PENNSYLVANIA

PUBLIC UTILITY COMMISSION

**Harrisburg, PA 17105-3265**

Public Meeting held November 6, 2009

Commissioners Present:

James H. Cawley, Chairman

Tyrone J. Christy, Vice Chairman, Joint Statement

Kim Pizzingrilli, Joint Statement

Wayne E. Gardner, Absent

Robert F. Powelson

Proposed Rulemaking for Revision of : Docket No. L-2009-2104274

52 Pa. Code Chapters 57, 59, 65 and 67 :

Pertaining to Utilities’ Service Outage :

Response and Restoration Practices :

# PROPOSED RULEMAKING ORDER

**BY THE COMMISSION:**

**Procedural History**

On September 14 and 15, 2008, Hurricane Ike swept through Pennsylvania interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, a Joint Motion of Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzingrilli was issued at Docket No. M-2008-2065532, directing Law Bureau to prepare a Secretarial Letter seeking information from all jurisdictional electric distribution companies (EDCs) operating in Pennsylvania regarding their service restoration and public notice practices. On the same date, a Secretarial Letter was issued and an investigation was initiated into EDCs’ service outage responses and restoration practices with the same information requested. Responses were filed by the EDCs. As part of this investigation, the Commission also held two public input hearings in western Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April, 2009, the Commission’s Bureau of Conservation, Economics and Energy Planning and Office of Communications submitted a report to the Commission entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report* (Report). This report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzingrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages at 52 Pa. Code §§ 67.1, *et seq.,* and reportable incidents at 52 Pa. Code Sections 57.11, 59.11 and 65.2. The Joint Motion also directed a Policy Statement be issued, which we will address in a separate Proposed Policy Statement Order.

**Summary of Recommendations**

The Report summarized the findings of the investigation and recommended the following future actions:

* Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:

1. Development of written crisis communication plans consistent with national NIMS standards.
2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

* Utility personnel should communicate with the news media and public in a consistent fashion. Common talking points should be distributed to all utility employees who may be in contact with the public and news media.
* During incident management, utilities should establish a schedule for the regular release of information to the news media.
* Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.
* Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa Code §67.1(b), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.
* The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

**Discussion**

We invite comment regarding proposed amendments to our current regulations regarding service outages at 52 Pa. Code §§67.1, *et seq.,* and reportable accidents at 52 Pa. Code §§ 57.11, 59.11and 65.2. Our goal is to have even more effective responses to future unscheduled service outages.

In general, under Sections 57.11, 59.11 and 65.2, we propose to expand our regulations to capture more reportable events, such as cyber security attacks, and events that involve damages to a utility company by another utility company. We further propose establishing deadlines for reporting accidents.

Under section 67.1, we propose to expand our general provisions regarding service outages such that rather than just an approximate number of customers involved in a single incident is reported, the total number of sustained outages during the event are reported. As utilities employ better technology to more accurately count their sustained outages, this information is reportable to the Commission and we should be made aware of it. Other proposed changes to section 67.1 include reporting the number of not only utility workers, but also contract workers specifically assigned to the repair work and mutual aid workers.

**Proposed Amendments to Regulations**

**52 Pa. Code § 57.11 Accidents. (Electric Industry)**

We propose amending Section 57.11(b) such that a reportable accident would include injury to a person when the injured person requires professional medical attention or requires hospitalization. We removed the employee requirement from paragraph (2) because an injury to a person includes the class of employee or non-employee alike. It is all encompassing.

We further propose deleting existing paragraph (3) and adding a new paragraph (4) such that an occurrence of an unusual nature involving suspected acts of sabotage, including cyber security attacks, are reported. Thus, for example, a physical break-in to a substation or a cyber security attack against an electric utility is reportable even though no one is injured as a result.

We propose adding language to create a new paragraph (5) “Substantial damage to another utility company’s facility or property.” We propose that companies should report when they hit any part of other utilities’ facilities, including poles, lines, cables, etc., when the damage is substantial. We invite comment on what should be meant by substantial.

Additionally, we propose adding exceptions to the regulation under a new subsection (c). We seek to exclude those injuries that are suffered as a result of a motor vehicle accident with electric utility facilities, such as a car crashing into a pole, while still including any motor vehicle accident that results in injuries as a result of contact with electrified utility facilities, or motor vehicle accidents involving utility-owned vehicles or vehicles driven by a utility employee while on duty.

We further propose amendments to original subsection (c) Telegraphic reports. The term “or telegraph” shall be stricken as it is an outdated means of communication. We propose adding the requirement that a report by telephone must be made within 24 hours of the time a reportable event occurred under section (b) (2) or (b)(5).

We propose amending original subsection (d) Written reports such that we strike the phrase “immediately following” and change it to “within 5 days of the occurrence.” We believe this is a more objective standard. We invite comment on the reasonableness of the time frame.

We propose adding subsection (f) relating to internal investigation reports. We propose requiring the utility to submit a copy of its final internal investigation report when it is completed for all reportable accidents under sections (b)(1), (b)(2) and (b)(4). If the report is not expected to be completed within one year of the date of occurrence, the utility should notify the Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report. We invite comment on this proposed addition.

**52 Pa. Code § 59.11 Accidents. (Gas Industry)**

We propose amending Section 59.11(b) such that reportable accidents are redefined to include the death of a person or injury to a person sufficient that the person requires professional medical attention or hospitalization. We believe a threshold test for severity of injuries is warranted.

We propose amending original paragraph (1) such that it is now paragraph (3) and it qualifies an event involving a release of gas from a pipeline, or of LNG or gas from an LNG facility such that there must be an estimated property damage, including the cost of gas lost of the operator or others, of at least $50,000 in market value. We intend for propane air systems to be included under the term “natural gas” because the federal definition of natural gas includes propane and the PUC has adopted the federal regulations. Therefore, when the regulations call for “an event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility,” propane is covered. The LNG items and property damage minimums are in Section 59.11 to be consistent with Federal Department of Transportation reporting regulations. This should make it easier for pipeline utilities to determine what is reportable and what is not.

Further, we propose adding language to address sabotage in new paragraph (5). We also propose adding paragraph (6) because companies should report when they hit any part of other utilities’ facilities, including poles, lines, cables, etc., when the damage is substantial. We invite comment on what should be meant by substantial. Subsection (c) regarding Telegraphic reports should be amended such that “telegraphic” and “or telegraph” should be stricken since these are outdated means of notifying the Commission.

We did not propose an exception for injuries suffered as a result of a motor vehicle accident with utility facilities language in the gas service regulations as there are in the electric service regulations because gas meter hits are not reportable unless they meet the threshold established in the regulations. However, the counties usually call in meter hits into the 911 system which get passed through PEMA’s network and then the Commission is notified of the meter hits.

Gas meter hits rarely happen when compared to vehicles hitting electric facilities including poles. Thus, we propose allowing an exception for electric utility pole hits that happen frequently, but we require those hits that present a danger of serious bodily injury and/or increase our ability to direct safe utility service to be reported.

Regarding subsection (d) (relating to written reports), we propose changing the language from “immediately” to “within 5 days” of the occurrence. This provides a more definite deadline. Finally, we propose adding subsection (e), Internal investigation reports, such that the utility shall be required to submit a copy of its final internal investigation report when it is completed for all reportable accidents. If the report is not expected to be completed within one year of the date of occurrence of the reportable accident, then the utility shall notify the Bureau of Transportation and Safety’s Gas Safety Division, which may require quarterly status updates until completion of the report.

**52 Pa. Code § 65.2 Accidents. (Water/Wastewater Industry)**

We propose adding paragraph (b) (2) to Section 65.2 because we think qualifying the injury is important. There ought to be a threshold test for serious injuries. The new language would state as follows:

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

We further propose amending this section to include:

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code § § 101.1 *et seq*.(relating to public utility preparedness through self certification) and clarified in the Commission’s Order entered on August 3, 2009, at Docket No. M-2009-2104273.

We propose adding paragraph (5) because the Commission wants to be notified of a utility causing substantial damage to another utility’s facility or property. While there is not as urgent a need to be notified immediately, the Commission believes that within a 24 hour timeframe is reasonable and sufficient.

We further propose changes to subsection (c) for similar reasons as stated previously. Telegraphic reports are outdated and we would like a 24 hour deadline for certain reportable accidents.

We propose changing the deadline for filing a Form UCTA-8 from “immediately following” to “within 5 days” of the occurrence of a reportable accident.

We propose adding subsection (e), Internal investigation reports. We believe the utility should submit a copy of its final internal investigation report when it is complete for all reportable accidents. If the report is not expected to be completed within one year of the date of occurrence, the utility should notify the Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report. We invite comment regarding these proposals.

**52 Pa. Code § 67.1(b) General Provisions. Service Outages**

As discussed previously, 52 Pa. Code § 67.1 should be opened for review, specifically the written notification section § 67.1(b). Additional required information should be considered in that section, which is typically requested by our Bureau of Fixed Utility Services (FUS) for major events and is already reported to FUS on a consistent basis in the outage reports filed by certain electric utilities, although voluntarily. Additional required information should include: the utilities’ weather reports, outlooks or scenarios and forecasts for the day before, and day of the interruption of service if the outage was caused by a weather event; the total number of outage cases and trouble cases (non-outage) by county; the number of utility and contractor crews and personnel received as mutual aid; a description of damage to equipment (replaced transformers, poles, spans of wire, pipes or valves for water and gas utilities, electronic equipment for telephone utilities); a historical ranking of the outage in terms of the number and duration of outages and examples of two comparable storms or events and the outage number and duration of those storms or events.

This information is available to the EDCs and certain electric utilities already report this information voluntarily to our Bureau of Fixed Utility Services. We do however, recognize that 52 Pa. Code § 67.1 applies, not only to electric, but to gas, water and telephone utilities holding certificates of public convenience. We believe the additional information requested may be of use in reviewing the outage response of telephone, gas or water/wastewater utilities. The issue of whether the additional reporting requirements would be limited to electric utilities can be addressed during the review procedure.

We propose changing the term “incident” to “event” in Section 67.1 (b) to avoid confusion as to what constitutes the reportable level of outages. “Single incident” could be construed to mean a single outage order, which rarely would rise to the customer level of 2,500 or 5%, whichever is less. Also, “single incident” could be construed to mean an outage incident in a specific area of the service territory. The intent of the Code, as has been borne out in the past practice of the outage reports filed by utilities, is that the “incident” is the cause of the outages that will result in at least 2,500 or 5%, whichever is less, of customers experiencing an outage of six or more consecutive hours. That may be from one outage order, or multiple outage orders spread over the service territory. The “incident” has been interpreted to mean the event that caused the outages. So, if it is a storm that brings high winds and rain, then the outage report would include all outages stemming from that storm, assuming that at least 2,500 or 5%, whichever is less, of customers experience an outage of six or more consecutive hours and thus trigger the reporting requirement. We seek comment on whether the change in term from “incident” to “event” is necessary, or if sufficient precedent has been established and the term “incident” as it is used in 67.1(b) is clear. We are also proposing adding an additional requirement on the Commission of posting blank outage reporting forms on the Commission’s website for utilities to download and use.

We believe the proposed changes to Section 67.1 are in compliance with our Final Rulemaking Order of August 21, 2006, *In re: Rulemaking Re: PUC Filing and Reporting Requirements on Local Exchange Carriers,* L-00050176. The Commission held that Service Outage Reports met the standards prescribed in 66 Pa. C.S. § 3015(f) and therefore required the continuation of filing these reports. We held that the Service Outage Report was necessary to ensure that the local exchange carriers (LECs) are charging just and reasonable rates in compliance with Chapter 30. Quality of service is directly related to just and reasonable rates. Since Service Outage Reports bear an impact on service quality, they are crucial to ensuring that the rates the LECs are charging are just and reasonable within the meaning of 66 Pa. C.S. § 1301.

However, regarding the telephone industry, this Commission also found that Accident Reports under 52 Pa. Code § 63.11 did not meet the exceptions for report filing under 66 Pa. C.S. §3015(f) (1). We held that the Accident Reports did not have direct nexus to the rates charged by LECs in accordance with Chapter 30 and the alternative forms of rate regulation sufficient to satisfy the exceptions set forth in section 3015(f) (1)(i). Therefore, we eliminated the accident report requirement and Section 63.11 was reserved. As the industries of gas, water/wastewater, and electric still have an Accident Report requirement, we propose changes to those current requirements in accordance with staff’s report.

We propose changing the reporting requirement under original paragraph (b)(1) of “the approximate number of customers involved in a single incident” to “total number of sustained outages during the event. Sustained outages are of a duration of 5 minutes or greater.” We believe with technological advances, that generally utility companies have better software systems capable of calculating sustained outages more accurately, and thus, the Commission seeks this information as part of a section 67.1 report.

We propose amending original paragraph (b)(2) such that the phrase, “the geographic area affected, in terms of the county and local political subdivision” is deleted and replaced with “the approximate number of outage cases and trouble cases for each county affected during the event. Trouble cases are non-outage cases such as line-down calls and emergency calls.” We would like the information divided by county as we believe the utilities have the technological ability to track and report this information to the Commission.

New paragraph (b)(3) requires the report contain, “the approximate number of sustained outages for each county affected during the event.” This is merely the information already reportable under paragraph (b)(1) broken down into counties.

New paragraph (b)(4) adds “the number of outage cases exceeding 6 or more hours in duration.” We believe these are the more serious outages, and if the companies can track this information, the Commission should be apprised of it in a timely manner.

Paragraph (b)(5) adds a requirement that the outage cases exceeding six hours in duration be listed along with the following factors: 1) geographic location, 2) total number of customers affected, 3) duration of the outage, 4) initial date and time, and 5) restoration date and time of each outage.

As utilities rely upon mutual aid workers and contractors to complete their repair work in addition to their own utility workers, we believe the listing of the number of utility, contract, and mutual aid workers assigned to repair work should be provided to the Commission as part of a section 67.1 report. This is reflected in paragraph (b)(9). We invite comment regarding this proposal.

Paragraph (b)(14) requires listing a general description of the physical damage sustained by the utility facilities as a result of the event. This shall include facilities replaced due to damage, that is listing the number of poles, transformers, spans of wire, pipes or valves replaced. This is not an exhaustive list. We believe the information is pertinent to the event and related outages and the Commission would like said information.

Paragraph (b)(16) requires reporting all interruption events that caused outages to more than 10% of customers in the utility’s service territory, and to the best of the utility’s ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events. This information will give the Commission perspective of how the event ranks in relation to historical events.

In subsection (c), we propose adding a final sentence as follows. “Blank outage reporting forms shall be posted on the Commission’s website and shall be available for download.” This binds the Commission to doing its part in facilitating ease in reporting service outages.

Finally, in subsection (e), we add a requirement that all utilities shall list on their websites, a phone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations. We believe this requirement will better assist customers and reflects modern technological ways of communication.

Thus, in conclusion, we propose a more uniform approach to reporting standards among the gas, water/wastewater and electric industries. Accordingly, under 66 Pa.C.S. §501, §1501 and §§2801, *et seq.,* and the regulations promulgated thereunder at 52 Pa. Code §§ 57.191-57-197; and sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. §732.204(b)); section 5 of The Administrative Code of 1929 (71 P.S. §232) and the regulations promulgated thereunder at 4 Pa. Code §§7.231-7.234, we are considering adopting the proposed regulations set forth in Annex A; **THEREFORE,**

**IT IS ORDERED:**

1. That this Proposed Rulemaking docket be opened to consider the regulations as set forth in Annex A.

2. That the Secretary submit this Proposed Rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.

3. That the Secretary shall submit this Order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.

4. That the Secretary certify this Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin.*

5. That interested parties shall have 30 days from the date of publication in the *Pennsylvania Bulletin* of the Proposed Rulemaking Order and Annex A to file an original and fifteen (15) written comments to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P.O. Box 3265, Harrisburg, PA 17105-3265.

6. That an electronic copy of the comments should be electronically mailed to Elizabeth Barnes, Assistant Counsel, at [ebarnes@state.pa.us](mailto:ebarnes@state.pa.us), and these comments in turn will be placed on the Commission’s website for public viewing at www.puc.state.pa.us.

7. That comments should, where appropriate, address the issues identified in this Order and should include, where applicable, a numerical reference to the attached Annex A which the comment(s) address, proposed language for revision, and a clear explanation for the recommendation.

8. That a copy of this Order and Annex A be filed at Docket No. M-2008-2065532 and Docket No. L-2009-2104274.

9. That a copy of this Order and Annex A be served upon all electric distribution companies operating in Pennsylvania, all jurisdictional water and wastewater companies, all natural gas distribution companies, all jurisdictional telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, and the Director of the Pennsylvania Emergency Management Agency (PEMA).

10. That the contact persons for this rulemaking are Daniel Searfoorce, Bureau of Fixed Utility Services, (717)783-6159 (technical) and Elizabeth Barnes, Law Bureau, (717)772-5408 (legal).



**By the Commission,**

James J. McNulty

Secretary

(SEAL)

Order Adopted: November 6, 2009

Order Entered: **November 10, 2009**

ANNEX A

TITLE 52. PUBLIC UTILITIES

Part 1. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

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§ 57.11. Accidents.

(a) *General.* A public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth to the Secretary of the Commission.

(b) *Reportable accidents*. Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) The death of a person.

(2) Injury to [an employee on duty sufficient to incapacitate him from performing his ordinary duties for a period longer than 3 days] a person sufficient that the injured person requires professional medical attention or hospitalization.

(3) [Injury to a person other than an employee on duty sufficient to incapacitate the injured person from following his customary vocation, or mode of life, for a period of more than 1 day.

(4)]An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service.

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code §§ 101.1, *et seq.* (relating to public utility preparedness through self certification) and clarified in the Commission’s Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(5) Substantial damage to another utility company’s facility or property.

(c) *Exceptions.* Injuries may not include those suffered as a result of a motor vehicle accident with utility facilities unless one or both of the following circumstances apply:

(1) A vehicle involved in the accident is owned by the utility or driven by a utility employee while on duty.

(2) Some or all of the injuries were as a result of contact with electrified facilities.

[(c)] (d) [*Telegraphic*] *Telephone reports*. A report by telephone [or telegraph] shall be made at once in the event of the occurrence of a reportable accident [resulting in the death of a person or in an occurrence of an unusual nature.] under subsection (b), paragraphs (1), (3) and (4). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b), paragraphs (2) and (5).

[(d)] (e) *Written reports*. A written report shall be made on Form UCTA-8 [immediately following] within 5 days of the occurrence of a reportable accident. Accidents reportable on forms required by the Bureau of Workmen’s Compensation, [Pennsylvania] Department of Labor and Industry, may be reported [by transmitting] to the Commission by filing a copy of [such] the forms [reports] in lieu of a report on Form UCTA-8. The Commission shall place blank UCTA-8 forms available for download on the Commission’s website.

(f) *Internal investigation reports*. The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b), paragraphs (1), (2), and (4). The final internal investigation report shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to reports of accidents). If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission’s Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

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CHAPTER 59. GAS SERVICE

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§ 59.11. *Accidents.*

(a) *General.* Each public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth as provided in this section. The reports shall be addressed to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) The death of a person.

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

[(1)] (3) An event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility, which results in estimated property damage, including the cost of gas lost of the operator or others, of at least $50,000 in market value. [and one of the following:

(i) A death, or personal injury necessitating inpatient hospitalization.

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of $50,000 or more.]

[(2)] (4) An event that results in an emergency shutdown of an LNG facility.

[(3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2).]

(5) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code §§ 101.1 *et seq.* (relating to public utility preparedness through self certification) and clarified in the Commission’s Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(6) Substantial damage to another utility company’s facility or property**.**

(c) [*Telegraphic*] *Telephone reports*. A report by telephone [or telegraph]shall be made at once in the event of the occurrence of a reportable accident [resulting in the death of a person or in an occurrence of an unusual nature.] under subsection (b), paragraphs (1), (3), (4) and (5). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b), paragraphs (2) and (6).

(d) *Written reports.* A written report shall be made on Form UCTA-8 [immediately following] within 5 days of the occurrence of a reportable accident [as defined in subsection (b)]. Accidents reportable [to the Commission which reports are also] on forms required by the Bureau of Workmen’s Compensation, Department of Labor and Industry, may be reported [by transmitting] to the Commission by filing a copy of the [reports] forms in lieu of a report on Form UCTA-8. The Commission shall place blank UCTA-8 forms available for download on the Commission’s website.

(e) *Internal investigation reports.* The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b), paragraphs (1), (2), and (5). The final internal investigation report shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to the reports of accidents.) If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission’s Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

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CHAPTER 65. WATER SERVICE

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§ 65.2. *Accidents.*

(a) *General.* A public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth. The reports shall be addressed to the Secretary of the Commission.

(b*) Reportable accidents*. Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) The death [or injury] of a person.

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

(3) An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service [of more than 3 days].

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code §§ 101.1 *et seq.* (relating to public utility preparedness through self certification) and clarified in the Commission’s Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(5) Substantial damage to another utility company’s facility or property.

(c) [*Telegraphic*] *Telephone reports*. A report by telephone [or telegraph ]shall be made at once [within 24 hours] in the event of the occurrence of a reportable accident [resulting in death of a person, or in the event of an occurrence of an unusual nature.] under subsection (b), paragraphs (1), (3) and (4). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b), paragraphs (2) and (5).

(d) *Written reports*. A written report shall be made on Form UCTA-8 within 5 days of the occurrence of a reportable accident. Accidents [which are also] reportable [to the] on forms required by the Bureau of Workmen’s Compensation, Department of Labor and Industry, may be reported to the Commission by filing a copy of the [report submitted to that Bureau] forms in lieu of a report on [place of] Form [UCTA-8.19] UCTA-8. The Commission shall place blank UCTA-8 forms available for download on the Commission’s website.

(e) *Internal investigation reports.* The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subection (b), paragraphs (1), (2), and (4). The final internal investigation report shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to the reports of accidents.) If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission’s Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

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CHAPTER 67. SERVICE OUTAGES

§ 67.1. General provisions.

(a) Electric, gas, water and telephone utilities holding certificates of public convenience under 66 Pa.C.S. §§ 1101 and 1102 (relating to organization of public utilities and beginning of service and enumeration of acts requiring certificate) shall adopt the following steps to notify the Commission with regard to unscheduled service interruptions.

(b) All electric, gas, water, and telephone utilities shall notify the Commission when 2,500 or 5.0%, whichever is less, of their total customers have an unscheduled service interruption in a single [incident] event for [six] 6 or more projected consecutive hours. Written notification shall be filed with the Commission within [five] 5 working days after the total restoration of service. Where storm conditions cause multiple reportable interruptions as defined by this section, a single composite report shall be filed for the event. Each report shall contain the following information:

1. The [approximate number of customers involved in a single incident.] total number of sustained outages during the event. Sustained outages are of a duration of 5 minutes or greater.

(2) [The geographic area affected, in terms of the county and local political subdivision.] The approximate number of outage cases and trouble cases for each county affected during the event. Trouble cases are non-outage cases such as line-down calls and emergency calls.

(3) The approximate number of sustained outages for each county affected during the event.

(4) The number of outage cases exceeding 6 or more hours in duration.

(5) a listing of each outage case exceeding 6 or more hours in duration, including the following:

1. Geographic location (municipality or township).
2. Total number of customers affected.
3. Duration of the outage.
4. Initial date and time of the outage.
5. Restoration time and date.

[(3)] (6) The reason for the interruption.

[(4)] (7) The projected time for service restoration of the event.

[(5)] (8) A listing of [The] the number of utility workers [and others] assigned specifically to the repair work by general function, that is linemen, troublemen, tree crew, and the like.

(9) A listing of the number of contract workers assigned specifically to the repair work by company and by general function, that is linemen, troublemen, tree crew, and the like.

(10) A listing of the number of workers received as mutual aid by company and by general function, that is linemen, troublemen, tree crew, and the like.

[(6)] (11) The date and time of the first information of a service interruption.

[(7)](12) The date and time that repair crews were assembled.

[(8) The date and time that the supervisor made the first call.

(9) The approximate time that repair work was started.

(10)] (13) The actual time that service was restored to the last affected customer.

(14) A general description of the physical damage sustained by the utility facilities as a result of the event. This shall include facilities replaced due to damage, and a listing of the number of poles, transformers, spans of wire, pipes or valves replaced.

(15) For weather-related events, the utility’s weather reports, outlooks or scenarios for the day before and the day of the interruption event.

(16) For all interruption events that caused outages to more than 10% of customers in the utility’s service territory, and to the best of the utility’s ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events

(c) In addition to the requirements of subsection (b) the utility shall notify the Commission by telephone within [one] 1 hour after preliminary assessment of conditions reasonably indicates that the criteria listed in subsection (b) may be applicable. [The first four items] Subsection (b), paragraphs (1), (2), (3), (6), and (7) shall be used as guidelines for the telephone report. The Commission will maintain telephone lines for this purpose and will notify each utility of the numbers to be called. Blank outage reporting forms shall be posted on the Commission’s website and shall be available for download.

(d) The Commission will implement a plan to govern its internal operations in receiving notification of service interruptions, in investigating such interruptions, and in assisting the customers of the utility, the utility and Commonwealth agencies in restoring service.

(e) All electric, gas, water and telephone utilities shall list in the local telephone directories of their service areas, and on their websites, a telephone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations.