

EMERGENCY PLANNING AND RESPONSE RULES

I. Background and Purpose

The following rules were developed pursuant to Louisiana Public Service Commission ("LPSC" or "Commission") directives following various electrical service disruptions over the past several years, including those resulting from Hurricane Isaac in 2012, Entergy Gulf States, Louisiana, L.L.C.'s ("EGSL") load shed event of April 23, 2014 and the historic flooding that occurred in August 2016. The goal of these rules is to establish "best practices" protocols for all LPSC-regulated public utilities to ensure adequate preparations for and communications during and after service disruptions resulting from emergencies, disasters, or other unplanned events. These emergency planning and response rules are applicable to all LPSC-regulated utilities and their retail service offerings unless stated otherwise herein, including commercial mobile radio service ("CMRS" or "wireless") providers.¹

Although the LPSC has historically only required electric utilities to file annual disaster recovery plans,² most, if not all LPSC-regulated natural gas and telecommunications utilities already maintain some form of a hurricane or disaster preparation, response and recovery plan that is submitted to some other organization or agency. The intent of these rules is not to displace existing emergency service plans, but rather to require the submission of those plans to the Commission so that the Commission can ensure that all utilities are prepared to respond to potential disasters or emergencies and that the Commission can easily access those plans in the

¹ These rules are not intended to apply to utility operations and services of municipalities or political subdivisions of the State of Louisiana, except to the extent that a particular retail customer service offering of such municipality or political subdivision of the State is subject to the jurisdiction of the LPSC and in that instance the rules shall only apply to the retail service offerings subject to the jurisdiction of the LPSC.

² General Orders dated September 21, 1977 and November 16, 1992, as amended.

event of an actual disaster or emergency. In addition, these rules are intended to provide a toolkit of “Best Practices” which utilities can use to maximize their collective resources. Lastly, in instances where a utility is required by Commission Order to meet specific standards as a result of a rate proceeding or other matter before this Commission, the utility must still meet those standards in addition to those set forth herein.

For the purposes of these rules, a “disaster” or “emergency” shall include but is not limited to: hurricanes, severe storms, tornadoes, floods, dam failures, freezes, winter storms, earthquakes, subsidence, erosion, drought, water shortages, wildfires, nuclear power plant incidents, transportation and other hazardous materials incidents, industrial accidents, nuclear attack, chemical/biological warfare, terrorist incidents, civil disturbances or riots, resource shortages, internet or technological failures, pandemics, or other events that could result in widespread service outages or employee absences, or a combination of any of these.

II. Emergency Service Plans

- A. Annually, on or before June 1, each jurisdictional utility, or its designated representative, shall submit to the Commission’s Utilities Division, for posting in the reports section of the Commission’s Document Access System, a copy of an Emergency Service Plan (“ESP”). If there is no change in an ESP from one year to the next, the utility may satisfy this requirement by notifying the Utilities Division that the previously filed ESP is still current. This notification shall be in writing and specifically reference the date the applicable ESP was filed with the Commission.
- B. The ESP shall contain the utility’s plan for continuity of service in the event of a disaster or emergency. To the extent information contained in the ESP is designated

as confidential pursuant to Rule 12.1 of the Commission's Rules of Practice and Procedure, the utility should make available public information regarding its ESP in an effort to help educate the public on storm preparation and restoration.

C. All utility ESPs submitted in compliance with this section shall include the following information:

1. Utility Emergency Contacts – Each ESP shall contain a primary and secondary contact with knowledge of the utility's emergency operations.

a. The contacts designated as utility emergency contacts in paragraph 1 above should be individuals with knowledge of the emergency operations of the company capable of providing information to, and answering questions from, Commission representatives.

b. The contact information may be designated as confidential pursuant to Rule 12.1 of the Commission's Rules of Practice and Procedure and shall include the utility emergency contacts' names, titles, physical office addresses, office telephone numbers, cellular telephone numbers, home telephone numbers, employer-assigned and/or personal e-mail addresses, and/or other contact information necessary so that the utility emergency contact can be readily contacted during an emergency.

c. As changes to this contact list occur throughout the year, the utility shall submit to the LPSC a supplemental listing that includes the new and/or revised contact information.

- d. Pandemic Procedures - Each utility shall include in its ESP procedures for maintaining service in the event of a pandemic. The Continuity of Operations ("COOP") template prepared by the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP") for Louisiana parishes and local entities may be used as a guide for establishing procedures in the event of a pandemic.³ In addition, upon request, Entergy should make its pandemic guidelines available to other utilities.
2. Personnel – The ESP should identify available human resources and the tasks/positions that each will fill during an emergency.
3. Materials/Equipment – The Company's plans for obtaining resources that may be necessary during an emergency, including but not limited to communication equipment, generators, and vehicles.
4. Facilities – If any alternative facilities may be necessary, the Company should provide its plan for arranging such facilities.
5. Drills – The ESP shall provide for drills and/or tabletop exercises, at least annually to test and evaluate the effectiveness of its ESP with as much detailed simulation as practicable. Following each drill, lessons learned should be identified and any revisions to the plan should be made as necessary.
6. Identification of high-risk assets – The ESP shall provide a schedule for the annual evaluation of all operating assets to identify those assets that are at higher

³ <http://gohsep.la.gov/Portals/0/Documents/Publications/coopplantempl.doc>

risk or are prone to flooding. Additionally, the ESP will include a risk mitigation strategy for each asset that the utility considers to be at higher risk.

7. Weather monitoring - The ESP should include the weather forecasting resources used by each utility as well as a description of how personnel are allocated to monitor weather forecasts.
 8. Backup communication – The ESP should include a plan for a means of communication within the Company and with the LPSC in the event of a disruption of telecommunication services.
- D. A wireless provider or local natural gas distribution company may comply with Subsection II.C by (1) annually reporting that its internal policies and practices include a continuity of operations plan that substantially achieves the requirements of that subsection, and (2) reporting the Emergency Contact information provided to the FCC or FERC, which shall remain confidential and may be filed under seal. Nothing in this section shall prohibit the Commission from undertaking any actions, or adopting any modifications it deems necessary to exercise its jurisdiction.
- E. Electric utilities shall comply with the following additional requirements:
1. Priority Restoration - the ESP must include, as a separate attachment, a list of customers that the utility identifies as priority and/or critical care facilities. This list should contain, at a minimum, the contact information for all hospitals and nursing homes in the respective utility jurisdictions. Other priority accounts such as water service utilities, and any other accounts identified as priority restoration customers by the utility, may be included at the discretion of the utility. This

listing shall be in Microsoft Excel spreadsheet format and provided electronically to LPSC Staff. Furthermore, the LPSC Executive Secretary or the designated representative is to be reasonably notified of any instance in which the utility is asked or directed by any party, other than a member of the Commission or its representative, to effect restoration of services in instances when acting upon such non-priority request would directly interfere with the restoration of critical care facilities like hospitals and nursing homes. It is recommended that the utility file this priority list under the Commission’s confidentiality rules as outlined in Rule 12.1 of its *Rules of Practice and Procedure*.

2. Line Clearance Program – Electric utilities shall continue to file their Line Clearance Programs every September as required by the General Order dated September 13, 1993, *In re: Investigation of Utility Line Clearance Practices in Louisiana*.
 3. Cyber Security - The Commission currently has an active rulemaking docket to address Cyber Security rules. See Commission Docket No. R-32702.
- F. Declared States of Emergency

Consistent with current practices, when The Governor or the Director of GOHSEP declares an official State of Emergency, all regulated electric utilities shall immediately submit an initial Service Outage Report via the “Electric Outage Reports” link in the Electric section on the LPSC website.⁴ Information required in the Electric Outage Reports includes: number of linemen or other crew types that

⁴ <https://lpsc.louisiana.gov/ElectricOutages/login.aspx>.

are working to restore service and the number of customers without service. The companies may add additional comments as needed. Each electric utility shall continue to file reports every three hours from the time of the initial report until the event passes without resulting in any impairment to the electric utility or when service has been restored to all customers that are able to receive the utility's service, whichever occurs last. Within 72 hours of the end of the emergency event or the restoration of service, whichever occurs last, the utility shall submit a final report to the LPSC via the Electric Outage Reports link, indicating no impairments and discontinue reporting unless or until notified otherwise.

The LPSC Executive Secretary serves in the Governor's Unified Command Group and is responsible for naming the Lead for Emergency Support Function 12 ("ESF-12") which is the GOHSEP section that details procedures for energy related industries. The Executive Secretary may require outage reports from regulated electric utilities, natural gas utilities and/or facilities based TSPs, as needed, due to major outages in the case of severe storms or other natural disasters that are not severe enough to prompt a State of Emergency declaration. It is the Lead's role to make sure that the information required by the Executive Secretary is collected and disseminated. In addition to the specific requirements above, the person designated as the utility emergency contact in each ESP shall be responsive to any and all requests for information by the LPSC Executive Secretary, a Commissioner, or other designated representative of the Commission. In addition, any barriers to restoration efforts shall be reported as soon as possible (i.e., confiscation of fuel or

other supplies, inability to obtain passes and/or permits, security issues, etc.) so that the LPSC can coordinate with GOHSEP to identify the responsible agency or agencies, communicate any obstacles the utilities are experiencing, and seek a timely resolution. Utilities shall advise the Executive Secretary or the ESF-12 Lead working at GOHSEP regarding any resource needs (i.e., generators, fuel, security, etc.) in its efforts to restore services. The LPSC ESF-12 Lead will serve as the liaison between the jurisdictional utilities and GOHSEP operations personnel, as appropriate, and assist in the resolution of restoration impediments and the allocation of resources.

In accordance with the GOHSEP ESF-12, Section III.B.3, the Department of Health and Hospitals (“DHH”) ESF Lead establishes procedures to assess damage to water utilities, issue water use advisories, and direct assessment and restoration activities for water utilities. The DHH ESF Lead works with the Department of Environmental Quality (“DEQ”) ESF Lead in planning for the assessment and restoration of wastewater utilities and for the use of temporary discharge, storage, conveyance and treatment facilities for domestic wastewater. Reporting procedures, as well as the acquisition, mobilization and employment of resources to restore service to affected water and wastewater utilities, are coordinated by DHH. LPSC-regulated water and wastewater utilities shall file any and all reports required by the aforementioned agencies and provide a copy to the LPSC along with or as a supplement to its ESP.

III. After Action Review

- A. The Commission may, at its discretion, initiate a proceeding to review any utility's response to a disaster or outage.
- B. A proceeding initiated pursuant to this section shall be published in the Commission's Official Bulletin as an X docket for informational purposes.
- C. The utility being investigated will automatically be a party to the investigation in accordance with the Commission's Rules of Practice and Procedure.
- D. Once the Staff has completed its investigation it shall publish an After Action Report in the Commission's Official Bulletin for intervention.
- E. If the matter is contested, either by the Company under investigation or by an intervenor, the matter shall be assigned to an administrative law judge.
- F. If the matter is uncontested, the After Action Report shall be placed on the agenda for the Commission's approval.
- G. The pendency of any proceeding initiated pursuant to this Section shall not preclude the utility from proceeding with, or the Commission from acting on, any storm cost recovery proceeding or related financing proceeding.

IV. Statewide Electricity Outage Reporting System

At the Commission's May 21, 2013 Business and Executive Session, Commissioner Skrmetta directed staff to investigate the possibility of implementing an LPSC-hosted statewide outage reporting system similar to the product developed by GCR, Inc. for Entergy New Orleans. At the March 14, 2014 Technical Conference in Rulemaking Docket No. R-32786, presentations were made by Dixie Electric Membership Corporation ("DEMCO") and Entergy Louisiana, LLC

(“ELL”), describing their respective state-of-the-art monitoring systems.⁵ As demonstrated at the technical conference, the storm monitoring system utilized by Demco has the capability to automatically input real-time data into the GCR system from its own, state-of-the-art system. As a result of these presentations, and in furtherance of Commissioner Skrmetta’s directive regarding the possible implementation of an LPSC-hosted statewide outage management/reporting system, GCR, Inc. allowed the Commission to utilize its system for a trial period. The trial period began October 13, 2014 and although no tropical systems impacted Louisiana during the trial period, the GCR system was tested during a severe weather event. GCR staff worked closely with LPSC staff to review and implement requested changes, and to facilitate efficient start-up of the system. At the end of the trial period, staff compiled a short list of suggested changes/adaptations, and GCR responded that these requests could be easily implemented. It is the belief of staff that the trial of the GCR system reflected its substantial capability, and staff recommends that the Commission pursue implementation of an LPSC-hosted statewide electricity outage reporting system such as, or substantially similar to, that offered by GCR, Inc. Use and implementation of such a system, which allows instant, real-time input of data from similar systems used by electric utilities, would be beneficial to the Commission and would keep all interested parties apprised of power outages and restoration efforts in an efficient, timely manner.

Further, the LPSC staff believes it to be in the public interest for all regulated electric utilities to explore the possibility of utilizing a similar state-of-the-art outage reporting system, capable of providing instant, real-time data to an outage reporting system to be hosted by the

⁵ Presentations can be viewed in the Report of Technical Conference filed in Docket No. R-32786 April 21, 2014.

LPSC in the future. Therefore, within twelve months of the issuance of an order adopting these rules, each electric service provider that has not yet implemented an outage reporting system shall evaluate outage reporting systems and report back to the LPSC the results of its evaluations in a compliance filing filed in Docket No. R-32786. The evaluations should include, but not be limited to: cost, including initial set up costs as well as on-going costs, time required for implementation, and an estimate of manpower required for maintenance of the system. Finally, all outage reporting systems evaluated by the electric service providers shall be compatible with and capable of real-time data input into an outage reporting system to be hosted by the LPSC such as, but not limited to, the GCR incorporated system described herein above.

V. Automated Customer Notification/ Text-Messaging System

At the Commission's August 6, 2014 B&E, Commissioner Campbell directed Staff to include a requirement in these rules for electric utilities to communicate with customers via an automated telephone and/or text-messaging system to keep customers apprised of the status of outages. It was noted that during Hurricane Isaac, Entergy provided over 2 million outbound calls and almost 1.4 million texts to customers informing them of outage, account, and storm status, expected outages, and readiness to work once conditions were safe.

Many utilities are already employing some form of text messaging system.⁶ Of those, Staff believes Entergy's text messaging system is an example of a best practice that should be employed by all utilities. Therefore, within twelve months of the issuance of an order adopting these rules, all electric service providers that have not already done so shall evaluate the implementation of an emergency communications system which will provide automated

⁶ A summary of current practices can be found in the Exhibit 1 to the attached rulemaking report.

telephone and/or text messaging to customers when outages occur. Customers should have the option to opt into the system if they so desire and to choose the information they would like to receive as well as time periods during the day that they do not wish to be notified. Information available to customers should include, at a minimum, current power outages, an estimate of the duration of the outage where this is practicable or where sufficient information permits, and the status of outages whether or not customers report them. To the extent practicable, customers should be offered the option of receiving updates concerning restoration efforts. Each regulated electric utility that does not already have such a system is required to make a compliance filing similar to the one required in Section IV above within 12 months of the issuance of an order adopting these rules.

To assist utilities with the evaluation of outage reporting systems and customer communication systems required in Sections IV and V, the LPSC Staff suggests that a working group be set up to include utility and LPSC Information Technology personnel. This working group can facilitate information sharing among the utilities and LPSC Staff with the objective of improving the interface between LPSC's electric outage reporting system and utility data.

VI. Non-Emergency Outage Reporting

In addition to the above reporting requirements, the Commission shall promptly be notified with regard to non-emergency outages as follows:

1. Electric utilities shall report any loss of electric service that affects a significant portion of their customers in any of the parishes served by the utility, if the outage duration is expected to be more than three hours.

- a. An estimated restoration time should also be communicated to the Executive Secretary, the LPSC ESF-12 Lead, and the relevant District Office(s).
 - b. If outages occur that last for 24 hours or more, at the end of the restoration, a final report should be sent to the LPSC ESF-12 Lead, listing, at a minimum, the number of these outages with the parish and zip code they occurred in. Any further information that can be reported, such as street names, is beneficial, but not mandatory.⁷
2. Whether the electric service interruption is electric utility or Regional Transmission Organization (“RTO”) initiated,⁸ to the extent possible, the RTO shall notify the Commission and coordinate with the utility in accordance with the RTO’s Emergency Response Plan *prior* to:
- a. Any action to maintain bulk power supply integrity by: (1) Requests to the public to reduce the consumption of electricity for emergency firm customer load reduction purposes, (2) Reducing voltage which affects firm customer load, (3) Reducing firm customer loads by manual switching, operation of automatic load-shedding devices, or any other means except under direct load management programs as approved by the Commission.

⁷ This information is only to be shared with GOHSEP and the Louisiana Department of Children & Family Services (“DCFS”) for the purpose of helping affected Supplemental Nutrition Assistance Program (“SNAP”) recipients in applying for Replacement SNAP benefits, and to aid DCFS with combating fraud during this application process.

⁸ On April 23, 2014, a series of transmission and generation outages, all occurring within a short period of time, led to the disruption of electric service for approximately 30,000 customers in the EGSL service territory. The outages were the result of a request by the Midcontinent System Operator (“MISO”) for Entergy to shed load to maintain system reliability.

- b. Any loss in service for 15 minutes or more of bulk electric power supply to aggregate firm customer loads exceeding 200 megawatts.
 - c. Any bulk power supply malfunction or accident which constitutes an unusual threat to bulk power supply integrity. The utility shall file a complete report with the Commission of steps taken to resume normal operation or restore service and prevent recurrence, where applicable, within 30 days of return to normal operation unless impracticable, in which event the Commission may authorize an extension of time.
 - d. If prior notification is not possible, the utility should notify the Commission within twenty-four hours and provide a full report within seventy-two hours of the service disruption.
3. Electric utilities shall continue to file reports every February on System Average Interruption Duration Index ("SAIDI") and System Average Interruption Frequency Index ("SAIFI") as required by the General Order dated April 30, 1998.
4. Natural gas utilities shall report any significant outages that may be caused by third party contractors or others damaging the underground pipelines, damage to a pressure regulator or gate station, or any other loss in pressure in the distribution system. These outages should be reported to the Executive Secretary, the LPSC ESF-12 Lead, and the relevant District Office(s). The report should include the location and number of customers affected, the cause of the outage, and the estimated restoration time.

5. Wireline telecommunications providers shall report any loss of telecommunications service that affects 900,000 user minutes and requires a report to the FCC under its Network Outage Reporting System (“NORS”) pursuant to 47 C.F.R. § 4.9(f).

VII. Unmanned Aerial Vehicles

[PLACEHOLDER]⁹

VIII. Fines and Penalties

- A. In addition to the After Action Review procedure above, the following fines and penalties may be assessed against utilities in violation of these rules after the rules have been in place for a period of one year.
- B. Failure to submit an annual ESP containing the components specified in Section II above may result in a fine up to \$5,000 for the first violation. Subsequent violations may result in a fine in an amount not exceeding \$50,000 per violation.
- C. Failure to comply with all other requirements in these rules may result in daily fines up to \$1,000 not to exceed a cumulative total of \$100,000.
- D. The Staff Recommendations and Proposed Rules included herein are intended to comprise “Phase One” of this rulemaking docket. The docket shall remain open for future utilization by the Commission, upon appropriate vote, to allow future issues within its original scope to be facilitated and future recommendations and rules to be issued without the necessity for an additional docket to be opened, and to allow the Commission to expand the budget of consultant and special counsel.

⁹ Based on comments to the Commission Staff’s February 2017 request, further investigation regarding unmanned aerial vehicles is warranted; however, current restrictions make consideration of their use premature at this time.

- E. These fines and penalties are discretionary and should not be imposed for administrative or inadvertent failures to comply with these rules.

IX. Exceptions

The Commission may grant an exception to all or a portion of these rules upon a showing of good cause.