



General Assembly

February Session, 2012

**Raised Bill No. 5544**

LCO No. 2510

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Referred to Committee on Energy and Technology

Introduced by:

(ET)

**AN ACT CONCERNING STORM PREPARATION AND EMERGENCY RESPONSE.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) The Public Utilities  
2 Regulatory Authority shall initiate a docket to establish standards for  
3 acceptable performance by each electric company, electric distribution  
4 company and telephone company to ensure the reliability of such  
5 company's services, in any emergency, as defined in section 16-32e of  
6 the general statutes, and to prevent, minimize and restore any long-  
7 term service outages or disruptions caused by such emergency. On or  
8 before November 1, 2012, the authority shall submit a report  
9 identifying the standards established by the authority pursuant to such  
10 docket and any recommendations concerning legislative changes  
11 necessary to implement such standards to the joint standing committee  
12 of the General Assembly having cognizance of matters relating to  
13 energy and technology, in accordance with the provisions of section  
14 11-4a of the general statutes.

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

17 (1) Each electric company's, electric distribution company's and  
18 telephone company's current practices concerning service restoration  
19 after an emergency. Such review shall include, but not be limited to, an  
20 analysis of any such company's (A) estimates concerning potential  
21 damage and service outages prior to any emergency, (B) damage and  
22 service outage assessments after any emergency, (C) restoration  
23 management after any emergency, including access to alternate  
24 restoration resources via regional and reciprocal aid contracts, (D)  
25 planning for at-risk and vulnerable customers, (E) communication  
26 policies with state and local officials and customers, including  
27 individual customer restoration estimates and the accuracy of such  
28 estimates, and (F) need for mutual assistance during any emergency;

29 (2) The adequacy of each such company's infrastructure, facilities  
30 and equipment, which shall include, but not be limited to, an analysis  
31 of (A) whether such infrastructure, facilities and equipment are in  
32 good repair and capable of meeting operational standards, (B) whether  
33 such company is following standard industry practice concerning  
34 operation and maintenance of such infrastructure, facilities and  
35 equipment, (C) the age and condition of such infrastructure, facilities  
36 and equipment, (D) whether maintenance of such infrastructure,  
37 facilities and equipment has been delayed, (E) whether such company  
38 had access to adequate replacement equipment for such infrastructure,  
39 facilities and equipment during the course of such emergency, and (F)  
40 any distribution asset management strategy employed by such  
41 company;

42 (3) Coordination efforts between each electric company and electric  
43 distribution company and any telecommunications company,  
44 community antenna television company or certified competitive video  
45 service provider, as those terms are defined in section 16-1 of the  
46 general statutes, including coordinated planning before any  
47 emergency, coordinated restoration efforts after any emergency and  
48 plans for emergency generators or back-up battery power where  
49 necessary to restore service and maintain communication;

50 (4) Tree trimming policies of each electric company and electric  
51 distribution company and shall determine (A) the amount spent by  
52 each electric company and electric distribution company during the  
53 past five years for tree trimming, the amount such company sought for  
54 tree trimming and the amount allowed for tree trimming by the  
55 authority, (B) each such company's system average interruption  
56 duration index, as defined in section 16-245y of the general statutes,  
57 caused by falling trees and limbs, (C) the impact of expanding the area  
58 adjacent to distribution lines for tree trimming, including the cost of  
59 such expansion to ratepayers and the likelihood that such expansion  
60 would decrease damage to infrastructure, facilities and equipment  
61 used to distribute electricity and decrease service outage frequency or  
62 duration, and (D) the percentage of service outages during Hurricane  
63 Irene and the October 2011 storm caused by trees and limbs outside  
64 the current trim area based on an analysis of the quantity of prior tree  
65 trimming; and

66 (5) Any other policy, practice or information that the authority  
67 determines relevant to a review of each electric company's, electric  
68 distribution company's and telephone company's ability to ensure the  
69 reliability of such company's services in an emergency and to prevent,  
70 minimize and restore any long-term service outages or disruptions  
71 caused by such emergency.

72 (c) After conducting any review in accordance with subsection (b) of  
73 this section, the authority shall establish standards for:

74 (1) Minimum staffing levels for any electric company, electric  
75 distribution company or telephone company, relative to such  
76 company's number of customers, for outage planning and restoration  
77 personnel, including linemen, technicians and system engineers, tree  
78 trimming crews and personnel responsible for directing operations  
79 and communicating with state, municipal and regional officials. Such  
80 staffing standards may reflect different staffing levels based on the  
81 severity of any emergency. Such personnel shall be certified and have

82 appropriate training for any responsibilities during an emergency or  
83 storm event and the authority may establish standards for annual  
84 emergency training and exercises for such personnel;

85 (2) Prioritizing electric company, electric distribution company and  
86 telephone company personnel and crew deployment and service  
87 restoration on a regional basis. In establishing such standards, the  
88 authority will take into consideration at-risk and vulnerable customers.  
89 The authority may consider a requirement that any such company's  
90 tree trimming crews be deployed to any local emergency operations  
91 center or public works department to coordinate road clearing and to  
92 help identify and mitigate safety concerns;

93 (3) (A) Reciprocal aid contracts between any Connecticut electric  
94 company, electric distribution company or telephone company and  
95 any out-of-state utility company, (B) emergency response contracts  
96 between any Connecticut electric company or electric distribution  
97 company and any electrical or tree trimming contractor, and (C)  
98 utilizing any contractor with the skill to address any aspect of a service  
99 outage;

100 (4) Communication and coordination between any electric  
101 company, electric distribution company or telephone company and  
102 any state, municipal or emergency operations center official  
103 concerning emergency preparation, road clearing and the  
104 establishment of restoration priorities;

105 (5) Tree trimming by each electric company and electric distribution  
106 company to reduce the likelihood of service outages caused by trees  
107 and limbs;

108 (6) Communication and coordination between any electric  
109 company, electric distribution company or telephone company and the  
110 public including, but not limited to, standards concerning the use of  
111 any emergency notification system to notify the public of service  
112 restoration estimates and any dangerous conditions;

113 (7) Timely notification by any electric company, electric distribution  
114 company or telephone company to any relevant state or municipal  
115 agency or official including, but not limited to, any public safety  
116 agency or official, of any emergency and standards for coordination  
117 and communication between such company and such agency or  
118 official;

119 (8) Communication and coordination between any electric  
120 company, electric distribution company or telephone company and  
121 each municipality including, but not limited to, the identification of  
122 staging areas for emergency response equipment during any  
123 emergency;

124 (9) The operation of any electric company's, electric distribution  
125 company's or telephone company's emergency call center during any  
126 emergency; and

127 (10) The training of personnel not employed by any electric  
128 company, electric distribution company or telephone company to  
129 assist such company during any emergency.

130 (d) The authority may establish as it deems fit any other standards  
131 for acceptable performance by any electric company, electric  
132 distribution company or telephone company to ensure the reliability of  
133 such company's services in any emergency and to prevent, minimize  
134 and restore any long-term service outages or disruptions caused by  
135 such emergency.

136 (e) The authority, upon a finding that any electric company, electric  
137 distribution company or telephone company failed to comply with any  
138 standard of acceptable performance adopted pursuant to this section  
139 or any order of the authority, or failed to submit an emergency  
140 response and infrastructure report pursuant to section 2 of this act,  
141 shall make orders to enforce such standards and may levy civil  
142 penalties against such company, pursuant to section 16-41 of the  
143 general statutes, not to exceed two and one-half per cent of such

144 electric or electric distribution company's annual distribution revenue  
145 for any related series of noncompliance by any electric company or  
146 electric distribution company and not to exceed twenty-million dollars  
147 for any related series of noncompliance by any telephone company.  
148 Any such penalty shall be assessed in the form of a credit to ratepayers  
149 of such electric or electric distribution company or customers of such  
150 telephone company. Any such penalty shall not be included as an  
151 operating expense of such company for purposes of ratemaking.

152 (f) The authority shall establish criteria for reducing compensation  
153 for any executive of an electric company or electric distribution  
154 company that is provided by such company's ratepayers if the  
155 authority determines, pursuant to subsection (e) of this section, that  
156 such company failed to comply with any standard of acceptable  
157 performance adopted pursuant to this section.

158 Sec. 2. (NEW) (*Effective from passage*) (a) On or before August 1, 2012,  
159 and annually thereafter, each electric company, electric distribution  
160 company and telephone company shall submit to the Public Utilities  
161 Regulatory Authority and the joint standing committee of the General  
162 Assembly having cognizance of matters relating to energy and  
163 technology, in accordance with the provisions of section 11-4a of the  
164 general statutes, an emergency response and infrastructure report.  
165 Such report shall detail such company's practices concerning service  
166 restoration after an emergency, as defined in section 16-32e of the  
167 general statutes, and emergency preparation during the previous year  
168 and an analysis of such company's infrastructure, facilities and  
169 equipment. Such report shall include, but not be limited to, an analysis  
170 of any such company's (A) estimates concerning potential damage and  
171 service outages prior to any emergency, (B) damage and service outage  
172 assessments after any emergency, (C) restoration management after  
173 any emergency, including access to alternate restoration resources via  
174 regional and reciprocal aid contracts, (D) planning for at-risk and  
175 vulnerable customers, (E) communication policies with state and local  
176 officials and customers, including individual customer restoration

177 estimates and the accuracy of such estimates, (F) infrastructure,  
178 facilities and equipment, which shall include, but not be limited to, an  
179 examination of (i) whether such infrastructure, facilities and  
180 equipment are in good repair and capable of meeting operational  
181 standards, (ii) whether such company is following standard industry  
182 practice concerning operation and maintenance of such infrastructure,  
183 facilities and equipment, (iii) the age and condition of such  
184 infrastructure, facilities and equipment, (iv) whether maintenance of  
185 such infrastructure, facilities and equipment has been delayed, and (v)  
186 whether such company had access to adequate replacement equipment  
187 for such infrastructure, facilities and equipment during the course of  
188 such emergency, and (G) compliance with any emergency response  
189 standards adopted by the authority.

190 (b) Notwithstanding the annual reporting requirements provided in  
191 subsection (a) of this section, the authority may require any electric  
192 company, electric distribution company or telephone company to  
193 submit a supplemental emergency response and infrastructure report  
194 after any storm, emergency or event causing significant service  
195 outages.

196 Sec. 3. (NEW) (*Effective from passage*) The Public Utilities Regulatory  
197 Authority shall provide to any appropriate employee of the authority  
198 training in the Federal Emergency Management Agency's National  
199 Incident Management System. During any emergency, as defined in  
200 section 16-32e of the general statutes, causing significant, long-term  
201 electric service outages or disruptions, the authority shall deploy any  
202 such employee to emergency operations centers in the state to track the  
203 progress and effectiveness of service restoration efforts by each electric  
204 company and electric distribution company and to coordinate with  
205 regional and municipal officials.

206 Sec. 4. (NEW) (*Effective from passage*) Each telecommunications  
207 company, as defined in section 16-1 of the general statutes, shall  
208 maintain back-up generation equipment for any telecommunications

209 tower or antenna owned, leased by or operated by such company to  
210 provide telecommunications services, as defined in section 16-247a of  
211 the general statutes. Such company shall maintain fuel for any such  
212 back-up generation equipment sufficient to operate such  
213 telecommunications tower or antenna for not less than seventy-two  
214 hours without electric service.

215 Sec. 5. Section 7-326 of the 2012 supplement to the general statutes is  
216 repealed and the following is substituted in lieu thereof (*Effective from*  
217 *passage*):

218 At such meeting, the voters may establish a district for any or all of  
219 the following purposes: To extinguish fires, to light streets, to plant  
220 and care for shade and ornamental trees, to construct and maintain  
221 roads, sidewalks, crosswalks, drains and sewers, to appoint and  
222 employ watchmen or police officers, to acquire, construct, maintain  
223 and regulate the use of recreational facilities, to plan, lay out, acquire,  
224 construct, reconstruct, repair, maintain, supervise and manage a flood  
225 or erosion control system, to plan, lay out, acquire, construct, maintain,  
226 operate and regulate the use of a community water system, to collect  
227 garbage, ashes and all other refuse matter in any portion of such  
228 district and provide for the disposal of such matter, to implement tick  
229 control measures, to install highway sound barriers, to maintain water  
230 quality in lakes that are located solely in one town in this state, to  
231 establish a zoning commission and a zoning board of appeals or a  
232 planning commission, or both, by adoption of chapter 124 or chapter  
233 126, excluding section 8-29, or both chapters, as the case may be, which  
234 commissions or board shall be dissolved upon adoption by the town of  
235 subdivision or zoning regulations by the town planning or zoning  
236 commission, to adopt building regulations, which regulations shall be  
237 superseded upon adoption by the town of building regulations, [and]  
238 to provide ferry service, and to place underground any existing electric  
239 distribution or telecommunications lines, in consultation with any  
240 public service company or telecommunications company, as defined in  
241 section 16-1, that owns or operates such lines. Any district may



242 contract with a town, city, borough or other district for carrying out  
243 any of the purposes for which such district was established.

244 Sec. 6. (NEW) (*Effective from passage*) Any electric company or  
245 electric distribution company, as defined in section 16-1, prior to  
246 establishing a connection to provide service to any newly constructed  
247 building, upon request of the owner of such building, shall provide  
248 cost estimates for providing service to such building using  
249 underground and above-ground electric distribution lines.

250 Sec. 7. (NEW) (*Effective from passage*) The Secretary of the Office of  
251 Policy and Management, in consultation with the Commissioner of  
252 Construction Services and the Public Utilities Regulatory Authority,  
253 shall conduct a cost-benefit analysis for any newly constructed state  
254 building prior to such facility's connection to any electric distribution  
255 system to determine whether such building should be connected to  
256 such system using underground or above-ground electric distribution  
257 lines.

258 Sec. 8. Section 4d-90 of the 2012 supplement to the general statutes is  
259 amended by adding subsection (f) as follows (*Effective from passage*):

260 (NEW) (f) The council shall coordinate with the Public Utilities  
261 Regulatory Authority to develop geospatial information systems or  
262 geographic information systems maps or information profiles in  
263 graphic and electronic form concerning the electric distribution and  
264 electric transmission systems and facilities in the state.

265 Sec. 9. Section 16-234 of the general statutes is repealed and the  
266 following is substituted in lieu thereof (*Effective from passage*):

267 (a) No [telegraph,] telephone company or electric [light] distribution  
268 company [or association, nor any company or association engaged in  
269 distributing electricity by wires or similar conductors or in using an  
270 electric wire or conductor for any purpose,] shall exercise any powers  
271 which may have been conferred upon it to change the location of, or to

272 erect or place, wires, conductors, fixtures, structures or apparatus of  
273 any kind over, on or under any highway or public ground, without the  
274 consent of the adjoining proprietors, or, if such company or association  
275 is unable to obtain such consent, without the approval of the Public  
276 Utilities Regulatory Authority based on public convenience and  
277 necessity, which shall be given only after a hearing upon reasonable  
278 notice to such proprietors. [; or to cut or trim any tree on or  
279 overhanging any highway or public ground, without the consent of the  
280 owner thereof, or, if such company or association is unable to obtain  
281 such consent, without the approval of the tree warden or the consent  
282 of the authority, which consent shall be given only after a hearing  
283 upon notice to such owner; but the authority may, if it finds that public  
284 convenience and necessity require, authorize the changing of the  
285 location of, or the erection or placing of, such wires, conductors,  
286 fixtures, structures or apparatus over, on or under such highway or  
287 public ground; and the tree warden in any town or the authority may,  
288 if he or it finds that public convenience and necessity require,  
289 authorize the cutting and trimming and the keeping trimmed of any  
290 brush or tree in such town on or overhanging such highway or public  
291 ground, which action shall be taken only after notice and hearing as  
292 aforesaid, which hearing shall be held within a reasonable time after  
293 the application therefor.]

294 (b) Any electric distribution company may cut or trim any tree or  
295 other vegetation overhanging any highway or public ground,  
296 provided (1) such company gives written notice to the owner of such  
297 tree or vegetation not later than thirty days before such company cuts  
298 or trims such tree or vegetation, and (2) such owner consents to such  
299 cutting or trimming, or fails to contest such cutting or trimming and  
300 request a public convenience and necessity review of such cutting or  
301 trimming with a hearing officer of the authority not later than twenty  
302 days after such notice was provided. If such owner requests such  
303 review, such company shall not cut or trim such tree or vegetation  
304 before such hearing officer approves such cutting or trimming  
305 pursuant to such review.

306 Sec. 10. (NEW) (*Effective from passage*) The Department of  
307 Transportation and any municipality shall notify the Public Utilities  
308 Regulatory Authority of any pending project involving the  
309 construction, alteration, reconstruction, improvement, relocation,  
310 widening or changing of the grade of a section of any state highway or  
311 any other public highway, that is greater than five miles long or  
312 located in a commercial area. The authority, upon determination that  
313 such project may provide an opportunity for any public service  
314 company, as defined in section 16-1 of the general statutes, to install,  
315 replace, upgrade or bury any water, sewer or gas line, electric wire or  
316 cable or fiber optics, shall notify such company of such project.

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

333 Sec. 12. (NEW) (*Effective from passage*) (a) As used in this section:

334 (1) "Municipality" has the same meaning as provided in section 7-  
335 233b of the general statutes;

336 (2) "Critical facility" means any hospital, police station, fire station,  
337 water treatment plant, sewage treatment plant or correctional facility,

338 any commercial area of a municipality or any other facility or area  
339 identified by the Department of Energy and Environmental Protection  
340 as critical;

341 (3) "Renewable distributed energy generation" means energy  
342 produced from a Class I renewable energy source, as defined in section  
343 16-1 of the general statutes; and

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

347 (b) The Department of Energy and Environmental Protection shall  
348 establish a micro-grid grant and loan pilot program to support local  
349 renewable distributed energy generation for critical facilities. The  
350 department shall develop and issue a request for proposals from  
351 municipalities, electric distribution companies, participating municipal  
352 electric utilities, energy improvement districts and private entities  
353 seeking to develop micro-grid renewable distributed energy  
354 generation, or to repurpose existing renewable distributed energy  
355 generation for use with micro-grids, to support critical facilities. Any  
356 entity eligible to submit a proposal pursuant to this section may  
357 collaborate with any other such entity in submitting such proposal.

358 (c) The department shall award grants or loans under the micro-grid  
359 grant and loan pilot program to any number of recipients, provided  
360 the total amount of grants and loans awarded under the program shall  
361 not exceed five million dollars. In awarding such grants and loans, the  
362 department shall give preference to any project with an anticipated  
363 completion date on or before October 1, 2012. The department may  
364 establish any financing mechanism to leverage additional funding for  
365 the program.

366 (d) Not later than January first, annually, for a period of five years  
367 after receiving a grant or loan under the micro-grid grant and loan  
368 pilot program, any recipient of such grant or loan shall submit a

369 report, in accordance with section 11-4a of the general statutes, to the  
 370 department and the joint standing committees of the General  
 371 Assembly having cognizance of matters relating to appropriations and  
 372 energy and technology. Such report shall include information  
 373 concerning the status of such recipient's micro-grid project.

374 (e) On or before January 1, 2013, the department shall file a report,  
 375 in accordance with the provisions of section 11-4a of the general  
 376 statutes, with the joint standing committee of the General Assembly  
 377 having cognizance of matters relating to energy, identifying other  
 378 funding sources necessary to expand the micro-grid grant and loan  
 379 pilot program established pursuant to this section and any legislative  
 380 changes necessary to access such funding.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	7-326
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	4d-90
Sec. 9	<i>from passage</i>	16-234
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section

**Statement of Purpose:**

To review the emergency response and service restoration efforts of certain public service companies and to establish emergency response and service restoration performance standards for such companies; to require back-up generators for telecommunications towers; to encourage the placement of certain utility infrastructure underground; to enable increased tree trimming; and to establish a micro-grid grant and loan pilot program.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*