

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter C. INFRASTRUCTURE AND RELIABILITY.

§25.53. Electric Service Emergency Operations Plans.

- (a) **Application.** This section applies to electric utilities (including transmission and distribution utilities), power generation companies (PGCs), retail electric providers (REPs), and the Electric Reliability Council of Texas (ERCOT), collectively referred to as “market entities,” and electric cooperatives. The commission intends that a market entity or electric cooperative apply the requirements of this section in a manner that is appropriate to its particular circumstances. If a provision in this section pertaining to an emergency operation plan does not apply to a market entity or electric cooperative, the market entity or electric cooperative shall include an explanation in its emergency operations plan of why the provision does not apply.
- (b) **Filing requirements.** A market entity shall file with the commission a copy of its emergency operations plan or a comprehensive summary of its emergency operations plan. A new market entity shall file with the commission a copy of its plan or a comprehensive summary before it begins commercial operations. If an electric utility, REP, or ERCOT makes a significant change to its plan, it shall file the revised plan or a revision to the comprehensive summary that appropriately addresses the change to the plan no later than 30 days after the change takes effect. If a PGC makes a significant change to its plan that occurs during the time period November 1 through April 30, it shall file that change by June 1 and for a significant change that occurs during the time period May 1 through October 31, it shall file that change by December 1. A significant change includes but is not limited to a change that has a material impact on how the market entity would respond to an emergency.
- (c) **Information to be included in the emergency operations plan.**
- (1) An electric utility shall include in its emergency operations plans for its transmission and distribution facilities, but is not limited to, the following:
- (A) A registry of critical load customers, as defined in §25.497(a)(1)-(4) of this title (relating to Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers), directly served, if maintained by the electric cooperative. This registry shall be updated as necessary but, at a minimum, annually. The description filed with the commission shall include the location of the registry, the process for maintaining an accurate registry, the process for providing assistance to critical load customers in the event of an unplanned outage, the process for communicating with the critical load customers, and the process for training staff with respect to serving critical load customers.
- (B) A communications plan that describes the procedures for communicating with the public, media, customers, and critical load customers directly served as soon as reasonably possible either before or at the onset of an emergency affecting electric service. The communications plan shall also address the electric utility’s telephone system and complaint-handling procedures during an emergency.
- (C) Curtailment priorities, procedures for shedding load, rotating outages, and planned interruptions.
- (D) Priorities for restoration of service.
- (E) A plan to ensure continuous and adequate service during a pandemic.
- (F) A plan that addresses wildfire mitigation efforts.
- (G) A plan for identification of potentially severe weather events, including but not limited to tornadoes, hurricanes, severely cold weather, severely hot weather, and flooding.
- (H) A plan for the inventory of pre-arranged supplies for emergencies.
- (I) A plan that addresses staffing during severe weather events.

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- (J) A hurricane plan, including evacuation and re-entry procedures (if facilities are located within a hurricane evacuation zone, as defined by the Texas Department of Public Safety's Texas Division of Emergency Management (TDEM).
 - (K) An affidavit from the electric utility's operations officer affirming that all relevant operating personnel of the electric utility are familiar with the contents of the emergency operations plan; and such personnel are committed to following the plan except to the extent deviations are appropriate under the circumstances during the course of an emergency.
 - (L) An affidavit from the electric utility that states that its transmission and distribution emergency management personnel who are designated to interact with local, state, and federal emergency management officials during emergency events have received Federal Emergency Management Agency (FEMA) National Incident Management System (NIMS) training, specifically IS-700.a, IS-800.b, IS-100.b, and IS-200.b.
- (2) An electric utility that operates an electric generation facility or a PGC shall include in its emergency operations plan for its generation facilities, but is not limited to, the following:
- (A) A plan that addresses severely cold weather and severely hot weather.
 - (B) A plan that addresses any known critical failure points, including any effects of weather design limits.
 - (C) A plan that addresses an emergency shortage of water.
 - (D) A plan for identification of potentially severe weather events, including but not limited to tornadoes, hurricanes, severely cold weather, severely hot weather, and flooding.
 - (E) A plan for the inventory of pre-arranged supplies for emergencies.
 - (F) A plan that addresses staffing during severe weather events.
 - (G) Checklists for generating facility personnel to address emergency events.
 - (H) A summary of alternative fuel and storage capacity.
 - (I) A plan for alternative fuel testing if the facility has the ability to utilize alternative fuels.
 - (J) Priorities for recovery of generation capacity.
 - (K) A pandemic preparedness plan.
 - (L) A hurricane plan, including evacuation and re-entry procedures (if facilities are located within a hurricane evacuation zone, as defined by TDEM).
 - (M) An affidavit from an owner, partner, officer, manager, or other official with responsibility for the PGC's operations affirming that all relevant operating personnel of the PGC are familiar with the contents of the emergency operations plan; and such personnel are committed to following the plan except to the extent deviations are appropriate under the circumstances during the course of an emergency.
- (3) A REP shall include in its emergency operations plan, but is not limited to, an affidavit from an owner, partner, officer, manager, or other official with responsibility for the REP's operations affirming that the REP is prepared to implement the plan in the event of an emergency affecting the REP.
- (4) ERCOT shall include in its emergency operations plan, but is not limited to, an affidavit from its operations officer affirming the following:
- (A) ERCOT maintains crisis communications procedures that address communicating with the public, media, governmental entities, and market participants concerning events that affect the bulk electric system;
 - (B) ERCOT maintains a business continuity plan that addresses returning to normal operations after disruptions caused by a natural or manmade emergency; and
 - (C) ERCOT maintains a pandemic preparedness plan.

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- (d) **Drills.** A market entity shall conduct or participate in one or more drills annually to test its emergency procedures if its emergency procedures have not been implemented in response to an actual event within the last 12 months. If a market entity is in a hurricane evacuation zone (as defined by TDEM), at least one of the annual drills shall include a test of its hurricane plan/storm recovery plan. Following the annual drills, the market entity shall assess the effectiveness of the drill and modify its emergency operations plan as needed. An electric utility that provides retail delivery service to retail electric providers or makes retail sales to end-use customers shall notify commission staff using the method and form prescribed by commission staff, as described on the commission's website, and the appropriate TDEM District Coordinators in the electric utility's service area by email or other written form of the date, time, and location at least 30 days prior to the date of at least one drill each year.
- (e) **Emergency contact information.** A market entity shall submit emergency contact information using the method and form prescribed by commission staff, as described on the commission's website. A market entity shall notify commission staff regarding a change to its emergency contact information within 30 days of the change.
- (f) **Reporting requirements.** Upon request by commission staff during an activation of the State Operations Center (SOC) by TDEM, an affected market entity shall provide updates on the status of operations, outages, and restoration efforts. Updates shall continue until all event-related outages are restored or unless otherwise notified by commission staff. After an emergency event declared by the Governor of the State of Texas or the President of the United States of America, commission staff may require an affected market entity to provide an after action or lessons learned report and file it with the commission by a date specified by commission staff.
- (g) **Copy available for inspection.** A market entity shall make available a complete copy of its emergency operations plan at its main office for inspection by the commission staff upon request.
- (h) **Electric cooperatives.**
- (1) **Application.** This subsection applies to an electric cooperative that operates generation, transmission, and/or distribution facilities
 - (2) **Reporting Requirements.** An electric cooperative shall file with the commission a copy of its emergency operations plan or a comprehensive summary of its emergency operations plan. A new electric cooperative shall file with the commission a copy of its plan or a comprehensive summary before it begins commercial operations. The filing shall also include an affidavit from the electric cooperative's operations officer affirming that all relevant operating personnel of the electric cooperative are familiar with the contents of the emergency operations plan; and such personnel are committed to following the plan except to the extent deviations are appropriate under the circumstances during the course of an emergency. If an electric cooperative makes a significant change to its emergency operations plan, it shall file the revised plan or a revision to the comprehensive summary that appropriately addresses the change to the plan no later than 30 days after the change takes effect. A significant change to a plan includes, but is not limited to, a change that has a material impact on how the electric cooperative would respond to an emergency.
 - (3) **Information to be included in the emergency operations plan.** An electric cooperative's emergency operations plan shall include, but is not limited to, the following:
 - (A) A registry of critical load customers, as defined in §25.497(a)(1)-(4) of this title, directly served, if maintained by the electric cooperative. This registry shall be updated as necessary but, at a minimum, annually. The description filed with the commission shall include the location of the registry, the process for maintaining an accurate registry, the process for providing assistance to critical load customers in the event of an unplanned outage, the process for communicating with the critical

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- load customers, and the process for training staff with respect to serving critical load customers.
- (B) A communications plan that describes the procedures for communicating with the public, the media, customers, and critical load customers directly served as soon as reasonably possible either before or at the onset of an emergency affecting electric service. The communications plan shall also address the electric cooperative's telephone system and complaint-handling procedures during an emergency.
 - (C) Curtailment priorities, procedures for shedding load, rotating outages, and planned interruptions.
 - (D) Priorities for restoration of service.
 - (E) A plan to ensure continuous and adequate service during a pandemic.
 - (F) A plan that addresses wildfire mitigation efforts.
 - (G) A plan for identification of potentially severe weather events, including but not limited to tornadoes, hurricanes, severely cold weather, severely hot weather, and flooding.
 - (H) A plan for the inventory of pre-arranged supplies for emergencies.
 - (I) A plan that addresses staffing during severe weather events.
 - (J) A hurricane plan, including evacuation and re-entry procedures (if facilities are located within a hurricane evacuation zone, as defined by TDEM).
 - (K) A statement from an electric cooperative that directly serves retail customers of whether or not its emergency management personnel who are designated to interact with local, state, and federal emergency management officials during emergency events have received Federal Emergency Management Agency (FEMA) National Incident Management System (NIMS) training, specifically IS-700.a, IS 800.b, IS – 100.b, and IS-200.b.
- (4) In addition to the information required by paragraph (3) of this subsection, an electric cooperative that operates an electric generation facility shall include, but is not limited to, the following information in its emergency operations plan:
- (A) A plan that addresses severely cold weather and severely hot weather.
 - (B) A plan that addresses any known critical failure points, including any effects of weather design limits.
 - (C) A plan that addresses an emergency shortage of water.
 - (D) Checklists for generating facility personnel to address emergency events.
 - (E) A summary of alternative fuel and storage capacity.
 - (F) A plan for alternative fuel testing if the facility has the ability to utilize alternative fuels.
 - (G) Priorities for recovery of generation capacity.
- (5) **Preparedness Review.** An electric cooperative shall conduct one or more reviews annually of its emergency procedures with key emergency operations personnel if its emergency procedures have not been implemented in response to an actual event within the last 12 months. If the electric cooperative is in a hurricane evacuation zone, at least one of the annual reviews shall include its hurricane plan/storm recovery plan. Following the annual preparedness reviews, the electric cooperative shall assess the effectiveness of the review and modify its emergency operations plan as needed. An electric cooperative that directly serves retail customers shall notify commission staff using the method and form prescribed by commission staff, as described on the commission's website, and the appropriate TDEM District Coordinators by email or other written form, of the location, date, and time at least 30 days prior to the date of at least one review each year.
- (6) **Emergency contact information.** An electric cooperative shall submit emergency contact information using the method and form prescribed by commission staff, as described on the commission's website. An electric cooperative shall notify commission staff regarding a change to its emergency contact information within 30 days of the change.

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- (7) **Reporting requirements.** Upon request by commission staff during an activation of the SOC by TDEM, an affected electric cooperative shall provide updates on the status of operations, outages, and restoration efforts. Updates shall continue until all event-related outages are restored or unless otherwise notified by commission staff. After an emergency event declared by the Governor of State of Texas or the President of the United States of America, commission staff may require an affected electric cooperative to provide an after action or lessons learned report and file it with the commission by a date specified by commission staff.
- (8) **Copy available for inspection.** An electric cooperative shall make available a complete copy of its emergency operations plan at its main office for inspection by commission staff upon request.
- (i) **Effective date.** The effective date of the amendments made to this section in Project Number 39160 is March 31, 2015 for market entities and June 1, 2015 for electric cooperatives.