

***SENATE . . . . . No. 02143***

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The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve.  
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SECTION 1. Subsection (a) of section 4C of chapter 25 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 11-12, the words “who serves less than 100,000 customers in the commonwealth”.

SECTION 2. Said section 4C of said chapter 25, as so appearing, is hereby further amended by striking out subsection (j).

SECTION 3. Said chapter 25 is hereby further amended by inserting after section 12O the following section:-

Section 12P. There shall be established upon the books of the commonwealth a separate fund to be known as the Department of Public Utilities Storm Trust Fund. There shall be credited to this fund all amounts collected under the third paragraph of section 18 and any income derived from the investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust and shall be available for expenditure, without further appropriation, by the department of public utilities, for activities of the department in investigating the preparation for and responses to storm and other emergency events by the electric companies. Any unexpended balance in the fund at the close of a fiscal year shall remain in the fund and shall be available for expenditure in the following fiscal year.

SECTION 4. Section 18 of said chapter 25, as appearing in the 2010 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

For the purpose of providing the department with additional operating funds for activities of the department in investigating the preparation for and responses to storm and other emergency events by the electric companies doing business in the commonwealth, the commission may make a separate assessment proportionally against each electric company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each of the companies derived from sales within the commonwealth of electric service, as shown in the annual report of each of the companies to the department. This assessment shall be made at a rate that shall be determined and certified annually by the commission as sufficient to produce an annual amount of not less than \$460,000, commencing in fiscal year 2012, plus the costs of fringe benefits and indirect costs as established by the commissioner of administration under section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. The amount of the assessment may be increased by the commission annually by a rate not to exceed the most recent annual consumer price index as calculated for the northeast region for all urban consumers. Notwithstanding any general or special law to the contrary, no electric company may seek recovery of any assessments made under this paragraph in any rate proceeding before the department. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from the department. Such assessments shall be collected by the department and credited to the Department of Public Utilities Storm Trust Fund established in section 12P.

SECTION 5. Chapter 164 of the General Laws is hereby amended by inserting after section 1J the following section:-

Section 1K. Any penalty levied by the department against an investor-owned electric distribution, transmission or natural gas distribution company for any violation of the department's standards of acceptable performance for emergency preparation and restoration of service for electric and gas distribution companies shall be credited by the company to the affected customers of the penalized company. The credit shall be distributed based upon the kilowatt-hours used by the affected customer under regulations promulgated by the department. The credit shall be credited during a single billing month and shall not be deferred; provided, however, that companies may petition the department to distribute the credit over a period of greater than 1 month if the credit exceeds \$10,000,000. The department shall promulgate rules and regulations for the implementation of this section.

SECTION 6. Subsection (a) of section 85B of said chapter 164, as appearing in the 2010 Official Edition, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following 2 paragraphs:-

(1) the identification of management staff responsible for company operations during an emergency, the number of service workers who are available to respond to an emergency within 24 hours, and the locations where said workers are employed when not responding to an emergency;

(2) a communications system with customers during an emergency that includes continuous access to staff assistance and twice-daily updates on estimated return of service including via telephone, a website in which the twice-daily updates shall be displayed prominently for easy public access and 1 other form of appropriate media outreach; provided that such updates shall begin upon completion of a damage assessment or after the first 24 hours of a damage assessment, whichever occurs first;

SECTION 6A. Said subsection (a) of said section 85B of said chapter 164, as so appearing, is hereby further amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

(3) contact with and procedures for prioritizing power restoration to customers who had documented their need for essential electricity for medical needs and customers who are otherwise vulnerable, including but not limited to elderly and physically challenged customers.

SECTION 7. Said subsection (a) of said section 85B of said chapter 164, as so appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:- (4) (i) designation of staff to communicate with local officials, relevant regulatory agencies and designated community liaisons as required by subsection (f); and (ii) designation of staff to be posted at the Massachusetts emergency management agency's emergency operations center, as required by subsection (e);.

SECTION 8. Said subsection (a) of said section 85B of said chapter 164, as so appearing, is hereby amended by striking out paragraphs (6) and (7) and inserting in place thereof the following 3 paragraphs:-

(6) procedures for deploying company and mutual aid crews to work assignment areas;

(7) identification of additional supplies and equipment needed during an emergency and the means of obtaining additional supplies and equipment; and

(8) designation of a call center in the commonwealth for service assistance for the duration of an emergency or until full service is restored, whichever occurs first. The call center shall be staffed continuously for the duration of the emergency and to ensure sufficient staffing levels to handle all customer calls.

SECTION 9. Said section 85B of said chapter 164, as so appearing, is hereby further amended by adding the following 3 subsections:-

(e) Each investor-owned electric distribution, transmission or natural gas distribution company, when implementing an emergency response plan, shall designate an employee or employees to remain stationed at the Massachusetts emergency management agency's emergency operations center for the length of the emergency. The employee or employees shall coordinate communications efforts with local officials and emergency management officials, as required by this section.

(f) Each investor-owned electric distribution, transmission or natural gas distribution company, when implementing an emergency response plan, shall designate an employee or employees to serve as community liaisons of each municipality within their service territory. An investor-owned electric distribution, transmission or natural gas distribution company shall provide each community liaison with the necessary feeder map or maps outlining municipal substations and distribution networks and up-to-date customer outage reports at the time of designation as a community liaison. An investor-owned electric distribution, transmission or natural gas distribution company shall provide each community liaison with twice-daily customer outage report updates for the liaison's respective city or town. The community liaison shall utilize the maps and outage reports to respond to inquiries from the general public, local officials and relevant regulatory agencies.

(g) Notwithstanding any existing power or authority, each electric distribution, transmission or natural gas distribution company conducting business in the commonwealth shall provide periodic reports to the department and the Massachusetts emergency management agency regarding emergency conditions and restoration performance during an emergency event.

SECTION 9A. Said section 85B of said chapter 164, as so appearing, is hereby further amended by adding the following subsection:-

(h) Each investor-owned electric distribution, transmission or natural gas distribution company shall file with the emergency management director of each municipality within their service territory a copy of the emergency response plan and any updates. Failure to file the plan with each emergency management director shall result in a fine of \$500.

SECTION 10. An investor-owned electric distribution, transmission or natural gas distribution company with a call center within 50 miles of their service area, in operation as of January 1, 2012, need not designate an additional call center under paragraph (8) of subsection (a) of section 85B of chapter 164 of the General Laws as long as the call center continues in operation.