

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on July 11, 2019

COMMISSIONERS PRESENT:

John B. Rhodes, Chair  
Diane X. Burman  
James S. Alesi  
Tracey A. Edwards

CASE 18-E-0717 - In the Matter of December 15, 2018 Electric  
Emergency Plan Review.

ORDER APPROVING AMENDED ELECTRIC EMERGENCY RESPONSE PLANS

(Issued and Effective July 11, 2019)

BY THE COMMISSION:

INTRODUCTION

Each electric utility within the Commission's jurisdiction is required to develop, update, and file with the Commission a detailed Emergency Response Plan (ERP), articulating the company's response plans for emergencies that comply with Section 66 of the Public Service Law (PSL) and Title 16 New York Code, Rules, and Regulations (NYCRR) Part 105. The electric utility's ERPs contain vital processes and procedures needed to engage and respond to a wide array of emergencies. Personnel roles and responsibilities, communication practices, and technical procedures that should be implemented before, during, and after emergencies, are just a few of the many measures that should be noted throughout each electric utility's ERP. As noted in PSL §66(21), all electric ERPs must be updated annually and submitted to the Commission for approval on, or before, December 15 of each year.

Staff review of utility ERPs was expanded this year to include recommendations from the 2018 Winter and Spring Storm Investigation Report following five large storms that occurred between March 2 and May 20, 2018.<sup>1</sup> The largest, Winter Storm Riley, impacted most of New York State on March 2, 2018 with heavy, wet snow, particularly in the lower Hudson Valley Area. As a result of Winter Storm Riley, the electric utilities incurred peak outages of nearly 500,000 statewide, and shortly after that, on March 7, Winter Storm Quinn impacted many of the same areas causing additional peak outages of 162,000. In addition to Winter Storms Riley and Quinn, the Department's investigation focused on three other storms in 2018: a windstorm in Western New York in April; a windstorm in the Plattsburgh and Glens Falls areas in early May; and a severe thunderstorm in the mid-Hudson region in mid-May. Utility preparation and response activities to the five storms were reviewed as part of the investigation which resulted in over 90 recommendations detailing actions to be taken by the utilities. Many of the recommendations specified areas of the ERPs that needed to be modified to improve utility processes in future events.

By May 20, 2019, all electric utilities were required to refile their respective ERPs with updates based on the recommendations noted within the 2018 Winter and Spring Storm Investigation Report. Additionally, implementation plans were filed that outline actions in response to the recommendations and provide, when applicable, references to the specific modified sections of the ERPs. While none of the utilities rejected any recommendation, the implementation of certain recommendations require additional time to develop appropriate

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<sup>1</sup> Case 19-M-0285, In the Matter of Utility Preparation and Response to Power Outages During the March 2018 Winter and Spring Storms, 2018 Winter and Spring Storms Investigation (filed April 18, 2019).

procedures, particularly those which require coordination with county emergency management and other utilities. As a result, the ERPs approved by this order do not address all recommendations; however, in many instances the ERPs establish the framework for a process to comply with a recommendation once additional meetings or coordination efforts take place. Based on a review of the ERPs, modifications were made to the plans to alleviate Staff concerns and the utilities resubmitted revised ERPs during the month of July 2019. The Commission approves the amended ERPs.

#### BACKGROUND

In the Winter and Spring of 2018, Winter Storm Riley, Winter Storm Quinn, and several other major storms impacted New York State. Collectively, these major storms caused over 1.1 million peak electric customer outages and each event took longer than three days to restore most of the customers affected. On March 4, 2018, during the restoration of Winter Storm Riley, Governor Andrew M. Cuomo directed the Department of Public Service (Staff) to investigate the New York State utilities due to the unsatisfactory emergency response actions of several utilities. Staff conducted the investigation and issued the 2018 Winter and Spring Storms Investigation Report on April 18, 2019. The 2018 Winter and Spring Storm Investigation Report presented 94 recommendations that detailed future improvements to storm preparation and restoration performance for the electric utilities.

The most substantial recommendations revolved around road clearing, damage assessment, estimated times of restoration (ETR), and utility communication with customers and municipalities. Most of the recommended improvements related to the inadequate performance of New York State Electric and Gas

Corporation (NYSEG), Consolidated Edison of New York, Inc. (Con Edison), and Orange & Rockland Utilities, Inc. (Orange & Rockland). All three utilities did not adequately address road closures and failed to properly coordinate and communicate with counties and localities.

On May 20, 2018, each electric utility submitted responses detailing the Company's reactions to all applicable recommendations in 2018 Winter and Spring Storms Investigation Report as required by the associated Orders to Show Cause.<sup>2</sup> The responses identified actions necessary to implement recommendations, implementation schedules, significant interim milestones (if applicable), and other deliverables for each recommendation. In addition, each utility filed revised ERPs reflecting modifications discussed in the implementation plans. The implementation plans provide references to specific sections within the ERP where language changes were made.

#### COMMENTS OF THE PARTIES

A Notice of Proposed Rulemaking was published in the State Register on January 9, 2019. The public comment period provided for under SAPA expired on March 10, 2019. No comments were received.

#### DISCUSSION

A thorough review was performed for each of the utility's electric emergency response plans filed in December 2018 and those filed in May 2019 following the issuance of the 2018 Winter and Spring Storms Investigation Report. As the

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<sup>2</sup> Electric utility implementation plans were filed under the following Case numbers: 19-E-0105, New York State Electric and Gas Corporation, 19-E-0106, Rochester Gas and Electric Corporation, 19-E-0109, Central Hudson Gas and Electric Corporation, 19-E-0108, Orange and Rockland Utilities, Inc., and 19-E-0107, Consolidated Edison of New York, Inc..

storm investigation was ongoing, Staff's initial review focused on identifying and incorporating best practices, further clarifying roles and responsibilities, enhancing the mobilization/demobilization processes, and resource tracking. A second review was performed once the utilities filed revised ERPs and implementation plans in May 2019 to address the recommendations in the 2018 Winter and Spring Storms Investigation Report. This review determined whether the modifications made to the ERPs were sufficient to satisfy the intent of the recommendations. In some instances, it was determined that compliance with certain recommendations was immediately necessary as opposed to the proposed (sometimes lengthy) implementation time periods. When this occurred, Staff worked with each utility to revise the ERPs to establish appropriate interim protocols to ensure it would be in a position to respond more effectively until full implementation was in place. Staff held several meetings, phone conversations, and e-mail exchanges with each electric utility to resolve areas where additional information was necessary. As a result of this process, each utility filed an amended emergency plan in June.

Although the 2018 Winter and Spring Storms Investigation Report contained over 90 recommendations, not all were applicable to every electric utility or require modifications to the ERPs. A total of 45 recommendations affecting the ERPs applied to all the electric utilities. NYSEG and Con Edison, however, had 54 and 52 ERP related recommendations, respectively.

Additionally, the Commission finds that specific recommendations related to road clearing and Outage Management Systems were not appropriate to include in this version of the ERPs until an established process can be defined or software enhancements are complete. However, there are certain areas

where the framework for a recommendation could be established now even as the utilities progress on their implementation plans. For example, it is appropriate to require semi-annual stress testing of the Outage Management Systems within the ERPs even though the testing protocol is still being developed. As discussed below, other areas recognized the need to meet and coordinate with other parties to develop supporting lists. We also found that incorporating an interim process into the ERP now would also allow the ability to respond until such processes detailed in the implementation plans are completed.

#### Damage Assessment and Wire Guards

Based on the findings in the 2018 Winter and Spring Storms Investigation Report, it was recommended that NYSEG re-evaluate the number of damage assessors and wire guards needed in each division, secure contracts for outside damage assessment resources, train additional internal wire guards, and improve the process for dispatching these resources following storm events. NYSEG's implementation plan, however, lacked detail and urgency with respect to engaging damage assessors from non-impacted areas and securing outside resources to supplement their damage assessment resources. Additionally, NYSEG's ERP failed to define the appropriate number of damage assessors needed in each division. For a timely damage assessment to occur, NYSEG must have appropriate trained resources to respond. Therefore, based on interactions with Staff, NYSEG's amended plan now clearly defines the level of damage assessors needed. NYSEG is expected to employ those levels (or more) should an event occur.

Regarding Staff's recommendation that NYSEG secure contracts with third parties to supplement NYSEG's damage assessment resources, NYSEG's implementation plan sets forth a

bid process timeline. NYSEG's implementation plan, however, lacks sufficient details regarding the substance of anticipated contracts with third parties. For instance, the implementation plan does not address the number of outside damage assessors that those contracts will cover. NYSEG is directed to consult with Staff and amend its implementation plan for securing outside damage assessors on or before September 15, 2019.

The amended plans incorporate modifications to encourage more effective damage assessment and wire guarding activities. In the beginning of large storm events, utilities' damage assessors are often required to stop and halt their assessment patrol to guard downed wires for public safety until they are relieved by a wire guard or make safe crew, thereby delaying the damage assessment process. Con Edison was noted as having unreasonably long durations before wire guards arrived to relieve damage assessors. All utilities will now track how long damage assessors are stopped and arrange for them to be relieved in a timely manner such that damage assessment may continue.

#### Estimated Time of Restoration and Utility Websites

The ETR is the approximate date and time when an electric utility expects service will be restored after a power outage. The Commission adopted ETR Protocols to help ensure that ETRs were being published in a reasonable timeframe to allow customers to make informed decisions such as whether to relocate or shelter in place.<sup>3</sup> As time passes, the ETR Protocol requires utilities to develop and publish more granular ETRs. While the utilities published ETRs in a timely manner during the 2018 Winter and Spring Storms, the accuracy of the ETRs was a

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<sup>3</sup> Case 13-E-0198, In the Matter of 2013 Electric Emergency Plan Review, Order Approving Electric Emergency Plans (issued August 16, 2013).

point of contention. Municipalities and many customers were frustrated and confused by the inaccuracy of the ETRs; some customers even noted that they lost trust in the ETRs provided by Con Edison and NYSEG. Based on Staff's findings and recommendations, we find it appropriate to modify the ETR Protocols to require utilities to provide regional ETRs on a county basis and that regional and local ETRs reflect 95% of the impacted customer base for outages expected to last longer than 48 hours. Additionally, the notification list contained within the protocol for communicating with the Department shall be regarded as fluid and may be revised as directed by Staff such that the ERP reflects the proper individuals and email addresses.

Each of the ERPs have been revised to reflect the above modification, as well as, discontinuing to refer to a global ETR once the regional and/or local ETRs are published. The amended ERPs also set forth the expectation that utility websites will reflect the ETRs and provide clarifying language to assist customers in understanding what each ETR represents. The utilities are also required to place banners on the websites in the event there are deficiencies or issues related to the website. We note, however, most utilities identified long-term efforts to design and build solutions. Therefore, interim solutions, such as a static web page that contains the required information, are included in the amended ERPs to ensure customers are properly informed until software upgrades identified in the implementation plans are completed and tested. Requirements for reviewing pages and updating timestamps are also included in the ERPs so customers can readily know they are viewing up-to-date information, such as the locations where dry ice is being distributed.



Critical Facilities

The significance of an individual critical facility to both public health and safety may vary based on the impacts of the storm. The amended ERPs provide a more structured approach to coordinate with emergency managers during normal business days to facilitate agreement on the actions to be taken when events occur. Improvements to the communication, coordination, and information sharing between counties and electric utilities allow for increased collaboration into setting restoration and road clearance priorities. All of the amended plans seek to obtain outside input by early evening of each day, such that issues raised may be worked into future workplans. Additionally, there is an established process for escalating concerns that need to be resolved on a shorter schedule by establishing processes that include direct communications between emergency managers and utility personnel capable of directing a response.

None of the ERPs filed contain language to include residential developments with large elderly populations or other similar vulnerable populations as part of their critical facilities priority categories. National Grid and NYSEG/RGE indicated the need for clarification related to the recommendation to add these customers as critical facilities. Overall, Staff's review determined that none of the utilities implementation plans adequately reflected the information that should be considered to determine if an area or establishment should be or should not be added to the critical facilities list. Central Hudson was the most forward thinking on this issue as it sought to comply with the recommendation by adding centrally managed, independent senior living residences; however, it did not identify any vulnerable communities. Proper compliance for this recommendation involves coordination with

county and municipal leaders to better understand the exposures faced when power is lost. There are no simple formulaic approaches utilities should apply. To ensure that the utilities are properly identifying and coding customers or areas, we find that it would be beneficial for a collaborative process involving Staff, the utilities, and a representative group of county emergency managers occur. This will also provide consistency in the implementation of the recommendation across the state. While we recognize this process and subsequent meeting between remaining counties within a utility's service territory needs to occur, we find it appropriate to have the amended ERPs clearly denote this category and expect the utilities to augment the listing of facilities as future discussions occur. By doing so, the utilities will be prepared to respond to areas currently know about or those identified following upcoming meetings without delay. Therefore, each of the amended plans recognized residential developments with large elderly populations or other similar vulnerable populations as a critical facilities category.

#### Municipal Liaisons

The ineffectiveness of the municipal liaisons was well documented in the 2018 Winter and Spring Storms Investigation Report. Municipal liaisons serve to communicate information between the utilities and counties and municipalities within their service territories and breakdowns in this process need to be remedied. While the submitted ERPs reflected the availability of liaisons by phone, email, or being physically present, they all failed to accurately account for the entire set of information that liaisons should, at a minimum, have at their disposal. The amended plans are now written to clearly show systems and information the liaisons will have access to,

including but not limited to daily workplans, crewing resources, as well as impacts to critical facilities and customers using life support equipment (LSE customers). With these resources, the liaisons will be better positioned to interact with the counties and municipalities. The amended ERPs also detail how liaisons will be able to obtain additional assistance if unable to readily respond to inquiries by emergency managers or governmental officials. Finally, the utilities will provide cross training by relocating liaisons to areas they are less familiar with during the storm drills; ensuring liaisons can perform their duties outside of their standard municipal zone.

#### Municipal Calls and Press Releases

Municipal calls inform elected officials and municipal leaders of information necessary for them to plan and respond appropriately. Topics include weather forecasts, impacts to customers, the status of restoration, LSE customer outreach, dry ice/bottled water distribution, and road-clearing activities. NYSEG/RGE and Orange & Rockland were the most aligned with the recommendations, however, modifications had to be made to each utilities' agenda contained in the ERPs. The amended ERPs outline a municipal call discussion that focuses on necessary communications and reinforces alternative methods for reporting or inquiring about localized incidents or information. To better serve these officials, several utilities have implemented the use of an operator-assisted system, or contracted with an outside vendor, that will allow for an orderly roll call, Question-and-Answer sections to be productive, and reduce the amount of disruptions using line-muting capabilities.

To enable Con Edison to respond better, the utility's ERP has been modified such that it is prepared to separate Westchester County into up to four areas, each having support

functions within the region (e.g. staging area). With regard to municipal calls, however, Con Edison's ERP sought to continue Westchester County-wide calls. To ensure municipal calls are performed efficiently and in a reasonable amount of time, Con Edison needs to hold calls for different restoration regions rather than only hosting a single call. Therefore, Con Edison's amended ERP recognizes the need for multiple municipal calls covering specific regions. Call agendas within the ERP account for the need to present overall and regional specific information to municipal officials and elected leaders during the calls.

Con Edison, Orange & Rockland, and NYSEG/RGE provided press releases during the 2018 storms which were inconsistent and resulted in a great deal of confusion to customers, as discussed in the 2018 Winter and Spring Storms Investigation Report. The ERPs reflect recommendations made during Staff's investigation to ensure press releases will be consistently distributed for the public and officials and contain updated, current information.

#### Call Center Operations

As detailed in the 2018 Winter and Spring Storms Investigation Report, Staff recommended that all utilities review their Interactive Voice Response (IVR) messaging to provide clear, concise messaging to their customers, with an intention to provide quality upfront information referencing each utility's website for additional, detailed information. Staff also recommended that NYSEG and RG&E ensure that their customers are afforded an option to speak with a live representative, as needed or requested by the customer, for emergency or storm matters. Also, as part of the 2018 Winter and Spring Storms Investigation Report, a recommendation was

made to all utilities to provide additional details on the person(s) or group(s) responsible for the process used when monitoring instances of high abandon rates or reports of busy signals to further alleviate customer difficulties reaching their utility.

Staff reviewed all of the utilities' ERPs for consistency, compliance with the 2018 Winter and Spring Storms Investigation Report, and to ensure that customers have the option to speak with a live representative. The utilities procedures were modified to incorporate the recommendations to their Call Center Operations including IVR messaging, in addition to incorporating language within their ERPs to address the handling of any instances of busy signals or high abandonment rates during future storms. These modifications satisfy the recommendations made in the 2018 Winter and Spring Storms Investigation Report. Staff will continue to communicate with the utilities, should the need arise, to modify procedures, IVRs, or the ERPs in the future.

#### Road Clearing Efforts

Although the 2018 Winter and Spring Storms Investigation Report included multiple recommendations to improve the road clearing process, we recognize that a coordinated effort is needed to establish the proper protocols. Therefore, it was found to be premature to incorporate modifications to the ERPs at this time. Each utility's implementation plan identified the process to modify the Outage Management Systems to identify reports of down wire conditions preventing the ingress and egress of traffic into neighborhoods. These efforts and associated coding changes, however, will take time before being implemented. Therefore, for safety reasons, all of the amended ERPs include an interim process for recording

and prioritizing ingress/egress conditions to ensure their visibility until system modifications are completed.

CONCLUSION

The amended ERPs are the result of multiple review cycles to reflect best practices and implementing many recommendations included in the 2018 Winter and Spring Storms Investigation Report. By adopting these plans, utilities will be in a better position to respond to emergency events and communicate with the emergency managers, governmental officials, and the public. The utilities should continue to coordinate with counties and municipalities during non-storm periods to inform them of process changes and refine critical facility lists.

The Commission orders:

1. The amended emergency response plans filed the month of July 2019 by Consolidated Edison Company of New York, Inc., Central Hudson Gas & Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc., and New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation, are approved.

2. Consolidated Edison Company of New York, Inc., Central Hudson Gas & Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange & Rockland Utilities, Inc., and New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation are ordered to implement and comply with the amended emergency response plans filed the month of July 2019.

3. New York State Electric & Gas Corporation is directed to consult with Staff and amend its implementation plan

for securing outside damage assessors on or before September 15, 2019.

4. In the Secretary's sole discretion, the deadlines set forth in this order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to the affected deadline.

5. This proceeding is continued.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS  
Secretary