

Chapter 625

(House Bill 520)

AN ACT concerning

Electric Companies – Contact Voltage – Surveys and Mitigation – The Deanna Camille Green Act of 2012

FOR the purpose of requiring certain electric companies to file with the Public Service Commission for approval a certain list or voltage survey plan on or before a certain date; requiring an electric company to file a certain voltage survey plan for Commission approval within a certain period of time; requiring an electric company to conduct certain surveys of certain objects and surfaces within certain contact voltage risk zones at certain times and under certain circumstances; requiring an electric company to conduct certain surveys of certain objects and surfaces that are not within a certain contact voltage risk zone at certain times; specifying how an electric company shall test street lights; requiring an electric company to file for Commission approval a certain amended voltage survey plan within a certain time period before implementing a material change to a voltage survey plan; authorizing the Commission to modify certain contact voltage survey requirements under certain circumstances; requiring that certain equipment must be certified by an independent laboratory for certain purposes; requiring an electric company to include certain certification when filing a certain voltage survey plan; requiring an electric company to confirm and document all contact voltage detected in a contact voltage survey in a certain manner; requiring an electric company to make an area safe after detecting a potential contact voltage condition until the condition can be confirmed; requiring that, when an electric company detects a certain contact voltage measurement, the electric company shall maintain certain records, perform a certain contact voltage survey, make a certain area safe, and use best efforts to make a certain permanent repair within a certain time period if the property is electric distribution plant or a certain street light or notify a certain person associated with a property that is not owned by the electric company of the condition and the need for the owner to make a certain repair; requiring an electric company to file a certain compliance report with the Commission on or before a certain date each year; providing for the contents of the compliance report; authorizing the Commission to impose a certain civil penalty under certain circumstances; ~~requiring the Commission to adopt certain regulations;~~ authorizing the Commission under certain circumstances to waive or modify a certain provision or impose certain requirements under certain circumstances; requiring the Commission to submit a certain report on or before a certain date on the progress of the implementation of this Act and certain regulations; defining certain terms; making this Act an emergency measure; and generally relating to contact voltage plans and surveys.

BY adding to

Article – Public Utilities
 Section 7–214
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

Preamble

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

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

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

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

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

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

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

Article – Public Utilities

7–214.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) PUBLICLY ACCESSIBLE;

(II) CAPABLE OF CONDUCTING ELECTRICITY; AND

(III) 1. ~~PROXIMATE TO UNDERGROUND~~ ELECTRIC DISTRIBUTION PLANT;

2. STREETLIGHTS OWNED OR MAINTAINED BY THE ELECTRIC COMPANY;

3. STREETLIGHTS AND TRAFFIC SIGNALS OWNED BY A MUNICIPAL CORPORATION OR OTHER UNIT OF GOVERNMENT, WITH THE CONSENT OF THE APPROPRIATE AUTHORITY; AND

4. PUBLIC PARKS AND PLAYGROUNDS, WITH THE CONSENT OF THE APPROPRIATE AUTHORITY.

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

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

2. SUBSEQUENTLY AS SET FORTH IN ITS VOLTAGE SURVEY PLAN.

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

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

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

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

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

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

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

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

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

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

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

1. IMMEDIATELY AND CONTINUOUSLY MAKE THE AREA SAFE; AND

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

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

1. MAKE THE AREA SAFE; AND

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

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

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

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

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

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

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

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

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

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

(2) IMPOSE ADDITIONAL REQUIREMENTS AS CIRCUMSTANCES REQUIRE.

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

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

Approved by the Governor, May 22, 2012.