

**STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY**

INVESTIGATION INTO ELECTRIC	:	DOCKET NO. 20-08-03
DISTRIBUTION COMPANIES'	:	
PREPARATION FOR AND RESPONSE TO :		
TROPICAL STORM ISAIAS	:	FEBRUARY 5, 2021

**BRIEF OF WILLIAM TONG,
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FOR THE STATE OF CONNECTICUT**

Respectfully Submitted,

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William Tong, Attorney General for the State of Connecticut (“Attorney General”), respectfully submits this Brief to the Public Utilities Regulatory Authority (“PURA” or “Authority”) in the above-captioned proceeding. The Attorney General appreciates the Authority’s thorough investigation into The Connecticut Light and Power Company’s (“CL&P”) d/b/a Eversource Energy (“Eversource”) and The United Illuminating Company’s (“UI”) (together, the electric distribution companies, or “EDCs”) preparedness for and response to Tropical Storm Isaias, which hit Connecticut on August 4, 2020.

The evidence in this proceeding overwhelmingly demonstrates that Eversource yet again failed its Connecticut consumers in its major storm response. PURA should find that Eversource was imprudent in its storm preparation and response—most notably for its failure to protect public safety and communicate effectively. In the next phase of this proceeding, PURA should levy meaningful penalties against Eversource for these failures.

To be clear, the failures outlined in this Brief are the failures of EDC management, and are not intended to detract from the commitment and efforts of EDC employees and workers. The Attorney General appreciates and recognizes the tireless efforts of the EDCs’ line crews, all of the restoration crews from outside of Connecticut, as well as the front line personnel of the EDCs who went above and beyond to restore electric service during the hot pandemic conditions of August 2020.

I. EXECUTIVE SUMMARY

In 2011, CL&P failed to carry out one of its most basic and fundamental functions—a safe and efficient recovery after a major storm.¹ And yet in 2020, after multiple investigations, reviews, and the investment of millions of ratepayer dollars, the company’s customers are no better off than they were ten years ago when big storms hit. In fact, in some ways Eversource’s performance has gotten worse. Eversource’s performance in the aftermath of Tropical Storm Isaias was deficient and inadequate. The company failed to meet its responsibilities as a public service company.

In both 2011 and 2020, communications to the public through Eversource’s communications systems and to local leaders through the liaison program were at times non-existent, and at best ineffective. Ratepayers and local leaders were left in the dark in the days following Tropical Storm Isaias when Eversource communications systems—funded at great ratepayer expense following the 2011 storms²—crumbled. *See* 12/22/20 (a.m.) Transcript of the Hearing (“Tr.”). at 80.

In both 2011 and 2020, Eversource failed to meet the public safety needs of its towns and customers. A wastewater treatment plant was left without power for nearly one week after Isaias hit. *See* 12/14/20 (a.m.) Tr. at 37. A police station was left without power

¹ Unfortunately, this is just part of a disturbing pattern. Many of these shortcomings were present before the 2011 storms. As noted in the Report of the Two Storm Panel (“Two Storm Report”), “[t]he repetition of essentially the same problems identified after each storm over a 25 year period and similar recommendations is striking[.]” Docket No. 11-09-09, *PURA Investigation of Public Service Companies’ Response to 2011 Storms*, Two Storm Report, at 10. These recurring problems include poor communication with municipalities and inadequate supervision of expanded workforce crews. *See id.*

² Eversource ratepayers funded approximately \$23.7 million in “new or upgraded systems deployed since 2014 to provide functionality in relation to customer communications under outage conditions.” Eversource Response to Late-Filed Exhibit (“LFE”)-22-SP01 & Attachment 1. “[C]lost information prior to 2014 is not readily available due to the changeover of the Eversource Energy financial system in 2014.” *Id.*

for at least 6 days after Isaias hit. *See* 12/21/20 (p.m.) Tr. at 1119. A deceased person was trapped inside a car on which a tree with electric wires fell for approximately 5 hours in the wake of Isaias. *See* 12/21/20 (a.m.) Tr. at 961-63 & Eversource Response to RSR-028. A family dog was electrocuted by a live downed wire 4 days after Isaias struck. *See* 12/14/20 (a.m.) Tr. at 19-20. And countless vulnerable residents were trapped in their unelectrified homes during the heat of August before Eversource finally de-energized downed lines and cleared utility poles blocking roads, allowing first responders to reach them in the event of an emergency. *See id.* at 80. Many trapped residents dependent on wells did not have running water during this time. *See id.* at 57-58.

Moreover, the credible testimony from multiple town officials as well as Eversource's own admissions demonstrate that Eversource failed to communicate effectively with its liaisons, who in turn provided no new or helpful information to town officials for at least two days after Isaias hit. *See, e.g.,* 12/23/20 (a.m.) Tr. at 1447-49. Eversource also failed to effectively communicate and coordinate with the towns on matters of municipal public safety including the Make Safe road clearing process. Simply put, Eversource abjectly failed in its public service company obligations to keep its towns and customers safe and informed after Isaias hit Connecticut.

Even now, nearly a decade after its 2011 storm response debacles, Eversource either fails to recognize these 2020 Isaias failures or is callously dismissive of their importance. It is entirely reasonable to question whether the company's Isaias failures are a function of its Connecticut storm management being both physically and otherwise removed from Connecticut. Eversource's Connecticut emergency response is managed by three former NSTAR executives from Massachusetts who have only been involved with Eversource's Connecticut distribution system and storm response since approximately 2017. *See* Exhibit

ES-CAH-1 at 1-8; *see also* 12/21/20 (p.m.) Tr. at 1050-55.

To exacerbate this lack of Connecticut-based experience, the “tone at the top” exhibited by Eversource’s storm managers—which trickled down to other Eversource witnesses and informed Eversource’s legal strategy in the docket³—indicates a corporate refusal to accept its responsibilities as a public service company serving 149 Connecticut towns. Unfortunately, it appears that Eversource seems more concerned with its “reputation”⁴ than the actual welfare and safety of the consumers and towns it serves.

During the restoration and even during the evidentiary hearings, Eversource was dismissive of the towns’ right to ask questions. *See, e.g.*, 12/21/20 (p.m.) Tr. at 1121. Eversource was also often quick to place blame on the towns it serves for its own public safety failures and to cast aspersions at the competency of town officials. *See, e.g.*, 12/21/20 (p.m.) Tr. at 1090-91. Eversource even refused to accept that it is primarily responsible for instructing and guiding the towns on its storm response protocols including Make Safe. *See, e.g.*, 12/21/20 (p.m.) Tr. at 1086-87. Eversource’s management deficiencies made the extended power outages worse. Eversource’s lack of communication with towns and customers unnecessarily heightened public anxiety and uncertainty—already high during a pandemic.

³ Eversource devoted considerable cross-examination time to questioning the knowledge and competency of town leaders who testified before PURA regarding the chaos of Eversource’s storm response as well its public safety failures. *See, e.g.*, 12/14/20 (p.m.) Tr. at 234-38. The record evidence, however, amply demonstrates these town leaders were both knowledgeable and fully engaged in their towns’ emergency response.

⁴ Although Eversource’s “reputation” is a prominently listed factor for each of its emergency event levels in its Emergency Response Plan, Eversource’s Vice President of Electric System Operations and Incident Commander testified at the hearing that “reputation” is not relevant to emergency response. *See* AG-01, Attachment 1 (Eversource’s Emergency Response Plan) at 17-18; *see* 12/21/20 (p.m.) Tr. at 1075.

In contrast, while UI's storm response was certainly not flawless, UI acknowledged its obligations as a public service company and accepted responsibility for any setbacks and challenges in storm response.⁵ Moreover, UI's management is intimately familiar with UI's distribution system through decades of Connecticut experience.⁶ Past storm investigations and the evidence in this proceeding indicate that UI has responded more ably and nimbly to major storms.

II. FACTUAL BACKGROUND OF TROPICAL STORM ISAIAS

Tropical Storm Isaias was by any measure an extraordinary storm. It hit Connecticut the afternoon of Tuesday, August 4, 2020, causing widespread destruction throughout the state. Peak wind speeds reached 67 miles per hour ("mph") in some parts of Eversource territory, with sustained wind speeds well over 30 mph and in excess of 50 mph in localized pockets. *See* Eversource's 30-Day Event Report at 34. Several tornado warnings were issued in Connecticut, and indeed a tornado touched down in Westport. *See id.* at 34 & 53. The scale and scope of the damage caused by this storm ensured that restoration of service would take significant time and effort for both EDCs.⁷

⁵ *See, e.g.*, 12/18/20 (p.m.) Tr. at 880-82 (UI's Vice President of Electric Operation expressed "regret" that a "series of low probability events that strung together in succession" led to UI not pushing out estimated time of restoration data for approximately 9.5 hours. He also expressed genuine pride in the performance of the UI team despite a fast changing and dynamic emergency response.)

⁶ The President and CEO of Avangrid Networks, whose operating companies include the subsidiaries of UIL Holdings Corporation, such as UI, has approximately 33 years of experience with UI's distribution system. *See* Exhibit UI-AM-1 at 1-2. UI's Vice President of Electric Operations has over 30 years of experience with UI's distribution system. *See* Exhibit UI-ERP-1 at 1-2.

⁷ Eversource delivers electric service to approximately 1.2 million homes, neighborhoods, and businesses in 149 towns and cities in Connecticut. *See* Eversource 30-Day Event Report at 11. UI serves approximately 338,654 electric customers across 17 cities and towns in Connecticut. *See* UI Thirty-Day Storm Report at 1 & <<https://www.uinet.com>>, last visited Jan. 25, 2021.

A. Eversource's Event Level Classifications & Outages

The UConn Group, a research lab that develops storm damage modeling technology and forecasting to help Eversource, issued five predictions to Eversource between August 1 and 4, with each prediction showing increasing storm severity. *See* Eversource 30-Day Event Report at 52. On Friday, July 31, Eversource declared a Level 4 event for Tuesday, August 4. *See id.* at 1. A Level 4 event correlates to about 125,000-380,000 peak outages and a 2 to 6-day restoration duration. *See* Eversource Response to AG-001, Attachment 1 (Eversource Emergency Response Plan) at 16.

On August 4, UConn's last prediction several hours before the storm hit was escalated to call for "extreme impact." Eversource 30-Day Event Report at 52. Eversource did not, however, escalate the event level at that time. *See* 12/21/20 (p.m.) Tr. at 1059-61. By the time Isaias reached Connecticut on August 4, it also took an "extratropical" transition, "which happens when a hurricane dissipates into a hybrid storm extending tropical cyclone-like conditions over a larger area and in latitudes that do not typically experience such events." Eversource 30-Day Event Report at 56. Eversource does not have a special protocol related to extratropical transitions. *See* 12/21/20 (p.m.) Tr. at 1057.⁸

Eversource next declared a Level 3 event at 8 p.m. on August 4. *See* Eversource Response to AG-038. A Level 3 event correlates to about 375,00 to 650,000 peak outages and a 5 to 10-day restoration duration. *See* Eversource Response to AG-001, Attachment 1, at 16. Eversource had approximately 599,065 outages on August 4 at 10 p.m. *See* Eversource Response to AG-09, Attachment 1.

⁸ The last extratropical transition to hit Eversource's service territory was Hurricane Irene in August 2011. *See* 12/21/20 (p.m.) Tr. at 1066.

Peak Eversource outages reached 632,632 on Wednesday, August 5 at 3:30 p.m. *See* Eversource 30-Day Event Report at 57. Eversource then declared a Level 2 event at 7 p.m. on August 5, 2020. *See* Eversource Response to AG-038. A Level 2 event correlates to about 625,000 to 870,000 peak outages and an 8 to 21-day restoration duration. *See* Eversource Response to AG-001, Attachment 1, at 16. Given that Eversource planned for a Level 4 event to hit Connecticut, Eversource underestimated peak outages in its pre-storm planning by approximately 252,632 outages. *See* 12/21/20 (p.m.) Tr. at 1068-71. Eversource restored 99% of its customers' electric service by August 11, 2020. *See* Eversource 30-Day Event Report at 5.

B. UI's Event Level Classification & Outages

On July 31, 2020, UI declared a Level 3 event, which equates to between 95,800 and 159,967 peak customer outages and a restoration time of 5 to 7-days. *See* UI's Thirty-Day Storm Report, at 2. On August 4, 2020 at 6 p.m., UI's customer outages peaked at 113,433. *See id.* at 10. UI never changed its event level classification. *See id., generally.* UI's customers were fully restored by August 12, 2020 at 1:19 a.m. *See id.* at 10.

III. PROCEDURAL HISTORY

On August 6, 2020, the Authority initiated this docket at the request of Governor Ned Lamont to investigate the EDCs' preparation for and response to Tropical Storm Isaias, pursuant to General Statutes of Connecticut ("Conn. Gen. Stat.") §§ 16-9, 16-11, 16-19, 16-19e, 16-32e, 16-32h, 16-32i, 16-41, 16-244, and 4-177 *et seq.* *See* PURA Revised Notice of Proceeding & Orders for Emergency Response, dated Aug. 14, 2020 ("PURA Revised Notice of Proceeding"). Specifically, PURA indicated that it would review the EDCs' implementation of their Emergency Response Plans ("ERPs") filed in accordance with Conn. Gen. Stat. § 16-32e and "assess whether the EDCs complied with

the standards for emergency preparation and restoration of service established in accordance with Conn. Gen. Stat. § 16-32h.”⁹ *Id.*

Further, PURA made clear that the proceeding will encompass determinations on the prudence and reasonableness of the EDCs’ storm preparation, response, and recovery activities. *See id.* This review includes whether the EDCs employed prudent management and operating procedures in incurring storm costs and, if not, how, and in what monetary amount, ratepayers should be compensated for these deficiencies. *See id.* In addition, PURA will also consider the appropriateness of EDC storm cost recovery disallowances, return on equity (“ROE”) penalties, and civil penalties in accordance with Conn. Gen. Stat. § 16-41 in a subsequent contested proceeding. *See id.*

The evidentiary record in this proceeding is extensive. PURA held a Public Comment Hearing on October 23, 2020. The EDCs, intervening towns, and the Office of Consumer Counsel filed Pre-filed Testimony in late 2020. Nearly 1,000 interrogatories were issued in this docket, mostly to the EDCs with some to the intervening towns. PURA then held eight evidentiary hearings in December 2020 and January 2021.

IV. STATEMENT OF THE LAW

A. PURA’s General Authority over EDC Storm Preparedness and Response

PURA has broad regulatory authority over the EDCs’ storm preparedness and response. *See* Conn. Gen. Stat. § 16-11. Every two years, PURA reviews the EDCs’ ERPs. *See* Conn. Gen. Stat. § 16-32e. On August 26, 2020, PURA approved Eversource’s ERP dated June 30, 2020 and UI’s ERP dated July 1, 2020. *See* Docket No. 20-02-21, 2020

⁹ PURA noted that “[t]he proceeding will be of broad scope and include, but not be limited to: outage/damage prediction, storm preparedness, the adequacy of staffing and equipment, communications, outage/damage assessment, restoration management, and after-action reporting.” PURA Revised Notice of Proceeding at 1.

PURA Review of Connecticut Public Service Company Plans for Restoration of Service that is Interrupted as a Result of an Emergency, Report of the Public Utilities Regulatory Authority, dated Aug. 26, 2020, at 10. These are the ERPs that were in effect for Eversource and UI when Tropical Storm Isaias hit Connecticut on August 4, 2020. *See* Eversource Response to AG-01, Attachment 1 (Eversource ERP) and UI Response to AG-01, Attachment 2 (UI ERP).

B. The Statutory Requirements for PURA to Levy Civil Penalties in Subsequent Proceedings Have Been Met

In this proceeding, PURA is reviewing the EDCs' preparedness for and response to Tropical Storm Isaias pursuant to Conn. Gen. Stat. § 16-32i, *inter alia*, which requires PURA to review the performance of each EDC after any emergency in which more than ten percent of any such company's customers were without service for more than forty-eight consecutive hours or at the Authority's discretion. If PURA finds that an EDC failed to comply with any standard of acceptable performance in emergency preparation or restoration of service in an emergency, or with any PURA order, it shall make orders, after a hearing that is conducted as a contested case, "to enforce such standards or orders and may levy civil penalties against such [EDC] pursuant to Section 16-41, not to exceed a total of two and one-half percent of such [EDCs'] annual distribution revenue, for noncompliance in any such emergency." Conn. Gen. Stat. § 16-32i.

Conn. Gen. Stat. § 16-32i further provides that any such penalty shall be assessed in the form of a credit to ratepayers of such EDC and shall not be included as an operating expense of such EDC for purposes of ratemaking. In addition, pursuant to Section 16-41(a), PURA may levy a civil penalty against an EDC up to \$10,000 for each offense subsequent to the notice provisions in Section 16-41(c).

C. PURA Storm Precedent: Eversource Has Been Penalized for Inadequate Storm Performance Before

In 2012, PURA concluded that CL&P's performance in the aftermath of the 2011 storms was deficient and inadequate and warranted regulatory sanction. Docket No. 11-09-09, *PURA Investigation of Public Service Companies' Response to 2011 Storms*, Decision, dated Aug. 1, 2012 ("Docket No. 11-09-09 Decision"), at 1. These deficiencies included outage and service restoration, preparation of personnel, support of its municipal liaison program, development and communication of restoration times to customers, and overall communication to customers, other service providers, and municipalities. *See id.* PURA further established a rebuttable presumption that CL&P should have an appropriate reduction to its allowed ROE in its next ratemaking proceeding "as a penalty for poor management performance and to provide incentives for improvement." *Id.*

Indeed, in CL&P's next rate case, PURA concluded that "CL&P's performance in response to the 2011 storms was deficient and inadequate and that the rates approved in this proceeding must encourage better storm response performance by CL&P management." Docket No. 14-05-06, *Application of The Connecticut Light and Power Company to Amend Rate Schedules*, Decision, dated Dec. 17, 2014, at 151-52. Thus, PURA reduced CL&P's ROE of 9.17% by 15 basis points for one year "to incent CL&P's management to show actual improvements in future storm responses." *Id.* at 152. PURA noted that "but for the major improvement in CL&P's storm preparedness and response subsequent to the 2011 Storms, the ROE reduction would have been substantially higher." *Id.* at 154.

In addition, PURA reduced CL&P's recoverable storm costs for the 2011-2012 major storms by \$49 million which included amounts transferred to capital, reimbursements received subsequent to the initial CL&P filing, and elimination of storm costs found to be

included in CL&P base rates. *See* Docket No. 13-03-23, *Petition of The Connecticut Light and Power Company for Approval to Recover its 2011-2012 Major Storm Costs*, Decision, dated Mar. 12, 2014, at 1. PURA indicated that its three-part test on prudence¹⁰ is not limited by industry norms or by the single issue of full restoration timing. *See* Docket No. 11-09-09 Decision at 17-18 (“In this test, there is no reference to industry norms, industry standards, or any other form of industry practices. Such references may be applied in order to determine the standard of care; however, industry norms by themselves are not determinative per se.”)

While PURA’s review of UI’s response to the 2011 storms was more positive in nature, PURA highlighted areas for improvement. *See* Docket No. 11-09-09 Decision at 12-13. PURA, through its consultant The Liberty Consulting Group, found that UI could not handle the large volume of customers trying to communicate with it during the storm and that it should rigorously test call-handling technology, website, and the outage management system to ensure the technologies operate to expectations and specifications. *See id.* PURA further found that the results of UI’s efforts to procure outside resources were disappointing and that UI could not provide restoration estimates or restoration status to customers on a timely basis. *See id.* at 13.

¹⁰ PURA articulated the three part prudence test as follows: “First, there must be a clearly understood definition of the standard of care by which a utility’s performance can be measured; second, the actions of the utility must be examined to determine if there has been a failure on its part to conform to the standard required; and finally, there must be a reasonably close [causal] connection between the imprudent conduct, if any, and actual loss or damage.” Docket No. 13-03-23, *Petition of The Connecticut Light and Power Company for Approval to Recover its 2011-2012 Major Storm Costs*, Decision, dated Mar. 12, 2014, at 3-4, note 1 (citing Docket No. 08-02-06, *DPUC Investigation into The Connecticut Light and Power Company’s Billing Issues*, Decision dated Aug. 6, 2008, at 10-11).

V. EVERSOURCE'S TROPICAL STORM ISAIAS FAILURES

Eversource failed in multiple aspects of its response to Tropical Storm Isaias, including communications to customers, preserving public safety such as the Make Safe process, and effective and consistent implementation of its liaison program.

A. Eversource Was Imprudently Unprepared to Communicate with its Customers During the Tropical Storm Isaias Emergency

The evidence in this docket makes it abundantly clear that Eversource has, again, failed in its communications following a major storm. As with other storms, Eversource's communications, including methods for customer self-reporting, were severely lacking. Eversource seems incapable of learning from past mistakes, to the detriment of Connecticut ratepayers.

1. *Eversource's History of Customer Communication Failures.*

Eversource has a history of customer communication failures. Eversource had issues with busy signals in the days after the October 2011 snowstorm. *See* Docket 11-09-09 Decision at 27. Later, in response to the October 29-30, 2017 Rain and Wind Storm, Eversource suffered from communications failures including self-service reporting, intermittent telephony service for reporting outages, and Automated Outages Alerts. *See* Eversource Response to AG-59, Attachment 1, at 3 (“PURA Report on the Response of The Connecticut Light and Power Company to the October 29-30, 2017 Rain and Wind Storm,” dated Mar. 15, 2018, in a cover letter to the Energy & Technology Committee Chairs, in Docket No. 16-12-37 (“PURA’s 2018 Storm Report”)).

In response to this 2017 storm, Eversource experienced interruptions in its interactive voice response (“IVR”) system, which resulted in customers being unable to report outages through Eversource’s self-service channels and long wait times and abandoned calls through Eversource’s Call Center. *See id.* at 3-4. In addition,

Eversource's Automated Outage Alert system provided customers with outdated Estimated Times to Restoration ("ETRs") and, worse, reporting that power was restored to a customer when it was not. *Id.* at 7. Specifically, Eversource provided the following statement at a December 20, 2017 Technical Meeting related to its storm response:

We did experience intermittent disruptions to those self-service capabilities. So our customers wanted to self-serve, they weren't able to choose that, and so they migrated to our call center, and we responded to those customers. But because it was such a large volume coming in, they did experience, and experienced frustration with some long hold times.

PURA Notice of Admitted Evidence, dated Nov. 30, 2020 (Technical Meeting Transcript in Docket No. 16-12-37, *PURA Review of Electric Companies' and Electric Distribution Companies' Plans for Maintenance of Transmission and Distribution Overhead and Underground Lines*, dated Dec. 20, 2017, at 67). Eversource also reported that customers calling its police and fire lines received a fast-busy signal. *See id.* at 76-77.

PURA noted that it was troubled that Eversource's customer communications were hindered during the first day of recovery after the 2017 storm. *See* PURA's 2018 Storm Report at 8. PURA further determined that it would put particular emphasis on oversight of Eversource's communications aspect of its ERP. *See id.* Specifically, PURA required Eversource to provide "[i]mprovements to the automated outage reporting system to correct the nested outage scenarios and modify wording in call backs." *Id.* at 8.

In this proceeding, Eversource claims that "[t]he issues identified in the 2018 Storm Report were not the same issues experienced before or after Tropical Storm Isaias[,] and that "[w]ith the implementation of corrective actions addressing the issues in the 2018 PURA storm report, those issues have not surfaced again." Eversource Response to AG-60. The evidence in this docket, however, demonstrates otherwise.

Eversource—and its customers—continued to suffer issues with its automated outage reporting system both during and after Tropical Storm Isaias. On November 15, 2020, a storm declared a Level 5 event that caused approximately 35,000 outages hit Connecticut’s service territory. *See* 1/20/21 Tr. at 1820-21. Consequent to this storm, Eversource experienced issues with its automated reporting system across all three of the states it serves. *See id.* at 1822. While Eversource testified that customers experienced the same inability to use its automated outage reporting system during the November storm as they did during Tropical Storm Isaias, Eversource claimed that the root cause of the November storm was discrete and related to cybersecurity software upgrades. *See id.* at 1822-24. The automated outage reporting system failures experienced during the November 15, 2020 storm occurred after Eversource spent \$1.35 million on communications systems “expansion” in response to Tropical Storm Isaias, and in part to address automated outage reporting system issues experienced during Isaias. *See id.* at 1813-15 & 1822; *see also* Eversource Response to Late-Filed Exhibit (“LFE”) 22.

2. *Eversource’s Communications Systems Were Not Equipped to Handle the Volume of Customer Communications Received During Tropical Storm Isaias.*

Eversource received considerable customer contact volume during Tropical Storm Isaias through all its customer channels. *See* Exhibit ES-KK-1 at 10-11; *see* 12/22/20 (a.m.) Tr. at 78-79. Very early in the storm, Eversource experienced intermittent failures with its IVR, two-way texting, mobile application, and customers reporting outages on the Eversource website. Eversource’s call center was “overloaded,” its webpage experienced “disruptions,” and customers calling Eversource telephone lines experienced “fast busy” signals during the first days of the event. Exhibit ES-PMC-1 at 20; 12/22/20 (a.m.) Tr. at 1245. The Eversource communications systems “response times slowed or experienced

intermittent failures that prevented all customers from simultaneously recording outages.” Exhibit ES-PMC-1 at 20.

The issues with Eversource’s two-way texting, website, and mobile application started on August 4. *See* Exhibit ES-KK-1 at 14. While these issues were temporarily resolved at 11:15 p.m. on August 4, they resurfaced the next day for customers using two-way text messaging, web reporting through a customer portal, and the mobile application. *See id.* Eversource’s outage reporting through two-way texting experienced other issues on August 6. *See id.*

The Chief Information Officer for Eversource characterized the resulting Tropical Storm Isaias customer communications experience as “bad” and “frustrating.” 12/22/20 (a.m.) Tr. at 1245.

3. Eversource Was Imprudent in Stress Testing its Communications Systems at 20% Above Superstorm Sandy.

Prior to Tropical Storm Isaias, Eversource stress tested its communications systems at volumes approximately 20% above the volumes of customer communications it received during Superstorm Sandy. *See* Eversource’s 30-Day Event Report at 95; Exhibit ES-KK-1 at 10-11; *see also* 12/22/20 (a.m.) Tr. at 1246. However, the volume of inbound communications for Tropical Storm Isaias was more than triple the record for Storm Sandy. *See* 12/22/20 (a.m.) Tr. at 1247. Eversource attributed this drastically increased volume of inbound customer communications for Tropical Storm Isaias to “customer behavior trends of using numerous digital channels at once from smartphones and laptops, which is a dynamic not necessarily experienced in Superstorm Sandy.” Eversource’s 30-Day Event Report at 95.

Eversource opined that its communications systems experiencing unprecedented contact volume that far exceeded the 20% threshold associated with Superstorm Sandy was due to “*unforeseen* circumstances for Storm Isaias.” Exhibit ES-KK-1 at 10-11 (emphasis added); *see also* 12/22/20 (a.m.) Tr. at 1243-44. Eversource broke down those circumstances as follows: (1) the stay-at-home pandemic conditions; (2) the “fast moving pace of the storm”; and (3) customers using multiple communications channels to contact Eversource during the storm. 12/22/20 (a.m.) Tr. at 1248-50.

These circumstances, however, were known or knowable prior to Tropical Storm Isaias hitting Connecticut. Simply put, the conditions that led to the volume of customer contacts were entirely foreseeable and Eversource’s failure to prepare for them was imprudent. First, Eversource admits that the stay-at-home conditions in August 2020 were known or knowable “for the whole year.” *Id.* at 1250. Second, it was certainly known or knowable that a tropical storm moving up the East Coast had the potential to come at Connecticut “quickly.” *Id.* at 1245 & 1249.

Third, it was entirely known or knowable—as well as entirely reasonable—that customers in August 2020 would use multiple communications channels to contact their public service electric company during an electric outage emergency. *See id.* at Tr. at 1250.¹¹ Eversource admitted that it was not prepared for customers to use more than one form of communication during a storm event. *See* Exhibit ES-KK-1 at 12 (“[T]hese options were intended to allow customers to interact with the Company using their *preferred communication method*. What the Company actually experienced during the

¹¹ Importantly, as is explained *infra*, UI was prepared for its customers to engage with it via multiple channels at the same time before Tropical Storm Isaias hit. *See* 12/18/20 (p.m.) Tr. at 897 & 899. UI testified that this dynamic of customers using multiple channels to contact it was known or knowable. *See id.* at 899-90.

storm event was that customers were using *more than one* communication method.”) (Emphases added.) Eversource’s stress testing of its communications systems at 20% increased volume from Superstorm Sandy was divorced from the present-day reality that customers use multiple channels to contact their public service company during an emergency event. In view of the online and stay-at-home pandemic conditions of 2020, any other conclusion strains credulity.

Moreover, Eversource’s stress testing of its communications systems at 20% increased volume from Superstorm Sandy was arbitrary. It was not grounded in studies or best practices tethered to the unique 2020 pandemic conditions. Eversource testified that it did not access any reports or studies to determine which percent of increased volume from Superstorm Sandy to stress test its system. *See* 12/22/20 (a.m.) Tr. at 1252. Eversource further testified that peer utilities stress tested their communications systems at Superstorm Sandy levels plus a percentage. *See id.* at 1253. Nevertheless, under PURA precedent, the similar practices of peer utilities are not determinative of whether Eversource was prudent. *See* Docket No. 11-09-09 Decision at 18 (“[I]ndustry norms may not insulate CL&P in a moat of immunity as to whether it used and executed prudent and efficient management techniques in all aspects of its storm recovery activities.”) Eversource also did not research best practices related to how many forms of communications customers may use to contact a public service utility during an electric outage emergency during pandemic conditions. *See* 12/22/20 (a.m.) Tr. at 1253-54.

In sum, Eversource’s communications system stress testing was ineffective, imprudent, and divorced from 2020 pandemic conditions. Eversource was imprudent not to have foreseen and planned for the circumstances that led to the increased volume of customer contacts across multiple channels. Eversource’s ERP requires that “applicable

web pages are updated as the event progresses.” Eversource Response to AG-01, Attachment 1, at 49. By Eversource’s own admission it failed in this responsibility from August 4-5, 2020. *See* Exhibit ES-KK-1 at 14. Eversource also failed in its “Real-time Information” mandates under its ERP. *See* Eversource Response to AG-01, at 61.¹²

Eversource’s imprudence had real consequences. Each of its communications systems that failed prevented state and local leaders as well as consumers from receiving critical information during an emergency. Specifically, the communications systems failures prevented Eversource customers from reporting outages and utilizing the communications systems that cost them approximately \$23.7 million dollars since 2014.¹³ Eversource customers paid for an effective communications system, but realized marginal, if any, return on their ratepayer investment during Tropical Storm Isaias. Instead, Eversource’s imprudent failures caused heightened anxiety and frustration in an emergency electric outage situation during an existing public health and safety emergency.

¹² “Eversource’s Outage Map is an interactive display, designed for desktop and mobile devices. The map provides one-click outage information, including ETR, number of customer outages, start time and cause (where available), as well as an interactive weather condition overlay. Customers can also obtain information by calling the Company or by enrolling in automated outage alerts available by text, email, or phone call. Outage reporting and status updates are also available to customers by texting 23129. All modes of communications with customers provide updated information as appropriate, including through the contact center (integrated voice response (IVR) and live-voice answer), the website, and social media.”

¹³ Eversource ratepayers funded approximately \$23.7 million in “new or upgraded systems deployed since 2014 to provide functionality in relation to customer communications under outage conditions.” Eversource Response to LFE-22-SP01 & Attachment 1. “[C]ost information prior to 2014 is not readily available due to the changeover of the Eversource Energy financial system in 2014.” *Id.*

4. Eversource's Communications Failures Prevented Customers from Reporting Emergency Situations.

There was a significant period of time when individuals making Fire/Police Safety (“FPS”) 2 and FPS3¹⁴ wires down calls to Eversource through the Eversource call center were unable to report the emergency situation due to “challenges” with the Eversource system. *See* 12/22/20 (a.m.) Tr. at 1242-43. During this period, fire and police safety professionals who contacted the Eversource call center received busy signals and had to call back to report an emergency under FPS2 or FPS3. *See id.* at 1220 (referencing Eversource’s confidential response to RSR-19, Attachment 4). Eversource is “certain that a fast busy was likely to have occurred on the Company's network because this is an unavoidable outcome of an extremely high volume of incoming calls.” Eversource Response to RSR-19(f). Eversource further avers that callers experiencing a fast-busy signal on their first attempt were “usually” able to call back and get through to Eversource’s call center within a “few seconds.” 12/22/20 (a.m.) Tr. at 1243. Eversource experienced this same issue after the 2017 Rain and Wind Storm, *see supra*.

It is simply unacceptable that fire and police safety professionals could not report emergency situations under FPS2 and FPS3 on the first try to Eversource, and that emergency professionals had to call Eversource back after receiving a busy signal. PURA should carefully examine the public safety issues inherent in emergency professionals not being able to contact Eversource and impose appropriate measures.

¹⁴ Eversource uses a three tier system based on assessed hazard: FPS1 is a life threatening emergency; FPS2 is described as “hindering emergency operations - not life threatening”; and FPS3 is described as “electric hazard - no immediate threat to life or property.” Eversource Response to RSR-019, Attachment 1, at 2. FPS1 calls go to the Eversource control center while FPS2 and FPS3 calls go to the Eversource call center. *See* 12/22/20 (a.m.) Tr. at 1217 & 1239.

5. *Eversource Must Be Held Financially Accountable for Communications Failures.*

The Attorney General urges PURA to make the requisite imprudence findings to fully hold Eversource financially accountable for its systematic communications systems failures. Ratepayers received no discernible value for their significant investment into a communications system that malfunctioned during Tropical Storm Isaias. Moreover, from September through October 2020, Eversource spent an additional \$1.35 million in communications systems updates. *See* Eversource Response to LFE-22 & LCG-375, Attachment 4-RV01. Eversource is further “developing an architectural approach aimed at isolating customer-related outage functionality from the impact of technical issues[; this] architecture will include a proof of concept to validate the approach and the results will be available by the end of the second quarter of 2021.” Eversource Response to LFE-22.

Eversource ratepayers should not have to pay the \$1.35 million dollars Eversource has spent in 2020 to fix communications architecture that ratepayers already funded. Nor should ratepayers fund the additional measures Eversource indicated it will take in LFE-22 to shore up communications systems that ratepayers have, again, already funded. Moreover, PURA should assess upon Eversource a meaningful penalty for the utter failure of its communications systems during Tropical Storm Isaias that would be assessed in the form of a credit to ratepayers. *See* Conn. Gen. Stat. § 16-32i. Simply put, it was imprudent for Eversource to spend—and continue spending—millions of ratepayer dollars for a communications system that did not work.

B. Eversource Imprudently Administered the Make Safe Phase of Storm Response

By any objective measure, Eversource's efforts at complying with the Make Safe protocol were a failure, again,¹⁵ and were a failure of Eversource's own making. While Eversource's ERP does not contain Make Safe standards, the ERP is "intended to align with the concepts of the Connecticut State Response Framework and Connecticut Emergency Support Function 12 All Hazards Energy and Utilities Annex ["Annex"]." Eversource Response to AG-01, Attachment 1, at 11; *see* 12/21/20 (p.m.) Tr. at 1079 (Eversource testimony that its ERP does not contain Make Safe standards). The Annex contains Make Safe standards applicable to Eversource's Tropical Storm Isaias response. *See* Eversource Response to LCG-471, SP01, Attachment 1 (the Annex).¹⁶

1. Eversource Imprudently Failed to Consistently Provide Make Safe Crews to Towns.

Eversource imprudently failed in its responsibility to provide in a timely manner a dedicated Make Safe crew to each town to assist in road clearing activities "[i]n response to an emergency situation." Eversource Response to LCG-471-SP01, Attachment 1 (the Annex), at 26. This failure was compounded by Eversource's lack of communications to those towns and their liaisons. As Ridgefield First Selectman Rudy Marconi succinctly testified: "I believe in Storm Isaias that Eversource completely ignored the Make Safe protocols as we know them and as we speak of them today." 12/14/20 (p.m.) Tr. at 119.

¹⁵ *See* Docket No. 11-09-09 at 12 ("CL&P management did not have proper control over the "Cut/Clear, Make Safe" work done with the towns. CL&P should work with the towns, other utilities, and emergency agencies to establish specific guidelines as to the work CL&P will do in this effort with the towns.")

¹⁶ Each EDC shall perform the "First Priority" duty of attending to "Immediate Life Threatening Situations, Public Health and Safety[.]" Eversource Response to LCG-471, SP01, Attachment 1 (the Annex), at 22. The second EDC priority is to restore substations, transmission lines, and critical facilities. *See id.*

And First Selectman Marconi was not alone in his belief. The Pre-filed Testimony of Joe DeLong, the Executive Director and CEO of the Connecticut Conference of Municipalities, includes multiple examples of municipalities expressing frustration with the Make Safe process.

1. “Most egregiously, long-standing ‘make safe’ protocols were ignored in favor [of sending what] few Eversource assets were available to make ‘easy fixes’ where possible. This decision would have certainly made the recovery numbers look better, but by doing so created dangerous conditions that could have had deadly consequences.” Bethel.
2. “Eversource failed to adhere to their established ‘Make Safe’ protocols to address [field] safety issues.” Killingly.
3. “In the past, Make Safe crews were standard protocol and sent out immediately after the storm event to work in partnership with our crews. This process worked in previous storms – the new process did not.” Madison.
4. “A Make Safe crew was never assigned to the Town of Norfolk.” Norfolk.
5. “‘Make Safe’ is Job 1. Many of our residents have learned from previous storms and installed generators. But blocked roads prevent them from getting out for fuel, food, etc. and emergency services from getting in . . . simple as that.” Sharon.
6. “Repeated requests for a MAKE SAFE CREW the evening of the storm went unanswered . . . August 7 arrived and still no make safe crews were in town. Eversource was contacted and they had no idea if or when we would get crews.” It was recommended by Simsbury that each town be provided with a make safe crew that is ready to report to the town and to work with the local authorities.” Simsbury Fire District.
7. “A ‘Make-Safe’ Crew that would be assigned to each municipality for the purpose of neutralizing downed trees and wires with Operations was never assigned to our municipality.” Stamford.

Pre-filed Testimony of Joe DeLong at 5-7.

Testimony of town leaders tell similar tales of Eversource’s imprudent Make Safe actions. As the First Selectmen of the Towns of Bethel, New Fairfield, Newtown, and Ridgefield explained:

Each of our Towns faced unacceptable delays in Eversource's restoration work. Power line wires and trees remained down for days on end, and we each endured multiple days of blocked roads and power outages. In each of our Towns, Eversource failed to deploy Make Safe Crews in a timely fashion (and in some instances not at all), and power was not restored to critical facilities in an acceptable manner. Eversource also failed to prioritize public safety. In certain instances, restoration work began on lower priority situations while roads remained closed elsewhere to emergency vehicles, and residents remained trapped in their homes.

Pre-filed Testimony of the Towns of Bethel, New Fairfield, Newtown, and Ridgefield at 6.

Another example of Eversource's Make Safe failures was summarized by Bethel First Selectman Matt Knickerbocker: "ultimately when we finally did get a Make Safe crew in to work with our highway department, they were done in 14 hours. That's it. So we waited a total of five days to complete a task that took 14 hours." 12/14/20 (p.m.) Tr. at 121.

2. Eversource Failed in its Responsibility to Work Effectively with Towns on the Utility Blocked Roads Form.

Eversource also abdicated its responsibility to "[p]rovide the necessary basic information to enable municipal employees to safely and effectively gather information to populate the utility blocked roads form." Eversource Response to LCG-471-SP01, Attachment 1 (the Annex), at 22. Eversource instead blamed the towns themselves for reporting errors—cross-examining municipal officials on the tiniest details of their reports of blocked roads.¹⁷

Eversource repeatedly sought to blame the towns for miscommunication of priorities and the towns' use of forms, despite the fact that ensuring the smooth communication between town and utility is Eversource's responsibility. *See* 12/14/20 (p.m.) Tr. at 200-25 (Eversource argued that the forms used by the towns to report urgent issues such as downed wires and blocked roads might lead to confusion for Eversource).

¹⁷ *See, e.g.*, 12/14/20 (p.m.) Tr. at 160-65.

Every town leader who testified on December 14, 2020 confirmed that Eversource never informed them that Eversource had an issue with the forms used to identify town priority issues, forms that were in use for many years. *See id.* at 239-43. Eversource knew the forms the towns were using, and only announced the forms were not sufficient in its view when confronted with the towns' concerns after Tropical Storm Isaias.

3. *Eversource's Manual Make Safe Process Led to its Imprudent Emergency Response.*

Eversource's manual Make Safe reporting process is inefficient and led to delays in towns receiving Make Safe crews. Eversource's failure to work effectively with the towns on the Utility Blocked Roads forms exacerbated its disordered emergency response.

Eversource described its Make Safe/Blocked Roads Protocol:

The Make Safe/Blocked Roads Protocol relies on a manual process to input data into the Company's OMS. Given the widespread nature of the damage caused by the storm, the written lists of blocked roads took time for the municipalities to prepare and, once submitted to Eversource, took several days to validate the locations on the lists and to cross-check locations called in by municipalities, although already reported on the blocked roads list. This is because the information provided by municipalities was not always clear and each location had to be checked against other records to validate the information (otherwise faulty information is captured in OMS, undermining the integrity of the deployment).

Eversource Rebuttal Testimony at 19. Why in 2020, after repeated issues in past storms, was this critical and fundamental component of storm response such a manual, disjointed, and slow process?

Eversource testified that a vital component of its storm response is "management of its operations to address [municipal] priorities and communicate with the municipalities about the status of each piece." Eversource Rebuttal Testimony at 11. The above evidence demonstrates that Eversource failed to meet its own standard as well as the mandates of the Annex in its Tropical Storm Isaias response. PURA should make appropriate findings of

imprudence related to Eversource's Make Safe failures in this proceeding, and hold Eversource financially accountable in subsequent proceedings.

C. Eversource's Town Liaison Program Was Ineffective During the Critical Early Days of the Public Safety Emergency

Eversource's liaison program is designed to provide two-way communications between the company and the towns it serves during storm restorations. According to Eversource's ERP, community liaisons are the "conduit for *real-time* information, support, notification, coordination, and communications between municipal officials and the Company for system restoration, including communication of mutual assistance activities." Eversource Response to AG-01, Attachment 1, at 53 (emphasis added). In addition, the Annex mandates that each EDC shall "[p]rovide timely, detailed and accurate information via utility liaisons to . . . affected municipalities." Eversource Response to LCG-471-SP01, Attachment 1, at 23.¹⁸

This program failed to work as intended during the 2011 storms and again failed the towns during Tropical Storm Isaias. In 2012, PURA found that CL&P's town liaison program did not function effectively during the 2011 storms. *See* Docket No. 11-09-09 Decision at 31 ("The Authority was provided considerable examples of instances where CL&P's town liaison program did not function effectively."). PURA's consultant reviewing the EDCs' 2011 storm performance, whose recommendations PURA adopted, suggested that "CL&P enhance its Town Liaison program to create a more coordinated and consistent approach to keeping community leaders and municipal officials better informed of storm restoration status." *Id.* at 34-35.

¹⁸ "Information shall include the following: Status of any pre-designated critical facilities for each of the [EDCs'] municipalities; projected work locations for the restoration crews within the cities and towns (crew locations)[.]"

The evidence in this docket demonstrates that Eversource's liaison program again failed to keep community leaders and municipal officials well-informed of storm restoration status. The credible testimony from multiple town officials as well as Eversource's own admissions demonstrate that Eversource's liaisons provided no more information than what was available on the Eversource website for at least two days after Isaias hit—a website that itself was malfunctioning and providing incorrect data. *See generally* 12/14/20 Tr. (a.m.) & 12/23/20 (a.m.) Tr. at 1447-49. Moreover, although Eversource testified that liaisons are expected to provide their towns with up-to-date information about crew locations, Eversource admitted that in the early days of the Tropical Storm Isaias restoration, liaisons were not able to let their towns know when Eversource crews would be arriving. 12/23/20 (a.m.) Tr. at 1449.

When town leaders do not receive accurate and real-time information from Eversource during an extended electric outage emergency, they are not able to perform their most basic executive function of providing for the safety and welfare of their residents, especially their vulnerable residents. They are also unable to provide accurate and useful information back to the company. For this failure, PURA should make findings of imprudence in this docket and then hold Eversource financially accountable in subsequent proceedings.

VI. UI's TROPICAL STORM ISAIAS RESPONSE

The evidence in this proceeding indicates that UI's response to Tropical Storm Isaias was generally adequate. In many instances UI's preparedness for and response to Tropical Storm Isaias provides an instructive contrast to Eversource. However, UI also experienced communications and other technical issues during its Isaias response that demand improvement.

A. UI's Communications Systems Generally Performed Well During Tropical Storm Isaias

Notwithstanding the power outage event leading to the malfunctioning of UI's Outage Management System ("OMS") for approximately 9.5 hours and other related issues, *see infra*, UI's stress testing of its communications systems prior to this storm event was adequate for its systems to withstand the customer contacts during Tropical Storm Isaias. *See* UI's Response to LCG-113; *see also* 12/18/20 (p.m.) Tr. at 888-89. UI testified that although it received a very high volume of customer contacts during Tropical Storm Isaias, it handled that volume "effectively." 12/18/20 (p.m.) Tr. at 894.

In fact, UI drastically reduced the frequency that its customers received busy signals during Tropical Storm Isaias compared to previous storms. *See id.* at 888-89. During Superstorm Sandy, 60,000 UI customers who called UI's 800 numbers and customer facing toll-free numbers received busy signals. *See id.* at 888. During Tropical Storm Irene, 130,000 UI customers who contacted the company via phone received busy signals. *See id.* However, during Tropical Storm Isaias, only 278 UI customers experienced busy signals, "which occurred largely in a half-hour period when [UI transitioned] from business as usual to outage only mode." *Id.* at 888-89. UI attributes this improvement to representatives working from home and to the high call volume answering system it deployed in 2014. *See id.* at 895-96.

Importantly, before Tropical Storm Isaias hit, UI was prepared for its customers to engage with it via multiple channels at the same time. *See id.* at 897 & 899. UI testified that this dynamic of customers using multiple channels to contact it was known or knowable. *See id.* at 899-90. Specifically, UI's Manager of Workforce Management and Quality Assurance testified that:

because by design we implement these systems with their own separate storage and computing capacity, there isn't a limitation that if we're receiving text messages we can't handle calls or web site inquiries. So there isn't a limitation on that. It's just an extension of another channel that customers can choose which channel they want to use, or if they want to use multiple, we can handle that as well.

Id. at 898.

UI's communications preparation and performance during Tropical Storm Isaias paint a very different picture than that of Eversource. While Eversource's communications scaffolding crumbled under the volume of customer communications during Tropical Storm Isaias, UI's communications systems actually outperformed previous storms by significant measures. Eversource testified that the factors that led to its communications failures were the pandemic conditions, the quick nature of Tropical Storm Isaias, and customers' use of multiple platforms to contact it. Notably, UI experienced those same exact conditions and outperformed previous storms in terms of communications. This is an instructive and stark comparison.

B. UI Experienced a Technical Issue Affecting its Outage Management System

UI's OMS did not update its communication functions for approximately 9.5 hours following the storm. As a result, UI's outage listing and maps on its customer facing website did not update with ETRs for approximately 9.5 hours on August 6, 2020. *See* 12/18/20 (p.m.) Tr. at 877-79. UI's IVR also did not update with new ETR information for this time period. *See id.* In addition, UI's two-way texting either provided stale or no ETR information during the approximate 9.5 hour power outage issue. *See id.* at 893.

UI lost storage for its OMS due to a "series of relatively low probability events that strung together in succession." *Id.* at 879-81. On August 6, 2020, a "blue sky day," UI suffered an outage to the circuit feeding its building where its storage is housed because an insulator failed and UI's generator did not start. *See id.* at 881. Two storage clusters were

manually recovered, but the storage volume that enables UI's OMS to operate had a hardware failure "at a time when [UI] needed it[.]" *i.e.*, when UI was pushing out ETRs to its customers. *Id.*; *see also* UI Response to LCG-107. UI's describes the consequences of the failure as follows:

This hardware failure resulted in a loss of systems used to enter outage notifications on behalf of customers and provide restoration information. Customer representatives working remotely utilizing the Company's Citrix application and the Company's third party Contact Center lost connectivity and were unable to take customer calls. As a result, the Company experienced a reduction of live agents available to handle customer interactions.

UI Response to LCG-107. The particular IBM shared storage array that failed is under warranty and support from IBM; IBM restored full functionality under warranty. *See* UI's Response to LFE-14.

UI's Vice President of Electric Operations testified that he regretted that the outage and related events impacted UI's ability to push out ETRs. *See* 12/18/20 (p.m.) Tr. at 882. He also expressed pride in his management's ability to persevere through unexpected adversity so that the outage and related events did not impact UI's restoration efforts. *See id.*

The Attorney General appreciates the accountability displayed by UI's management, which stands in meaningful contrast to the litany of excuses professed by Eversource for its storm failures. Nevertheless, PURA should examine UI's failures carefully and demand that they be addressed appropriately. The importance of emergency contingency planning and system redundancies are expressed in UI's ERP. UI's ERP requires that it verify that auxiliary generators are properly functioning to ensure emergency power. Specifically, UI's ERP provides:

The Facilities Department, in conjunction with the Manager of Operational Readiness, will conduct an annual full load test of all emergency power to ensure that the auxiliary power generators are functioning properly and that designated computers, printers and communications equipment in the UI EOC function correctly on auxiliary power. Facilities will also verify the auxiliary generator full load running times, fuel supplies and source locations.

UI Response to AG-01, Attachment 2, at 35. During the aftermath of Tropical Storm Isaias, UI's customers did not receive real-time ETRs for approximately 9.5 hours when certain systems went down. During this time, viable contingencies did not keep UI's OMS system running. UI's customers deserve a working and compliant communications system.

VII. THE ATTORNEY GENERAL'S REMEDIAL RECOMMENDATIONS

The Attorney General respectfully provides the following remedial recommendations based on this investigation into the EDC's preparedness for and response to Tropical Storm Isaias.

A. Consumer Storm Credits

Once again, Eversource customers have suffered from its imprudent storm preparation and response. In 2014, PURA found the following:

CL&P's customers suffered tangible great economic losses, including but not limited to lost food, medicine, and income and added expenses for hotels and other items purchased to survive the storm and cold weather conditions during outages. CL&P's customers likewise suffered substantial intangible harms, including but not limited to great levels of inconvenience, uncertainty, and discomfort.

Docket No. 14-05-06, *Application of The Connecticut Light and Power Company to Amend Rate Schedules*, Decision, dated Dec. 17, 2014, at 150 note 34. The only difference here is that instead of suffering the cold weather conditions of late 2011 without electricity, Eversource customers suffered the high heat and humidity of early August 2020 without electricity, and during a global pandemic.

Legislation enacted after Tropical Storm Isaias provides that EDC shareholders shall reimburse customers for spoiled food and medications in an aggregate amount of \$250 for an electrical outage lasting more than 96 consecutive hours. While this remedial relief, effective July 1, 2021, unfortunately does not apply to Tropical Storm Isaias,¹⁹ the Attorney General again calls upon Eversource shareholders to refund Connecticut consumers for their spoiled food and medications from Tropical Storm Isaias.²⁰

B. More Granular ERP Standards & Metrics Relating to Customer Communications

Given the EDCs' communications failures outlined above, the Attorney General submits that PURA should examine more granular ERP communications standards in order to hold the EDCs more fully accountable for their communications during a storm response. In its 2019 study on EDC emergency performance standards,²¹ PURA identified the following as areas for potential EDC improvement: (1) metrics for assessing the performance of the EDCs' communications during emergency events; and (2) within the

¹⁹ See Public Act No. 20-5, *An Act Concerning Emergency Response by Electric Distribution Companies, the Regulation of Other Public Utilities and Nexus Provisions for Certain Disaster-Related or Emergency-Related Work Performed in the State*, Sections 10 & 11 ("Public Act No. 20-5"); see also, generally, PURA Docket No. 20-12-46, *PURA Implementation of Residential Customer Credit and Reimbursements by Electric Distribution Companies for Storm-Related Outages*.

²⁰ In the wake of Tropical Storm Isaias, Eversource shareholders have expended funds that inure to their benefit, but not to the benefit of the consumers that Eversource serves as a public service company. See 1/20/21 Tr. at 1833-37 (After Tropical Storm Isaias, Eversource shareholders funded advertising in Connecticut designed to influence public perception of Eversource's storm response).

²¹ PURA Notice of Admitted Evidence, dated Nov. 30, 2020, Report and Study of the Public Utilities Regulatory Authority Regarding The Standards For Electric Distribution Company Emergency Performance Pursuant To Special Act No. 19-15, *An Act Requiring The Public Utilities Regulatory Authority To Study Performance Standards And Minimum Staffing And Equipment Levels For Electric Distribution Companies*, in Docket 19-06-37, *PURA Review of Standards for Electric Distribution Company Emergency Performance*, dated Feb. 3, 2020 ("PURA's 2019 EDC Emergency Performance Standard Study"), at 2-4.

EDCs' ERPs, inclusion and discussion of policies to perform regular testing of IT systems updates and upgrades. *See* PURA's 2019 EDC Emergency Performance Standards Study at 2. As we have seen, the information consumption patterns and expectations of Connecticut consumers have increased in recent years, most notably during the pandemic. The Attorney General therefore recommends that PURA re-examine the communications standards currently used in each EDCs' ERPs for conformity with modern-day communications patterns and expectations.

None of PURA's emergency performance standards for EDCs are specific to EDC technology systems. *See* Exhibit ES-KK-1 at 7. In 2012, PURA set specific standards for acceptable performance by each EDC in an emergency in which more than 10% of its customers are without service for more than 48 consecutive hours, pursuant to Public Act No. 12-148, *An Act Enhancing Emergency Preparedness and Response*. While thorough and relevant in 2012, this examination did not address communications standards in specific detail. *See, e.g.,* PURA Docket No. 12-06-09, *PURA Establishment of Industry Performance Standards for Electric and Gas Companies*, Decision, dated Nov. 1, 2012, Appendix A ("State of Connecticut Department of Energy and Environmental Protection Public Utilities Regulatory Authority Electric Distribution Company Emergency Performance Standards"), at 4-6.

In comparison, the ERPs of New York EDCs contain more specific communications standards, and the New York Public Service Commission relies upon these more granular standards to hold the NY EDCs accountable for customer communications. *See* Attachment A to this Brief (New York Public Service Commission, Case 20-E-0586, *In the Matter of Department of Public Service Staff Investigation into the Utilities' Preparation for and Response to August 2020 Tropical Storm Isaias and Resulting Electric Power*

Outages, Order to Commence Proceeding and Show Cause, dated Nov. 19, 2020 (“NY PSC Order to Show Cause”). Eversource’s ERP does not contain any metrics defining the frequency that ETRs must be updated on its various communications channels. *See* 12/22/20 Tr. (a.m.) at 97-98. Such metrics would be helpful to hold the EDCs to modern-day communications standards. For example, some New York EDCs’ ERPs contain a metric on how often IVR messages must be updated in relation to the issuance of press releases. *See* NY PSC Order to Show Cause at 20.

In addition, a New York EDC has an ERP metric that outage information must be updated on its website at least hourly. *See id.* at 27. Eversource does not have any metrics related to the frequency of website updates for outage information in its ERP. *See* 12/22/20 Tr. (a.m.) at 1265. Finally, New York EDCs’ ERPs contain requirements that they must contact all critical care customers during the first twenty-hour hours of an emergency, and that the EDC must contact critical care customers daily until power is restored to all customers. *See* NY PSC Order to Show Cause at 29. The Authority should consider similar requirements for Eversource and UI’s ERPs that could prove a useful tool to improve their accountability for communications with critical care customers.

C. More Granular ERP Standards & Metrics Relating to Make Safe Protocols

Eversource testified that it does not have any metrics related to Make Safe Protocols in its ERP or any other document. *See* 12/21/20 (p.m.) Tr. at 1079, *but see supra* (regarding the standards in the Annex, which Eversource’s ERP is intended to align with). In its 2019 Study on EDC Emergency Performance Standards, PURA determined that Make Safe protocol metrics were an area for potential EDC improvement:

Make Safe Protocol. Closer examination of (a) when the Make Safe Protocol does and does not apply; (b) metrics that should be considered to objectively assess the EDCs' Make Safe performance and (c) whether it is appropriate to consider any incremental requirements in addition to the Make Safe Protocol and, if so, what the new requirements should be[.]

PURA's 2019 EDC Emergency Performance Standards Study, at 2.

Eversource provided equivocal testimony on whether it had implemented PURA's Make Safe recommendations in its July 1, 2020 ERP in effect when Tropical Storm Isaias hit. *Compare* 12/21/20 (p.m.) Tr. at 1079 (Eversource testimony that it implemented PURA's Make Safe recommendations in its July 1, 2020 ERP) *with* 1080-82 (Eversource testimony that it did not necessarily take PURA's Make Safe recommendations as something that would need to be included in its Isaias response, and that it is still a recommendation being considered). In any event, Eversource testified that implementing metrics to objectively assess its Make Safe performance would be a best practice for its ERPs. *See id.* at 1083.

In addition to metrics, Eversource's testimony—as well as the testimony of the towns, outlined *supra*—laid bare that Eversource and the towns are not on the same page for Make Safe expectations, roles, and responsibilities. For instance, Eversource testified that the “towns have a different interpretation of what the Make Safe Process is.” 12/21/20 (p.m.) Tr. at 1085. Eversource also stated that:

[W]e get inundated with lists. And four, five days into it, it is list dumping. And the information is old, it is stale, it hasn't been verified by the communities and it is not truly a blocked road that is totally impassible, as the process describes.

Id. at 1087. While Eversource characterizes the responsibility for the towns to be educated about Eversource's Make Safe process as a “joint responsibility,”

Eversource also acknowledged that it is the “subject matter expert regarding the

electric distribution system, the hazards associated with that, how first responders should respond to them.” *Id.* at 1086.

The Attorney General fully supports efforts to establish Make Safe metrics in the EDCs’ ERPs and implement regulatory measures to ensure that EDCs and the towns they serve are in greater synchrony with regard to expectations, roles, and responsibilities for the Make Safe process. This is entirely consistent with the EDCs’ public service obligation to provide safe and reliable electric service to their customers.

VIII. CONCLUSION

The evidence presented in this proceeding makes clear that Eversource has, again, failed to adequately prepare for and respond to a major storm. PURA should hold Eversource accountable in this proceeding through findings of imprudence and impose appropriate remedial measures to protect its customers in advance of the next major storm. The Authority should use these predicate findings of imprudence to hold Eversource financially accountable in future proceedings. In addition, PURA should examine UT’s failures carefully and demand that they be appropriately addressed.

The Attorney General again thanks PURA for its administration of this critical proceeding, and for its careful consideration of the positions taken in this Brief.

Respectfully Submitted,

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