

PROJECT NO. 56897

**ELECTRIC UTILITY OUTAGE
TRACKER AND HAZARDOUS
CONDITION REPORTING**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §25.52

The Public Utility Commission of Texas (commission) proposes amendments to 16 Texas Administrative Code (TAC) §25.52 relating to Reliability and Continuity of Service.

The amended rule will require each transmission and distribution utility to maintain an online outage tracker that provides detailed information regarding power outages. The amended rule will also require each electric utility, municipally owned utility, and electric cooperative to develop processes to receive information from appropriate state or local governmental authorities concerning the existence of potential hazardous conditions that may require the disconnection of electric service to a customer.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

- (1) the proposed rule will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;

- (3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will expand an existing regulation;
- (7) the proposed rule will not change the number of individuals subject to the rule's applicability; and
- (8) the proposed rule will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed rule will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

David Smeltzer, Director of Rules and Projects has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the section.

Public Benefits

Mr. Smeltzer has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be improved communication between state and local governmental entities and utilities regarding hazardous conditions and the timely and accurate monitoring and disclosure of power outages throughout the State of Texas. The probable economic costs required to comply with the rule will be minimal and will vary from person to person under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by September 20, 2024. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by September 20, 2024. Comments should be organized in a manner consistent with the organization of the proposed rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission will consider the costs and benefits in deciding whether to modify the proposed rule on adoption. All comments should refer to Project Number 56897.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

Statutory Authority

The amendment is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title

that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §38.005, which requires the commission to implement service quality and reliability standards relating to the delivery of electricity to customers by electric utilities; and PURA §38.072, which requires an electric utility to give nursing facilities, assisted living facilities and hospice facilities the same priority that it gives to a hospital in the utility's emergency operations plan for restoring power after an extended outage; and §38.074, which requires the commission to, in collaboration with the Railroad Commission of Texas, rules to establish a process to designate certain natural gas facilities and entities as critical natural gas customers during energy emergencies and to require utilities to prioritize these facilities for load-shed and power restoration purposes during an energy emergency.

Cross Reference to Statute: Public Utility Regulatory Act §§14.001, 14.002, 38.005, 38.072, 38.074.

§25.52. Reliability and Continuity of Service.

- (a) **Application.** This section applies to all electric utilities as defined by §25.5 of this title (relating to Definitions) and all transmission and distribution utilities as defined by §25.5 of this title. When specifically stated, this section also applies to electric cooperatives and municipally-owned utilities (MOUs). The term “utility” as used in this section means an electric utility and a transmission and distribution utility.
- (b) **General.**
- (1) Every utility must make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility must reestablish service within the shortest possible time.
 - (2) Each utility must make reasonable provisions to manage emergencies resulting from failure of service, and each utility must issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of service.
 - (3) In the event of national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, interrupt service to other customers to provide necessary service to civil defense or other emergency service entities on a temporary basis until normal service to these agencies can be restored.
 - (4) Each utility must maintain adequately trained and experienced personnel throughout its service area so that the utility is able to fully and adequately comply with the service quality and reliability standards.

- (5) With regard to system reliability, a utility must not neglect any local neighborhood or geographic area, including rural areas, communities of less than 1,000 persons, and low-income areas.
- (6) Within six months of the effective date of this rule, each utility, electric cooperative, and MOU must, in consultation with commission staff, make available to state and local authorities a method to report a potential hazardous condition that may require disconnection of service. Each utility, electric cooperative, and MOU must provide notice of the reporting method and any relevant contact information to the commission, the Railroad Commission of Texas, and the State Fire Marshal upon its adoption and no later than February 1 of each calendar year.
- (7) Each utility must maintain an accurate and publicly available online outage tracker on its website.
 - (A) An online outage tracker must contain a map of the utility's service territory that identifies, for each active outage, the location of the outage, the date and time the outage was reported or otherwise identified, an estimated restoration time, the status of the restoration effort, and the date and time the information was most recently updated. Information provided by the outage tracker under this subparagraph must be available in English and Spanish, where applicable.
 - (B) If a utility's outage tracker is scheduled to be taken offline or may otherwise become unavailable due to maintenance or upgrades, the utility must post details of the scheduled activity on its website and provide notice of the scheduled activity to the commission's Consumer Protection and Critical

Infrastructure Security and Risk Management divisions no later than seven days prior to the scheduled activity. A utility must immediately notify the commission in writing if the utility's outage tracker unexpectedly becomes unavailable.

- (C) An outage tracker must provide or link to information that indicates the different methods a customer may use to report an outage or hazardous condition and provide or link to information on how a customer may request to receive updates on the status of outages and outage restoration efforts.

(c) - (h) No change.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 15th DAY OF AUGUST 2024 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA GONZALES**