

2013 -- H 5587

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS --DUTIES OF UTILITIES AND  
CARRIERS

Introduced By: Representatives Blazewski, Johnston, Gallison, Guthrie, and Lally

Date Introduced: February 27, 2013

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 39-2-25 of the General Laws in Chapter 39-2 entitled "Duties of  
2 Utilities and Carriers" is hereby amended to read as follows:

3           **39-2-25. Contact voltage, detection, repair and reporting.** -- (a) As used in this section  
4 "contact voltage" means and/or refers to a voltage resulting from abnormal power system  
5 conditions that may be present between two (2) conductive surfaces that can be simultaneously  
6 contacted by members of the general public and/or their animals. Contact voltage is caused by  
7 power system fault current as it flows through the impedance of available fault current pathways.  
8 Faults contributing to contact voltage may be due to electric system deterioration or damage, or  
9 improper installation. Contact voltage is of greatest concern in areas where underground electric  
10 distribution systems exist, as faults on those systems may remain active for long periods of time  
11 before detection and repair, and therefore contact voltage is a potential shock hazard.

12           (b) Notwithstanding any general or public law, rule, regulation or order to the contrary,  
13 the Rhode Island public utilities commission and the Rhode Island division of utilities and  
14 carriers shall initiate a proceeding within forty-five (45) days of the effective date of this section,  
15 to establish, after notice and provision of the opportunity for comment and public hearing, a  
16 contact voltage detection and repair program. The program shall require electric distribution  
17 companies to implement appropriate procedures to detect contact voltage on publicly accessible  
18 surfaces which could become energized by contact voltage due to faults in the underground

1 distribution system. The program shall also recognize the potential for publicly accessible objects  
2 such as sidewalks, roadways, fences, storm drains, or other metallic gratings to become energized  
3 by faults to the underground distribution system. The program shall require every electric  
4 distribution company to adhere to appropriate procedures established by the commission to:

5 (1) Designate contact voltage risk areas. - The boundaries of such areas shall be  
6 approved by the commission and shall be based on the presence of underground electric  
7 distribution and situated in pedestrian-dense areas such as urban neighborhoods, commercial  
8 areas, central business districts, tourist heavy locations, and other places where pedestrians could  
9 be exposed to contact voltage;

10 (2) By June 30, 2013, conduct an initial survey of no less than forty percent (40%) of  
11 designated contact voltage risk areas, for contact voltage hazards on all conductive surfaces in  
12 public rights-of-way using equipment and technology as determined by the commission;

13 (3) Beginning July 1, 2013, annually survey no less than twenty percent (20%) of  
14 designated contact voltage risk areas, for contact voltage hazards on all conductive surfaces in  
15 public rights-of-way using equipment and technology as determined by the commission;

16 (4) Repair power system faults of the electric distribution company's underground  
17 distribution system, that result in contact voltage appearing on publicly accessible surfaces of a  
18 level to be determined by the division of public utilities;

19 (5) If during a survey for contact voltage hazards on conductive surfaces in public rights-  
20 of-way, an energized surface is identified and the proximate cause is found not to be a utility  
21 company asset, then the utility company has no legal duty; however, the company may: clearly  
22 designate the area as a contact voltage hazard, and/or notify the account owner or owner of the  
23 asset causing the contact voltage hazard, and inform the owner of his/her obligation to perform all  
24 necessary repairs consistent with the terms contained in this section;

25 (6) Annually report on contact voltage findings, including, but not limited to, the number  
26 and type of energized objects on both company-owned and customer-owned assets, voltage level,  
27 corrective action taken, shocks that occur to members of the public or to pets owned by members  
28 of the public, and any other information that the commission deems appropriate.

29 (c) The commission shall require, as part of the program established pursuant to  
30 subsection 39-2-25(b), that electric distribution companies maintain records of the testing and  
31 subsequent maintenance or repairs performed by such electric distribution companies, and submit  
32 copies of such records to the commission, which shall make the records available for public  
33 inspection. The costs of this program shall be fully recovered by the utility company annually  
34 through a fully reconciling funding mechanism to be submitted annually to the commission for

1 review and approval.

2 (d) The commission shall review and determine which equipment and technology shall  
3 be used for the surveying of contact voltage consistent with paragraphs (2) and (3) of subsection  
4 (b). Such a review may include, but not be limited to, the use of mobile testing technology. [An](#)  
5 [officer of the electric distribution company shall certify, in writing, to the performance of the](#)  
6 [selected technology.](#)

7 (e) Any electric distribution company that fails to comply with the requirements of the  
8 program established pursuant to subsection 39-2-25(b) shall be subject to a penalty to be  
9 determined by the commission and in compliance with Title 39.

10 (f) As used in this section, "electric distribution company" means a company as defined  
11 in subsection 39-1-2(12), but not including the Block Island Power Company or the Pascoag  
12 Utility District.

13 (g) The commission shall, within one hundred twenty (120) days of the effective date of  
14 this section, conclude the proceeding initiated pursuant to subsection 39-2-25(b). Within these  
15 one hundred twenty (120) days, the commission shall also issue an order establishing the contact  
16 voltage detection and repair program. Within one year after the issuance of the order establishing  
17 the program, and during each subsequent one year period following the date of issuance of that  
18 order, the commission shall provide the legislature with a report on the effectiveness of the  
19 program, and any recommendations for any changes thereto, including whether to require the  
20 Block Island Power Company or the Pascoag Utility District to develop and participate in a  
21 contact voltage detection and repair program.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would mandate that an officer of the electric distribution company would certify
- 2   to the performance of the mobile testing technology.
- 3           This act would take effect upon passage.

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