treatment facility which supplies water to 50 or more customers, for any period of time, for any reason other than routine maintenance;
- (3) Any injury which was or may have been connected with or due to electrical contacts with a utility's property or facility, requiring in-patient hospitalization of any person;

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(4) Any accident or injury which was or may have been connected with or due to a utility's storage or handling of hazardous chemicals, which requires in-patient hospitalization of any person or presents a threat to public health and safety;

(5) Any water main break which impacts 50 or more customers, or interrupts service for more than four hours, or affects any critical customers identified in the affected water company's emergency plan, such as hospitals and public buildings;

(6) Any event that results in an emergency shutdown of a liquefied natural gas facility;

(7) Any release of gas or liquefied natural gas from a utility's pipeline or other facility that causes injury to any person requiring in-patient hospitalization or property damage, including cost of total gas loss, of \$50,000 or more;

(8) Any structure fires or other cases of damage to a utility's facility or customer equipment where the public might have been exposed to primary voltage;

(9) Any explosions, major fires or other cases of serious damage at any utility facility, including pipelines, manholes, vaults and water tanks;

(10) Any situations where energized downed wires trap members of the public in vehicles; and

(11) Any accident that is significant, in the judgment of the utility, even if the accident does not meet the criteria of subdivisions (1) to (10), inclusive, of this subsection.

(b) Minor accidents. The following types of accidents are considered minor accidents:

(1) Any structure fires or other cases of damage to a utility's facility or customer equipment, which were or may have been connected with or due to a utility's operation or equipment, where the public was not exposed to primary voltage;

(2) Any accidents to employees or to members of the public which were or may have been connected with or due to a utility's operation, property or facility, including traffic accidents, resulting in property damage of \$50,000 or more, or in personal injury, whether or not hospitalization is required, that are not considered a major accident pursuant to subsection (a) of this section; and

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(3) Any fatalities associated with any vehicular accident involving a utility's poles or other facilities but not involving the utility's employees or operation.

(NEW) Section 16-16-3. Reporting requirements.

(a) Immediate report. Each affected utility shall notify the Department of any major accident that occurred in Connecticut or affected Connecticut residents as soon as possible but no later than 24 hours after the occurrence or the utility's discovery of the accident. Such notification shall be electronically filed through the Department's Web Filing System, but may be made by telephone to the Department's main number (860) 827-1553, or by fax to (860) 827-2822, if the filer is unable to file the notification electronically.

(b) Five-day report. No later than five business days after the occurrence or discovery of a major accident that occurred in Connecticut or affected Connecticut residents, each affected utility shall submit a written report of the accident to the Department. Such report shall be electronically filed through the Department's Web Filing System; however, if the filer is unable to file the report electronically, such report may be submitted to the Department's Executive Secretary by regular U.S. mail or by fax. When additional relevant information is obtained or becomes available after a report has been submitted under this subsection, the utility shall file supplemental reports to the Department as deemed necessary with a clear reference by date and subject to the original report.

(c) Monthly report. No later than the tenth day of each month, each utility shall file with the Department a monthly accident report. Such report shall be in writing and shall list, in summary form, all minor and major accidents that occurred in Connecticut or affected Connecticut residents in the previous calendar month. All monthly reports shall be electronically filed through the Department's Web Filing System; however, if the filer is unable to file the monthly report electronically, it may be submitted to the Department's Executive Secretary by regular U.S. mail or by fax.

(d) Additional reporting requirements for gas companies.

(1) In addition to the reporting requirements contained in subsections (a) to (c), inclusive, of this section, each affected gas company shall notify the Department's Gas Pipeline Safety Unit of any major accident that occurred in Connecticut or affected Connecticut residents as soon as possible but no later than one hour after the occurrence or the gas company's discovery of the accident. Such notification shall be made in accordance with any existing procedures established by the Department's Gas Pipeline Safety Unit.

(2) The provisions of sections 16-16-1 to 16-16-3, inclusive, are in addition to, and not in place of, any reporting or notification requirements prescribed in any federal laws or other state statutes or regulations that govern natural gas, flammable gas, liquefied natural gas or other gas that is toxic or corrosive. A gas company's

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compliance with any such federal laws or other state statutes or regulations shall not be a substitute for compliance with sections 16-16-1 to 16-16-4, inclusive.

(e) Required information. Each report required under this section shall include the following information, to the extent known, for each accident:

- (1) Identification of persons making the report or notification, including name and contact information such as telephone numbers and business and email address;
- (2) Names of all affected utilities;
- (3) The exact time and location of the accident;
- (4) A description of the accident and extent of injuries, including total number of fatalities, if any;
- (5) Total number of injured employees and any available information about the injured employees such as job title, age and contact information;
- (6) Total number of injured persons other than the utility's employees, with any available information such as name, age and contact information;
- (7) All known significant facts or information relevant to the cause of the accident or the extent of the injuries or damages;
- (8) Actions already taken by the utility at the time of the report, and immediate actions the utility plans to undertake with regard to the accident; and
- (9) Corrective actions, if any, taken or planned by the utility to mitigate future similar occurrences.

(f) Exceptions. Notwithstanding subsections (a) through (d) of this section, a utility is not required to report the following types of accidents:

- (1) Non-fatal injuries associated with vehicular accidents involving a utility's poles or other facilities but not involving the utility's employees or operation;
- (2) Minor personal injuries on utility property unrelated to utility system operations, such as paper cuts, bee stings, muscle strains or routine slip and fall type events;
- (3) Contacts with secondary electrical lines, where no injury is reported or known to have occurred, such as a tingle felt by a homeowner painting a house and touching a service wire;

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(4) Structure fires where a utility's only involvement is disconnection of service; and

(5) Downed or fallen wires that do not directly affect or threaten the safety of any members of the public.

(NEW) Section 16-16-4. Retention of records.

Each public service company and electric supplier shall maintain records meeting the requirements of sections 16-16-1 to 16-16-3, inclusive, for a minimum of ten years. Each utility shall, when requested, make such records available for inspection by the Department.

Sec. 2. Section [16-11-49] App. Appendix, "Appendix -- Report of accidents -- Sec. 16-16, General Statutes" of the Regulations of Connecticut State Agencies is repealed.

Statement of Purpose: The proposed regulations repeal Section [16-11-49] App. Appendix, "Appendix -- Report of accidents -- Sec. 16-16, General Statutes" of the Regulations of Connecticut State Agencies, and adopt new §16-16-1 to §16-16-4, inclusive. Section 16-16 of the Connecticut General Statutes requires each public service company and each electric supplier to notify the Department of any accident attended with personal injury or involving public safety, connected with or due to the operation of the company's property. These proposed regulations are necessary to update the Department requirements relating to the reporting and notification of accidents required under that statute.

Be it known that the foregoing:

Regulations Emergency Regulations

Are:
 Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section 4-168 of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on December 15, 2009, of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on _____ day of _____ 2009

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____ 19 _____

In Witness Whereof:	DATE February 24, 2010	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED Chairperson
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>[Signature]</i> 3/25/10	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY
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INSTRUCTIONS

- One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
- Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
- Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
- Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.