



General Assembly

**Substitute Bill No. 23**

February Session, 2012

\* SB00023ET 032812 \*

**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2 the general statutes is repealed and the following is substituted in lieu  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20 general statutes is repealed and the following is substituted in lieu  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, as those terms are  
37 defined in section 16-1 of the general statutes, to ensure the reliability  
38 of such company's services, in any emergency, as defined in section 16-  
39 32e of the general statutes, to prevent and minimize any service  
40 outages or disruptions lasting more than twenty-four consecutive  
41 hours, to facilitate restoration of such services after such outages or  
42 disruptions, and to identify the optimum level of tree trimming and  
43 system hardening, including undergrounding, necessary to achieve the  
44 maximum reliability of the system and to minimize service outages.  
45 On or before November 1, 2012, the authority shall submit a report  
46 identifying the standards established by the authority pursuant to such  
47 docket and any recommendations concerning legislative changes  
48 necessary to implement such standards to the joint standing committee  
49 of the General Assembly having cognizance of matters relating to  
50 energy and technology, in accordance with the provisions of section  
51 11-4a of the general statutes.

52 (b) The authority shall, in the docket initiated pursuant to

53 subsection (a) of this section, review:

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

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

76 (3) Coordination efforts between each electric company and electric  
77 distribution company and any telecommunications company,  
78 community antenna television company or certified competitive video  
79 service provider, as those terms are defined in section 16-1 of the  
80 general statutes, including coordinated planning before any  
81 emergency, coordinated restoration efforts after any emergency and  
82 plans for emergency generators or back-up battery power where  
83 necessary to restore service and maintain communication;

84 (4) Tree trimming policies of each electric company and electric

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

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

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

108 (b) The Public Utilities Regulatory Authority shall establish  
109 minimum standards of performance for utilities in emergency  
110 preparation and restoration of service to customers in an emergency.  
111 In developing such standards, the authority shall seek to minimize the  
112 number and duration of service outages in emergencies. The standards  
113 established by the authority shall include, but not be limited to,  
114 provisions for:

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

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

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

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

124 (5) Filing mutual aid agreements by utilities;

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

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

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

137 (9) Timely notification by each utility to any relevant state or  
138 municipal agency or official including, but not limited to, any public  
139 safety agency or official, of any emergency and standards for  
140 coordination and communication between such utility and such  
141 agency or official;

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

144 (11) The operation of the call center of each utility,  
145 telecommunications company, holder of a certificate of video franchise

146 authority, holder of a certificate of cable franchise authority or voice  
147 over Internet protocol provider during any emergency.

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

154 (d) Any mutual aid agreement filed with the authority pursuant to  
155 this section shall not be considered a public record or file subject to  
156 disclosure under the Freedom of Information Act, as defined in section  
157 1-200 of the general statutes.

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

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

169 Sec. 6. (NEW) (*Effective from passage*) After any emergency, as  
170 defined in section 16-32e of the general statutes, the Public Utilities  
171 Regulatory Authority shall review the performance of each electric  
172 company, electric distribution company, gas company and telephone  
173 company, as those terms are defined in section 16-1 of the general  
174 statutes. The authority, upon a finding that any such company failed to  
175 comply with any standard of acceptable performance in emergency  
176 preparation or restoration of service in an emergency, adopted  
177 pursuant to section 4 of this act or any order of the authority, shall

178 make orders, after a hearing that is conducted as a contested case in  
179 accordance with chapter 54 of the general statutes, to enforce such  
180 standards and may levy civil penalties against such company,  
181 pursuant to section 16-41 of the general statutes, not to exceed two and  
182 one-half per cent of such electric, electric distribution or gas company's  
183 annual distribution revenue for any related series of noncompliance by  
184 any electric company, electric distribution company or gas company  
185 and not to exceed twenty-million dollars for any related series of  
186 noncompliance by any telephone company. Any such penalty shall be  
187 assessed in the form of a credit to ratepayers of such electric, electric  
188 distribution or gas company or customers of such telephone company.  
189 Any such penalty shall not be included as an operating expense of  
190 such company for purposes of ratemaking.

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

192 (1) "Municipality" has the same meaning as provided in section 7-  
193 233b of the general statutes;

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

199 (3) "Renewable distributed energy generation" means energy  
200 produced from a Class I renewable energy source, as defined in section  
201 16-1 of the general statutes; and

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

205 (b) The Department of Energy and Environmental Protection shall  
206 establish a micro-grid grant and loan pilot program to support local  
207 renewable distributed energy generation for critical facilities. The  
208 department shall develop and issue a request for proposals from

209 municipalities, electric distribution companies, participating municipal  
210 electric utilities, energy improvement districts and private entities  
211 seeking to develop micro-grid renewable distributed energy  
212 generation, or to repurpose existing renewable distributed energy  
213 generation for use with micro-grids, to support critical facilities. Any  
214 entity eligible to submit a proposal pursuant to this section may  
215 collaborate with any other such entity in submitting such proposal.

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

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

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

239 Sec. 8. (NEW) (*Effective from passage*) Not later than October 1, 2012,  
240 each electric, electric distribution, gas and telephone company, as those

241 terms are defined in section 16-1 of the general statutes, shall submit a  
242 plan to implement the standards of acceptable performance for utilities  
243 in emergency preparation and restoration of service in an emergency,  
244 adopted pursuant to section 4 of this act, to the Public Utilities  
245 Regulatory Authority. The authority shall approve, reject or modify  
246 each such plan. The authority may require any such company to  
247 submit a supplemental plan after any storm, emergency or event  
248 causing significant service outages.

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

274       Sec. 10. Subsection (a) of section 16-2a of the 2012 supplement to the

275 general statutes is repealed and the following is substituted in lieu  
276 thereof (*Effective from passage*):

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

296 Sec. 11. (NEW) (*Effective from passage*) The Department of  
297 Transportation and any municipality shall notify the Public Utilities  
298 Regulatory Authority of any pending project involving the  
299 construction, alteration, reconstruction, improvement, relocation,  
300 widening or changing of the grade of a section of any state highway or  
301 any other public highway, that is greater than five miles long or  
302 located in a commercial area. The authority, upon determination that  
303 such project may provide an opportunity for any public service  
304 company, as defined in section 16-1 of the general statutes, to install,  
305 replace, upgrade or bury any water, sewer or gas line, electric wire or  
306 cable or fiber optics, shall notify such company of such project.

307 Sec. 12. (*Effective from passage*) The Public Utilities Regulatory

308 Authority shall initiate a docket to identify and establish procedures to  
 309 increase efforts by public service companies, as defined in section 16-1  
 310 of the general statutes, to install, replace, upgrade or bury any water,  
 311 sewer or gas line, electric wire or cable or fiber optics, including  
 312 procedures to coordinate with the Department of Transportation, any  
 313 municipality and any other public service company to encourage such  
 314 installment, replacement, upgrading or burying during any period in  
 315 which a project to construct, alter, reconstruct, improve, relocate,  
 316 widen or change the grade of a section of any state highway or any  
 317 other public highway is ongoing. On or before February 1, 2013, the  
 318 authority shall report, in accordance with the provisions of section 11-  
 319 4a of the general statutes, the findings of such docket, including any  
 320 recommended legislation necessary to implement such findings, to the  
 321 joint standing committee of the General Assembly having cognizance  
 322 of matters relating to public utilities.

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|---|---------------------|-------------|
| 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 |
| 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 |

**Statement of Legislative Commissioners:**

In section 3(a), "as those terms are defined in section 16-1 of the general statutes" was inserted after "telephone company" for clarity; in section 3(b)(1), "any such company's" was changed to "each such company's" for internal consistency; in section 3(b)(4), "as defined in section 16-245y" was changed to "as described in section 16-245y" for statutory consistency and clarity; in section 3(b)(5), "is" was inserted after

"determines" for proper grammar; in sections 4(b)(6), 4(b)(8), 4(b)(9) and 4(b)(11), "any utility" was changed to "each utility" for internal consistency; in section 6, "as those terms are defined in section 16-1 of the general statutes" was inserted after "telephone company" for clarity; and in section 12, "as defined in section 16-1 of the general statutes" was inserted after "public service companies" for clarity.

**ET**            *Joint Favorable Subst.*