

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on July 14, 2022

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman
Tracey A. Edwards
John B. Howard
David J. Valesky
John B. Maggiore

CASE 21-E-0567 - In the Matter of December 15, 2021 Electric
Emergency Response Plan Review (2022 Plan).

ORDER APPROVING AMENDED EMERGENCY RESPONSE PLAN SUBMITTED BY
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Issued and Effective July 19, 2022)

BY THE COMMISSION:

INTRODUCTION

Annually, each electric utility under the Commission's jurisdiction is required to develop, update, and file a detailed Emergency Response Plan (ERP), documenting the essential processes and procedures needed to prepare and respond to a wide array of outage events. On December 15, 2021, Consolidated Edison Company of New York, Inc. (Con Edison or the Company) filed an ERP with the Department of Public Service for review and approval. The Commission's May 12, 2022 Order Approving Certain Utilities' Amended Electric Emergency Response Plans, however, rejected the filing due to concerns regarding Con Edison's removal of certain language from its existing approved ERP and the lack of additional improvements reflected in other

utilities' amended ERPs.¹ The May ERP Order directed Con Edison to engage in negotiations with Department of Public Service staff (Staff) to bring about the inclusion of a small set of modest amendments to augment the company's existing August 2021 ERP. On June 7, 2022, Con Edison filed an amended ERP that reflected the outcome of the negotiations. By this Order, the Commission approves Con Edison's June 7, 2022 revised ERP.

BACKGROUND

PSL §66(21)(a) requires each New York Investor-owned electric utility under the Commission's jurisdiction to file their electric ERP with the Commission annually, on or before December 15.² Additionally, PSL §66(21)(a) and 16 NYCRR Part 105.1 specify the content and information that utilities must include in their respective ERPs. ERPs must be updated each year and submitted to the Commission for approval. As part of this year's review, Staff worked with the electric utilities, and several improvements related to communications were made to the ERPs. Staff thoroughly reviewed the December 15, 2021 filings and had numerous meetings, conference calls, and e-mail exchanges with each electric utility to attempt to resolve areas where additional information was necessary. Central Hudson, NYSEG, National Grid, O&R, and RG&E filed amended ERPs that addressed Staff's concerns in early May 2022. The amended ERPs

¹ Case 21-E-0567, Order Approving Certain Utilities' Amended Electric Emergency Response Plans (issued May 12, 2022) (May 2022 ERP Order).

² The investor-owned electric utilities are Con Edison, Central Hudson Gas & Electric Corporation (Central Hudson), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Rochester Gas and Electric Corporation (RG&E), and Orange & Rockland Utilities, Inc. (O&R), (together referred to as the "Utilities").

were approved by the Commission on May 12, 2022, in the May 2022 ERP Order.

Unlike the other utilities, Con Edison did not file an amended ERP, even after several meetings with Staff to discuss possible resolutions. In its December 15, 2021 filing, Con Edison proposed notable changes to how it classifies certain events and removed specific language in various sections of its ERP filed in compliance with an earlier July 2021 ERP Order.³ Much of the deleted language reflected existing practices used by Con Edison or processes that should continue to be used, such as language regarding its meteorologist and storm classifications. In the May 2022 ERP Order, the Commission determined that without such language, there was a potential that Con Edison's emergency responsiveness might suffer detrimental impacts during future events. As an interim measure, Con Edison was directed to continue to follow the approved ERP filed on August 13, 2021. The May 2022 ERP Order also directed Con Edison to recommence negotiations with DPS Staff to bring about the inclusion of a modest set of improvements, by May 31, 2022, with the goal of submitting such additions as part of an amended ERP.

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on January 12, 2022 [SAPA No. 21-E-0567SA1]. The time for submission of comments pursuant to the Notice expired on March 14, 2022. No comments were received.

³ Case 20-E-0618, In the Matter of December 15, 2020 Electric Emergency Response Plan Review (2021 Plan), Order Approving, Subject to Modification, the Amended Electric Emergency Response Plans (issued July 15, 2021) (July 2021 ERP Order).

DISCUSSION AND CONCLUSION

Consistent with the May 2022 ERP Order, Con Edison and Staff took part in negotiations to resolve the concerns identified by the Commission. During that time, Con Edison and Staff were able to incorporate language from the May ERP Order and the Joint Utility Collaborative meetings,⁴ which addressed proper communication with customers, emergency management officials, and government representatives. This included clarifications related to contacting life-support customers that are without power due to an event. Con Edison also agreed to restore the language it had removed including, but not limited to, language regarding the company's meteorologist and storm classifications. Con Edison filed an amended ERP on June 7, 2022, that properly reflects the enhancements discussed in the May ERP Order. The Commission, therefore, approves Con Edison's amended ERP.

The Commission orders:

1. The electric emergency response plan filed on June 7, 2022, by Consolidated Edison Company of New York, Inc. is approved, and Con Edison shall implement such plan.

⁴ The Commission directed Staff and the Utilities to take part in Joint Utility Collaborative (JU) meetings in Case 20-E-0618, July 2021 ERP Order, at pp. 25, 27. The goal of the JU meetings was to provide an opportunity for the utilities to offer input, working collaboratively with each other and Staff, into those topics identified as requiring further discussion, as well as to set clear expectations and resolve of any differences that might arise. Id.; see also Case 21-E-0567, May 2022 ERP Order, at pp. 3-4.

2. This proceeding is closed.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary