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Rory M. Christian, Chair

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PSC OK's Emergency Response Plans for Major Electric Utilities

New Rules in Place for Customer Credits & Reimbursements, Medical Equipment, Cyber Attacks, Communication/Coordination, and Worker Travel

ALBANY — The New York State Public Service Commission (Commission) today approved electric emergency response plans for the major electric utilities. As part of this year's review, these utilities amended their plans to reflect recent legislative changes to standardized incident classifications, refined life-support equipment customer procedures, and clarified certain notification requirements.

"Throughout 2022, as part of utility performance reviews following significant storms and other events impacting the utilities' infrastructure and/or customers, the utilities' preparedness and response actions were compared with procedures within the emergency response plans," **said Commission Chair Rory M. Christian.** "The amended emergency response plans we are approving today are the result of multiple review cycles and reflect compliance with, and elaboration on, the 2022 legislative changes and best practices identified via joint utility collaboration and previous Commission directives."

Annually, each investor-owned electric utility in New York — Consolidated Edison Company of New York, Inc., Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, National Grid, Rochester Gas and Electric Corporation, Orange & Rockland Utilities, Inc., along with PSEG LI — is required to review, 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.

In 2022, several statutory amendments were enacted requiring the utilities either to directly incorporate language into their ERPs, or to modify their ERPs to recognize the regulations. The utilities amended their ERPs to incorporate provisions regarding customer credits and reimbursements, identifying various types of equipment requiring electricity for life-support equipment (LSE) customers' medical needs, the applicability of ERPs in cases of 'cyber attacks' causing customer outages, and an exemption of utility responders from travel bans during an emergency. Staff provided experience-driven guidance as to how the new laws should be codified to achieve the most effective results. Overall, the addition of language regarding recent legislation strengthens the content of the ERPs as well as provides more protection for customers.

- **Cyber Incidents Impacting Electric Service:** As seen in other industries, advances in technology have led to increased risk for a cyber-security event. Under the amended ERPs, utilities must view such a risk as a very serious threat. Each of the utilities has a strategy and

plan in place to mitigate and respond to a cyber-attack. As of mid-2023, utilities' ERPs will be required to acknowledge potential electric outage impact resulting from a cyber-attack. To comply, the utilities have documented in their revised ERPs the applicability of the plans for managing large scale outages caused by a cyber-attack. Notably, these revisions highlight the understanding and knowledge that electric outages can be caused by events other than severe weather and reinforces an all-hazards planning principle.

- **Customer Credits and Reimbursements:** Under the amended ERPs, utilities are now required to provide bill credits and reimbursements to residential and small business customers who experience a widespread prolonged outage lasting at least 72 consecutive hours. Each of the amended ERPs now include a communications plan detailing the information to be shared, how it will be shared, and sample press releases that the utilities will issue following a qualifying event.
- **Medical Equipment:** Under the amended ERPs, the utilities are now required to identify what medical devices classify as Life Support Equipment. The ERPs now explicitly define essential electricity for medical needs to include, but not be limited to, the following equipment: apnea monitors for infants, cuirass respirators, hemodialysis machines, IV feeding machines, IV medical infusion machines, oxygen concentrators, positive pressure respirators, respirator/ventilators, rocking bed respirators, suction machines, and tank type respirators. The utilities have incorporated language into their ERPs ensuring consistent language and an accurate listing of Life Support Equipment.
- **Communication and Coordination Efforts:** Utilities' amended ERPs must now outline how communication and coordination efforts between the company and its employees, external crews, other utilities, local government officials and any other pertinent parties occur. The Commission agrees that these principles are important and has taken action to ensure proper communication occurs.
- **Travel Ban Exemption:** Inaccessibility to impacted locations can cause a significant delay in the restoration of service. Utility workers, who are needed to restore or maintain power, are now exempt from travel bans. This will help alleviate barriers the utilities faced when obtaining supplemental outside resources and trying to restore power as quickly as possible after a major storm event.

Today's decision may be obtained by going to the Commission Documents section of the Commission's Web site at www.dps.ny.gov and entering Case Number 22-E-0678 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.