



General Assembly

**Proposed Substitute  
Bill No. 23**

February Session, 2012

LCO No. 2858

**AN ACT ENHANCING EMERGENCY PREPAREDNESS AND  
RESPONSE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 28-5 of the 2012 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2012*):

4 (b) The commissioner shall direct the preparation of a  
5 comprehensive plan and program for the civil preparedness of the  
6 state and integrate and coordinate that plan and program to the fullest  
7 extent possible with the civil preparedness plans of the federal  
8 government and of other states. When the plan and program has been  
9 prepared, the commissioner shall present it to the Governor for his or  
10 her approval. When the Governor approves the plan, all government  
11 agencies, state or local, [and] all civil preparedness forces in the state  
12 and all public service companies, as defined in section 16-1, shall carry  
13 out the duties and functions assigned by the plan and program as  
14 approved. The plan and program may, from time to time, be amended

15 or modified in like manner. The commissioner shall coordinate the  
16 civil preparedness activities of the towns and cities of the state to the  
17 end that they shall be fully integrated with the state civil preparedness  
18 plan and program.

19 Sec. 2. Subsection (e) of section 28-5 of the 2012 supplement to the  
20 general statutes is repealed and the following is substituted in lieu  
21 thereof (*Effective July 1, 2012*):

22 (e) The commissioner shall utilize the personnel, services,  
23 equipment, supplies and facilities of existing departments, offices and  
24 agencies of the state to the maximum extent possible. The head of each  
25 such department, office or agency, in cooperation with and under the  
26 direction of the commissioner, shall be responsible for the planning  
27 and programming of such activities in the civil preparedness programs  
28 as will involve the utilization of the facilities of his or her department,  
29 office, institution or agency and shall implement and carry out such  
30 activities whenever necessary for the welfare and safety of the state,  
31 including participation in planning, training and exercises, as directed  
32 by the commissioner.

33 Sec. 3. (NEW) (*Effective from passage*) (a) The Public Utilities  
34 Regulatory Authority shall initiate a docket to establish standards for  
35 acceptable performance by each electric company, electric distribution  
36 company, gas company and telephone company to ensure the  
37 reliability of such company's services, in any emergency, as defined in  
38 section 16-32e of the general statutes, to prevent and minimize any  
39 service outages or disruptions lasting more than twenty-four  
40 consecutive hours, to facilitate restoration of such services after such  
41 outages or disruptions, and to identify the optimum level of tree  
42 trimming and system hardening, including undergrounding, necessary  
43 to achieve the maximum reliability of the system and to minimize  
44 service outages. On or before November 1, 2012, the authority shall  
45 submit a report identifying the standards established by the authority  
46 pursuant to such docket and any recommendations concerning

47 legislative changes necessary to implement such standards to the joint  
48 standing committee of the General Assembly having cognizance of  
49 matters relating to energy and technology, in accordance with the  
50 provisions of section 11-4a of the general statutes.

51 (b) The authority shall, in the docket initiated pursuant to  
52 subsection (a) of this section, review:

53 (1) Each electric company's, electric distribution company's, gas  
54 company's and telephone company's current practices concerning  
55 service restoration after an emergency. Such review shall include, but  
56 not be limited to, an analysis of any such company's (A) estimates  
57 concerning potential damage and service outages prior to any  
58 emergency, (B) damage and service outage assessments after any  
59 emergency, (C) restoration management after any emergency,  
60 including access to alternate restoration resources via regional and  
61 reciprocal aid contracts, (D) planning for at-risk and vulnerable  
62 customers, (E) communication policies with state and local officials  
63 and customers, including individual customer restoration estimates  
64 and the accuracy of such estimates, and (F) need for mutual assistance  
65 during any emergency;

66 (2) The adequacy of each such company's infrastructure, facilities  
67 and equipment, which shall include, but not be limited to, an analysis  
68 of (A) whether such infrastructure, facilities and equipment are in  
69 good repair and capable of meeting operational standards, (B) whether  
70 such company is following standard industry practice concerning  
71 operation and maintenance of such infrastructure, facilities and  
72 equipment, and (C) whether such company had access to adequate  
73 replacement equipment for such infrastructure, facilities and  
74 equipment during the course of such emergency;

75 (3) Coordination efforts between each electric company and electric  
76 distribution company and any telecommunications company,  
77 community antenna television company or certified competitive video  
78 service provider, as those terms are defined in section 16-1 of the

79 general statutes, including coordinated planning before any  
80 emergency, coordinated restoration efforts after any emergency and  
81 plans for emergency generators or back-up battery power where  
82 necessary to restore service and maintain communication;

83 (4) Tree trimming policies of each electric company and electric  
84 distribution company and shall determine (A) the amount spent by  
85 each electric company and electric distribution company for tree  
86 trimming in the most recent rate case, (B) each such company's system  
87 average interruption duration index, as defined in section 16-245y of  
88 the general statutes, caused by falling trees and limbs, (C) the impact  
89 of expanding the area adjacent to distribution lines for tree trimming,  
90 including the cost of such expansion to ratepayers and the likelihood  
91 that such expansion would decrease damage to infrastructure, facilities  
92 and equipment used to distribute electricity and decrease service  
93 outage frequency or duration, and (D) the percentage of service  
94 outages during Hurricane Irene and the October 2011 storm caused by  
95 trees and limbs outside the current trim area based on an analysis of  
96 the quantity of prior tree trimming; and

97 (5) Any other policy, practice or information that the authority  
98 determines relevant to a review of each electric company's, electric  
99 distribution company's, gas company's and telephone company's  
100 ability to ensure the reliability of such company's services in an  
101 emergency and to prevent, minimize and restore any long-term service  
102 outages or disruptions caused by such emergency.

103 Sec. 4. (NEW) (*Effective from passage*) (a) As used in this section,  
104 "utility" means any electric company, electric distribution company,  
105 gas company or telephone company, as those terms are defined in  
106 section 16-1 of the general statutes.

107 (b) The Public Utilities Regulatory Authority shall establish  
108 minimum standards of performance for utilities in emergency  
109 preparation and restoration of service to customers in an emergency.  
110 In developing such standards, the authority shall seek to minimize the

111 number and duration of service outages in emergencies. The standards  
112 established by the authority shall include, but not be limited to,  
113 provisions for:

114 (1) Minimum staffing and equipment levels for each utility based on  
115 the number of customers served by such utility;

116 (2) Targets for recovery and restoration of service in emergencies  
117 based upon the classification levels of such emergencies;

118 (3) A communication plan between each utility and its customers,  
119 including, but not limited to, communication during other than normal  
120 business hours;

121 (4) Safety standards for employees of each utility, mutual aid crews  
122 and private contractors;

123 (5) Filing mutual aid agreements by utilities;

124 (6) Communication and coordination between any utility and the  
125 appropriate state, municipal or emergency operations center official  
126 concerning emergency preparation, road clearing and the  
127 establishment of restoration priorities;

128 (7) Tree trimming, cutting and removal by each electric company  
129 and electric distribution company to reduce service outages caused by  
130 trees and limbs;

131 (8) Communication and coordination, in consultation with the  
132 Department of Emergency Services and Public Protection, between any  
133 utility and the public including, but not limited to, standards  
134 concerning the use of any emergency notification system to notify the  
135 public of service restoration estimates and any dangerous conditions;

136 (9) Timely notification by any utility to any relevant state or  
137 municipal agency or official including, but not limited to, any public  
138 safety agency or official, of any emergency and standards for

139 coordination and communication between such utility and such  
140 agency or official;

141 (10) Communication and coordination between any appropriate  
142 electric, electric distribution, gas or telephone company; and

143 (11) The operation of the call center of any utility,  
144 telecommunications company, holder of a certificate of video franchise  
145 authority, holder of a certificate of cable franchise authority or voice  
146 over Internet protocol provider during any emergency.

147 (c) The authority shall establish as it deems fit any other standards  
148 for acceptable performance by any utility to ensure the reliability of  
149 such utility's services in any emergency, to prevent and minimize any  
150 service outages or disruptions lasting more than twenty-four  
151 consecutive hours and to facilitate restoration of such services after  
152 such outages or disruptions.

153 (d) Any mutual aid agreement filed with the authority pursuant to  
154 this section shall not be considered a public record or file subject to  
155 disclosure under the Freedom of Information Act, as defined in section  
156 1-200 of the general statutes.

157 Sec. 5. (NEW) (*Effective from passage*) (a) Not later than August 1,  
158 2012, and April fifteenth annually thereafter, each utility, as defined in  
159 section 4 of this act, shall provide an emergency response plan to the  
160 Public Utilities Regulatory Authority. Such plan shall include  
161 information and analysis concerning such utility's ability during the  
162 preceding year to meet the emergency preparedness and response  
163 standards established by the authority pursuant to section 4 of this act.

164 (b) In addition to the annual reporting requirements provided in  
165 subsection (a) of this section, the authority may require any utility to  
166 submit a supplemental emergency response plan after any storm,  
167 emergency or event causing significant service outages.

168 Sec. 6. (NEW) (*Effective from passage*) After any emergency, as

169 defined in section 16-32e of the general statutes, the Public Utilities  
170 Regulatory Authority shall review the performance of each electric  
171 company, electric distribution company, gas company and telephone  
172 company. The authority, upon a finding that any such company failed  
173 to comply with any standard of acceptable performance in emergency  
174 preparation or restoration of service in an emergency, adopted  
175 pursuant to section 4 of this act or any order of the authority, shall  
176 make orders, after a hearing that is conducted as a contested case in  
177 accordance with chapter 54 of the general statutes, to enforce such  
178 standards and may levy civil penalties against such company,  
179 pursuant to section 16-41 of the general statutes, not to exceed two and  
180 one-half per cent of such electric, electric distribution or gas company's  
181 annual distribution revenue for any related series of noncompliance by  
182 any electric company, electric distribution company or gas company  
183 and not to exceed twenty-million dollars for any related series of  
184 noncompliance by any telephone company. Any such penalty shall be  
185 assessed in the form of a credit to ratepayers of such electric, electric  
186 distribution or gas company or customers of such telephone company.  
187 Any such penalty shall not be included as an operating expense of  
188 such company for purposes of ratemaking.

189       Sec. 7. (NEW) (*Effective from passage*) (a) As used in this section:

190       (1) "Municipality" has the same meaning as provided in section 7-  
191 233b of the general statutes;

192       (2) "Critical facility" means any hospital, police station, fire station,  
193 water treatment plant, sewage treatment plant or correctional facility,  
194 any commercial area of a municipality or any other facility or area  
195 identified by the Department of Energy and Environmental Protection  
196 as critical;

197       (3) "Renewable distributed energy generation" means energy  
198 produced from a Class I renewable energy source, as defined in section  
199 16-1 of the general statutes; and

200 (4) "Electric distribution company" and "participating municipal  
201 electric utility" have the same meanings as provided in section 16-1 of  
202 the general statutes.

203 (b) The Department of Energy and Environmental Protection shall  
204 establish a micro-grid grant and loan pilot program to support local  
205 renewable distributed energy generation for critical facilities. The  
206 department shall develop and issue a request for proposals from  
207 municipalities, electric distribution companies, participating municipal  
208 electric utilities, energy improvement districts and private entities  
209 seeking to develop micro-grid renewable distributed energy  
210 generation, or to repurpose existing renewable distributed energy  
211 generation for use with micro-grids, to support critical facilities. Any  
212 entity eligible to submit a proposal pursuant to this section may  
213 collaborate with any other such entity in submitting such proposal.

214 (c) The department shall award grants or loans under the micro-grid  
215 grant and loan pilot program to any number of recipients, provided  
216 the total amount of grants and loans awarded under the program shall  
217 not exceed five million dollars. In awarding such grants and loans, the  
218 department shall give preference to any project with an anticipated  
219 completion date on or before October 1, 2012. The department may  
220 establish any financing mechanism to leverage additional funding for  
221 the program.

222 (d) Not later than January first, annually, for a period of five years  
223 after receiving a grant or loan under the micro-grid grant and loan  
224 pilot program, any recipient of such grant or loan shall submit a  
225 report, in accordance with section 11-4a of the general statutes, to the  
226 department and the joint standing committees of the General  
227 Assembly having cognizance of matters relating to appropriations and  
228 energy and technology. Such report shall include information  
229 concerning the status of such recipient's micro-grid project.

230 (e) On or before January 1, 2013, the department shall file a report,  
231 in accordance with the provisions of section 11-4a of the general

232 statutes, with the joint standing committee of the General Assembly  
233 having cognizance of matters relating to energy, identifying other  
234 funding sources necessary to expand the micro-grid grant and loan  
235 pilot program established pursuant to this section and any legislative  
236 changes necessary to access such funding.

237       Sec. 8. (NEW) (*Effective from passage*) Not later than October 1, 2012,  
238 each electric, electric distribution, gas and telephone company, as those  
239 terms are defined in section 16-1 of the general statutes, shall submit a  
240 plan to implement the standards of acceptable performance for utilities  
241 in emergency preparation and restoration of service in an emergency,  
242 adopted pursuant to section 4 of this act, to the Public Utilities  
243 Regulatory Authority. The authority shall approve, reject or modify  
244 each such plan. The authority may require any such company to  
245 submit a supplemental plan after any storm, emergency or event  
246 causing significant service outages.

247       Sec. 9. (NEW) (*Effective from passage*) On or before October 1, 2012,  
248 and annually thereafter, each telecommunications company, as defined  
249 in section 16-1 of the general statutes, shall submit a report to the  
250 Department of Emergency Services and Public Protection concerning  
251 each such company's ability to provide backup power during an  
252 electric service outage for any telecommunications tower or antenna  
253 owned, leased or operated by such company to provide  
254 telecommunications services, as defined in section 16-247a of the  
255 general statutes, and each such company's plans concerning such  
256 backup power. Any information provided to the department pursuant  
257 to this section shall be considered confidential, not subject to disclosure  
258 under the Freedom of Information Act, as defined in section 1-200 of  
259 the general statutes, and such information shall not be transmitted to  
260 any person except as needed to comply with this section. On or before  
261 January 1, 2013, and annually thereafter, the department shall submit a  
262 report to the joint standing committee of the General Assembly having  
263 cognizance of matters relating to energy and technology, in accordance  
264 with the provisions of section 11-4a of the general statutes, identifying

265 any information concerning each such company's ability to provide  
266 backup power during an electric service outage for any  
267 telecommunications tower or antenna owned, leased or operated by  
268 such company to provide telecommunications services and each such  
269 company's plans concerning such backup power. Such report shall  
270 include the department's recommendations for any necessary statutory  
271 change.

272 Sec. 10. Subsection (a) of section 16-2a of the 2012 supplement to the  
273 general statutes is repealed and the following is substituted in lieu  
274 thereof (*Effective from passage*):

275 (a) There shall be an independent Office of Consumer Counsel,  
276 within the Department of Energy and Environmental Protection, for  
277 administrative purposes only, to act as the advocate for consumer  
278 interests in all matters which may affect Connecticut consumers with  
279 respect to public service companies, electric suppliers and certified  
280 telecommunications providers, including, but not limited to, matters  
281 concerning the maintenance and operation of the infrastructure of such  
282 companies, suppliers and providers that provide service to consumers.  
283 The Office of Consumer Counsel is authorized to appear in and  
284 participate in any regulatory or judicial proceedings, federal or state, in  
285 which such interests of Connecticut consumers may be involved, or in  
286 which matters affecting utility services rendered or to be rendered in  
287 this state may be involved. The Office of Consumer Counsel shall be a  
288 party to each contested case before the Public Utilities Regulatory  
289 Authority and shall participate in such proceedings to the extent it  
290 deems necessary. Said Office of Consumer Counsel may appeal from a  
291 decision, order or authorization in any such state regulatory  
292 proceeding notwithstanding its failure to appear or participate in said  
293 proceeding.

294 Sec. 11. (NEW) (*Effective from passage*) The Department of  
295 Transportation and any municipality shall notify the Public Utilities  
296 Regulatory Authority of any pending project involving the

297 construction, alteration, reconstruction, improvement, relocation,  
298 widening or changing of the grade of a section of any state highway or  
299 any other public highway, that is greater than five miles long or  
300 located in a commercial area. The authority, upon determination that  
301 such project may provide an opportunity for any public service  
302 company, as defined in section 16-1 of the general statutes, to install,  
303 replace, upgrade or bury any water, sewer or gas line, electric wire or  
304 cable or fiber optics, shall notify such company of such project.

305       Sec. 12. (*Effective from passage*) The Public Utilities Regulatory  
306 Authority shall initiate a docket to identify and establish procedures to  
307 increase efforts by public service companies to install, replace, upgrade  
308 or bury any water, sewer or gas line, electric wire or cable or fiber  
309 optics, including procedures to coordinate with the Department of  
310 Transportation, any municipality and any other public service  
311 company to encourage such installment, replacement, upgrading or  
312 burying during any period in which a project to construct, alter,  
313 reconstruct, improve, relocate, widen or change the grade of a section  
314 of any state highway or any other public highway is ongoing. On or  
315 before February 1, 2013, the authority shall report, in accordance with  
316 the provisions of section 11-4a of the general statutes, the findings of  
317 such docket, including any recommended legislation necessary to  
318 implement such findings, to the joint standing committee of the  
319 General Assembly having cognizance of matters relating to public  
320 utilities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	28-5(b)
Sec. 2	<i>July 1, 2012</i>	28-5(e)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section

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Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	16-2a(a)
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section