

SENATE BILL 929

C5

EMERGENCY BILL

2lr1227
CF HB 520

By: **Senators Astle, Conway, Ferguson, Gladden, Klausmeier, Young, ~~and Zirkin~~ Zirkin, Mathias, Muse, and Pugh**

Introduced and read first time: February 10, 2012

Assigned to: Rules

Re-referred to: Finance, February 20, 2012

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2012

CHAPTER _____

1 AN ACT concerning

2 **The Deanna Camille Green Act of 2012**

3 FOR the purpose of requiring certain electric companies to file with the Public Service
4 Commission for approval a certain list or voltage survey plan on or before a
5 certain date; requiring an electric company to file a certain voltage survey plan
6 for Commission approval within a certain period of time; requiring, on a certain
7 approval, an electric company to conduct certain surveys of certain objects and
8 surfaces within certain contact voltage risk zones at certain times; requiring an
9 electric company to conduct certain surveys of certain objects and surfaces that
10 are not within a certain contact voltage risk zone at certain times; specifying
11 how an electric company shall test street lights; requiring an electric company
12 to file for Commission approval a certain amended voltage survey plan within a
13 certain time period before implementing a material change to a voltage survey
14 plan; authorizing the Commission to modify certain contact voltage survey
15 requirements under certain circumstances; requiring that certain equipment
16 must be certified by an independent laboratory for certain purposes; requiring
17 an electric company to include certain certification when filing a certain voltage
18 survey plan; requiring an electric company to confirm and document all contact
19 voltage detected in a contact voltage survey in a certain manner; requiring an
20 electric company to make an area safe after detecting a potential contact voltage
21 condition until the condition can be confirmed; requiring that, when an electric
22 company detects a certain contact voltage measurement, the electric company
23 shall maintain certain records, perform a certain contact voltage survey, make a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain area safe, and use best efforts to make a certain permanent repair
 2 within a certain time period if the property is electric distribution plant or a
 3 certain street light or notify a certain person associated with a property that is
 4 not owned by the electric company of the condition and the need for the owner
 5 to make a certain repair; requiring an electric company to file a certain
 6 compliance report with the Commission on or before a certain date each year;
 7 providing for the contents of the compliance report; authorizing the Commission
 8 to impose a certain civil penalty under certain circumstances; ~~requiring the~~
 9 ~~Commission to adopt certain regulations; authorizing the Commission under~~
 10 certain circumstances to waive or modify a certain provision or impose certain
 11 requirements under certain circumstances; requiring the Commission to submit
 12 a certain report on or after a certain date on the progress of the implementation
 13 of this Act and certain regulations; defining certain terms; making this Act an
 14 emergency measure; and generally relating to contact voltage plans and
 15 surveys.

16 BY adding to
 17 Article – Public Utilities
 18 Section 7–214
 19 Annotated Code of Maryland
 20 (2010 Replacement Volume and 2011 Supplement)

21 Preamble

22 WHEREAS, On May 5, 2006, Deanna Camille Green, at the age of fourteen, was
 23 electrocuted by 277 volts on a fence in Baltimore City; and

24 WHEREAS, Contact voltage is a voltage present on a publicly accessible
 25 structure or surface due to faults in buried or internal wiring that poses a safety risk
 26 to pedestrians and pets; and

27 WHEREAS, Deteriorated and damaged utility electric distribution cables may
 28 energize a variety of structures and surfaces in the public right-of-way, including
 29 utility assets such as manhole covers, light poles, and transformer boxes, as well as
 30 nonutility structures and surfaces such as fences, sidewalks, and storm drains; and

31 WHEREAS, On October 28, 2011, the Maryland Public Service Commission
 32 approved the adoption of COMAR 20.50.11 Contact Voltage Survey Requirement and
 33 Reporting (In Memory of Deanna Camille Green); ~~and~~

34 ~~WHEREAS, The regulations, with the exception of parks, do not account for the~~
 35 ~~propensity of electric company owned cables and equipment to energize publicly~~
 36 ~~accessible conductive structures and surfaces not owned by the electric company; and~~

37 ~~WHEREAS, The regulations do not require testing of those structures and~~
 38 ~~surfaces not owned by the electric company, exposing the public to unnecessary and~~
 39 ~~significant risk;~~ now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Public Utilities**

4 **7-214.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “CONTACT VOLTAGE” MEANS A VOLTAGE CONDITION THAT
8 MAY RESULT IN AN OBJECT OR SURFACE BEING INADVERTENTLY ENERGIZED.

9 (3) “CONTACT VOLTAGE RISK ZONE” OR “CVRZ” MEANS THE
10 PORTIONS OF EACH ELECTRIC COMPANY’S SERVICE TERRITORY THAT:

11 (I) ARE SERVED BY UNDERGROUND ELECTRIC
12 DISTRIBUTION PLANT; AND

13 (II) HAVE SUBSTANTIAL PEDESTRIAN TRAFFIC OR
14 POPULATION DENSITY, WHETHER PERMANENT, SEASONAL, OR VARYING BY
15 TIME OF DAY.

16 (4) “CONTACT VOLTAGE SURVEY” MEANS A SURVEY PERFORMED
17 BY AN ELECTRIC COMPANY TO DETECT CONTACT VOLTAGE CONSISTENT WITH
18 THE ELECTRIC COMPANY’S VOLTAGE SURVEY PLAN.

19 (5) (I) “ELECTRIC DISTRIBUTION PLANT” MEANS ALL
20 ELECTRIC COMPANY PLANT USED TO DISTRIBUTE ELECTRICITY TO ITS
21 CUSTOMERS.

22 (II) “ELECTRIC DISTRIBUTION PLANT” INCLUDES COVERS
23 AND PROTECTIVE STRUCTURES.

24 (III) “ELECTRIC DISTRIBUTION PLANT” DOES NOT INCLUDE
25 CUSTOMER METERS AND METER ENCLOSURES.

26 (6) “VOLTAGE SURVEY PLAN” MEANS A PLAN, SUBMITTED BY AN
27 ELECTRIC COMPANY AND APPROVED BY THE COMMISSION, THAT GOVERNS THE
28 ELECTRIC COMPANY’S CONTACT VOLTAGE DETECTION AND TESTING
29 EQUIPMENT AND VOLTAGE DETECTION AND TESTING PROCEDURES TO BE USED
30 WHEN CONDUCTING CONTACT VOLTAGE SURVEYS.

1 **(B) (1) ON OR BEFORE SEPTEMBER 1, 2012, EACH ELECTRIC**
2 **COMPANY SHALL FILE WITH THE COMMISSION FOR APPROVAL:**

3 **(I) A LIST AND LOCATION MAP FOR ALL CVRZS WITHIN ITS**
4 **SERVICE TERRITORY, IF APPLICABLE; OR**

5 **(II) IF NO CVRZS ARE DESIGNATED IN ITS SERVICE**
6 **TERRITORY, A VOLTAGE SURVEY PLAN.**

7 **(2) WITHIN 30 DAYS AFTER THE COMMISSION APPROVES A CVRZ**
8 **WITHIN AN ELECTRIC COMPANY'S SERVICE TERRITORY, THE ELECTRIC**
9 **COMPANY SHALL FILE ITS VOLTAGE SURVEY PLAN FOR COMMISSION**
10 **APPROVAL.**

11 **(3) EACH ON COMMISSION APPROVAL OF ITS VOLTAGE SURVEY**
12 **PLAN, EACH ELECTRIC COMPANY SHALL CONDUCT:**

13 **(I) AN INITIAL CONTACT VOLTAGE SURVEY OF EACH CVRZ**
14 **WITHIN 1 YEAR AFTER THE COMMISSION APPROVES AN ELECTRIC COMPANY'S**
15 **VOLTAGE SURVEY PLAN; AND**

16 **(II) SUBSEQUENT SURVEYS OF EACH CVRZ AS SET FORTH**
17 **IN ITS VOLTAGE SURVEY PLAN.**

18 **(4) EACH ELECTRIC COMPANY SHALL CONDUCT AN INITIAL AND**
19 **EACH SUBSEQUENT CONTACT VOLTAGE SURVEY WITHIN EACH CVRZ OF ALL**
20 **OBJECTS AND SURFACES THAT ARE:**

21 **(I) PUBLICLY ACCESSIBLE;**

22 **(II) CAPABLE OF CONDUCTING ELECTRICITY; AND**

23 **(III) 1. ~~PROXIMATE TO UNDERGROUND~~ PART OF THE**
24 **ELECTRIC DISTRIBUTION PLANT;**

25 **2. ELECTRIC COMPANY OWNED OR MAINTAINED**
26 **STREETLIGHTS;**

27 **3. MUNICIPAL OR GOVERNMENT OWNED**
28 **STREETLIGHTS AND TRAFFIC SIGNALS, IF THE CONSENT OF THE APPROPRIATE**
29 **AUTHORITY IS RECEIVED; OR**

30 **4. PUBLIC PARKS AND PLAYGROUNDS, IF THE**
31 **CONSENT OF THE APPROPRIATE AUTHORITY IS RECEIVED.**

1 **(5) (I) FOR AREAS IN EACH ELECTRIC COMPANY'S SERVICE**
2 **TERRITORY NOT LOCATED IN A CVRZ, EXCEPT FOR WOODEN POLES, THE**
3 **ELECTRIC COMPANY SHALL CONDUCT A CONTACT VOLTAGE SURVEY ON ALL**
4 **PUBLICLY ACCESSIBLE ELECTRIC DISTRIBUTION PLANT AND PUBLICLY**
5 **ACCESSIBLE STREET LIGHTS THAT THE ELECTRIC COMPANY OWNS OR**
6 **MAINTAINS THAT ARE CAPABLE OF CONDUCTING ELECTRICITY:**

7 **1. WITHIN 3 YEARS AFTER THE INITIAL APPROVAL**
8 **OF THE VOLTAGE SURVEY PLAN; AND**

9 **2. SUBSEQUENTLY AS SET FORTH IN ITS VOLTAGE**
10 **SURVEY PLAN.**

11 **(II) AN ELECTRIC COMPANY SHALL TEST EACH STREET**
12 **LIGHT FOR CONTACT VOLTAGE AFTER DARK OR WHEN THE LIGHT IS**
13 **ILLUMINATED.**

14 **(6) AT LEAST 60 DAYS BEFORE IMPLEMENTING A MATERIAL**
15 **CHANGE TO A VOLTAGE SURVEY PLAN, AN ELECTRIC COMPANY SHALL FILE AN**
16 **AMENDED VOLTAGE SURVEY PLAN FOR COMMISSION APPROVAL.**

17 **(7) THE COMMISSION MAY MODIFY THE FREQUENCY OR SCOPE**
18 **OF ANY CONTACT VOLTAGE SURVEY REQUIREMENT ON A SHOWING OF GOOD**
19 **CAUSE.**

20 **(C) (1) EACH ELECTRIC COMPANY SHALL INCLUDE IN ITS VOLTAGE**
21 **SURVEY PLAN ALL EQUIPMENT USED FOR DETECTING CONTACT VOLTAGE.**

22 **(2) (I) THE TYPE OF EACH EQUIPMENT MUST BE CERTIFIED BY**
23 **AN INDEPENDENT TEST LABORATORY AS BEING ABLE TO RELIABLY DETECT**
24 **VOLTAGES OF 6 TO 600 VOLTS.**

25 **(II) EACH ELECTRIC COMPANY SHALL INCLUDE THE**
26 **CERTIFICATION WHEN FILING THE VOLTAGE SURVEY PLAN.**

27 **(D) (1) EACH ELECTRIC COMPANY SHALL CONFIRM AND DOCUMENT**
28 **ALL CONTACT VOLTAGE DETECTED IN ITS CONTACT VOLTAGE SURVEY USING A**
29 **VOLTMETER AND A 500 OHM SHUNT RESISTOR.**

30 **(2) UNTIL A POTENTIAL CONTACT VOLTAGE CONDITION CAN BE**
31 **CONFIRMED UNDER PARAGRAPH (1) OF THIS SUBSECTION, EACH ELECTRIC**
32 **COMPANY SHALL MAKE AN AREA SAFE AFTER DETECTING A POTENTIAL**
33 **CONTACT VOLTAGE CONDITION DURING ITS CONTACT VOLTAGE SURVEY.**

1 **(3) IF AN ELECTRIC COMPANY DETECTS A CONTACT VOLTAGE**
2 **MEASUREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT IS AT LEAST**
3 **1 VOLT OF ALTERNATING CURRENT, THE ELECTRIC COMPANY SHALL:**

4 **(I) PERFORM A CONTACT VOLTAGE SURVEY ON ALL**
5 **OBJECTS AND SURFACES THAT ARE CAPABLE OF CONDUCTING ELECTRICITY**
6 **AND ARE PUBLICLY ACCESSIBLE WITHIN AT LEAST 30 FEET OF THE LOCATION**
7 **OF THE MEASURED CONTACT VOLTAGE;**

8 **(II) WHEN ELECTRIC DISTRIBUTION PLANT OR A STREET**
9 **LIGHT THAT THE ELECTRIC COMPANY OWNS OR MAINTAINS IS INDICATING**
10 **CONTACT VOLTAGE:**

11 **1. IMMEDIATELY AND CONTINUOUSLY MAKE THE**
12 **AREA SAFE; AND**

13 **2. USE BEST EFFORTS TO MAKE A PERMANENT**
14 **REPAIR TO MITIGATE THE CONTACT VOLTAGE AS SOON AS POSSIBLE, BUT NOT**
15 **LATER THAN 45 DAYS ~~EXCEPT AS OTHERWISE APPROVED BY THE COMMISSION~~**
16 **IN, UNLESS THERE ARE EXTRAORDINARY CIRCUMSTANCES ~~IF~~ AND THE AREA**
17 **CONTINUES TO BE MADE SAFE THROUGH A TEMPORARY MEASURE TO MITIGATE**
18 **THE CONTACT VOLTAGE;**

19 **(III) WHEN PROPERTY THAT IS NOT OWNED BY THE**
20 **ELECTRIC COMPANY IS INDICATING CONTACT VOLTAGE, IMMEDIATELY USE**
21 **BEST EFFORTS TO:**

22 **1. MAKE THE AREA SAFE; AND**

23 **2. NOTIFY THE CUSTOMER OR RESPONSIBLE PERSON**
24 **ASSOCIATED WITH THE PREMISES OR CUSTOMER-OWNED FACILITY OF THE**
25 **UNSAFE CONDITION AND THE NEED FOR THE CUSTOMER TO MAKE A**
26 **PERMANENT REPAIR TO MITIGATE CONTACT VOLTAGE; AND**

27 **(IV) MAINTAIN WRITTEN RECORDS OF ITS ACTIONS TO MAKE**
28 **THE AREA SAFE AND MITIGATE THE CONTACT VOLTAGE.**

29 **(E) (1) ON OR BEFORE APRIL 1 OF EACH YEAR, EACH ELECTRIC**
30 **COMPANY SHALL FILE A COMPLIANCE REPORT WITH THE COMMISSION:**

31 **(I) DESCRIBING THE RESULTS OF ITS CONTACT VOLTAGE**
32 **SURVEYS; AND**

1 (II) SUMMARIZING EACH KNOWN CONTACT VOLTAGE
2 ELECTRIC SHOCK AND EACH CONTACT VOLTAGE ELECTRIC SHOCK COMPLAINT
3 RECEIVED FROM A MEMBER OF THE PUBLIC, WHETHER THE SHOCK AFFECTED
4 AN INDIVIDUAL OR AN ANIMAL.

5 (2) THE COMMISSION SHALL APPROVE THE FORM OF THE
6 REPORT.

7 (F) THE COMMISSION MAY IMPOSE A CIVIL PENALTY UNDER THIS
8 DIVISION FOR A VIOLATION OF THIS SUBSECTION.

9 ~~(G) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT~~
10 ~~THIS SECTION.~~

11 (G) THE COMMISSION MAY, IN ITS DISCRETION, THROUGH ORDER OR
12 REGULATION:

13 (1) WAIVE OR MODIFY ANY PROVISION OF THIS SECTION; OR

14 (2) IMPOSE ADDITIONAL REQUIREMENTS AS CIRCUMSTANCES
15 WARRANT.

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
17 2013, the Public Service Commission shall submit a report to the General Assembly, in
18 accordance with § 2-1246 of the State Government Article, on the progress of the
19 implementation of this Act and the regulations under COMAR 20.50.11: Deanna
20 Camille Green Rule – Contact Voltage Survey Requirement and Reporting Authority,
21 including the status and availability of contact voltage technology in the State.

22 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an
23 emergency measure, is necessary for the immediate preservation of the public health
24 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
25 members elected to each of the two Houses of the General Assembly, and shall take
26 effect from the date it is enacted.