

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 281 - L.D. 372

An Act To Increase the Safety of Maine Residents in Extended Power Outages

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3144 is enacted to read:

**§3144. Emergency response plans**

The commission, by rule or order, shall require each investor-owned transmission and distribution utility to establish an emergency response plan for recovery and restoration in response to an emergency in accordance with this section. The plan must be based on the United States Department of Homeland Security, Federal Emergency Management Agency's National Incident Management System publication, issued on October 17, 2017, or an updated version published subsequent to that date. For the purposes of this section, "emergency" means an event in which widespread outages have occurred in the service territory of the investor-owned transmission and distribution utility due to weather events or other causes beyond the control of the utility.

**1. Priorities.** The prioritization process under the emergency response plan required by this section must follow the statewide comprehensive emergency management plan under Title 37-B, chapter 13 in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and county emergency management agencies and must include consideration of steps to ensure the safety of electric facilities, road opening and service restoration. Priorities for service restoration must consider facilities critical to protection of life, health and safety.

**2. Plan requirements.** The emergency response plan required by this section must detail a coordinated approach to providing an effective and efficient emergency response. The plan must include, but is not limited to:

A. Priorities for emergency response and service restoration, consistent with subsection 1;

B. Provisions for internal and external staffing, including identification of management staff roles and responsibilities and identification of field employee roles and responsibilities, for utility operations during an emergency, for ensuring sufficient local knowledge of the system and for implementation of the emergency response plan, including a process for acquiring additional external resources required to address the emergency;

C. Provisions for communication and coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, as established in Title 37-B, section 701, and relevant municipal, interjurisdictional, county and regional emergency management agencies, as described in Title 37-B, section 781, during an emergency, including designation of staff responsible for these efforts. These provisions must address, but are not limited to, communication and coordination concerning emergency conditions, road opening and service restoration;

D. Systems for customer communications during an emergency, including the provision for information regarding estimated time of service restoration;

E. Procedures for deployment of internal and external resources during an emergency, including field employees, supplies and equipment needed; and

F. Provisions to ensure the safety of the employees and external contractors engaged in emergency response efforts.

**3. Filing of plan; commission review; public records exception.** An investor-owned transmission and distribution utility shall submit to the commission, no later than May 15th of each even-numbered year, the emergency response plan required by this section. The commission shall review the emergency response plan for compliance with this section and rules adopted or orders issued pursuant to this section. If, based on its review, the commission finds that a utility's emergency response plan does not comply with this section and rules adopted or orders issued pursuant to this section, the commission shall direct the utility to amend and resubmit the plan. An investor-owned transmission and distribution utility shall provide a copy of the emergency response plan and any amendments to the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The Maine Emergency Management Agency shall provide a copy of the plan to each county emergency management agency. In accordance with section 1311-A, the commission may designate portions of the emergency response plan as confidential through issuance of a protective order.

**4. Emergency response performance review.** After an emergency, the commission may open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility. If, after investigation, the commission finds that the utility failed to implement its emergency response plan in a prudent manner, the commission shall take any action the commission determines appropriate under this Title to remedy that failure, including but not limited to denying the recovery through rates of all, or any part of, the emergency response and service restoration costs.

**5. Annual report to Legislature.** The commission shall include in its annual report pursuant to section 120, subsection 7 to the joint standing committee of the Legislature

having jurisdiction over public utilities matters information regarding the activities conducted by the commission pursuant to this section and the performance of investor-owned transmission and distribution utilities in meeting the requirements of this section.