

SENATE BILL 747

C5

5lr2495
CF HB 611

By: **Senators Feldman and Lee**

Introduced and read first time: February 13, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Electric Companies – Vegetation Management**

3 FOR the purpose of requiring the Public Service Commission, in adopting certain
4 vegetation management regulations, to require that an electric company's vegetation
5 management program comply with certain standards and to prohibit an electric
6 company from removing a tree on private property unless certain criteria are met;
7 defining a certain term; and generally relating to vegetation management by electric
8 companies.

9 BY repealing and reenacting, with amendments,
10 Article – Public Utilities
11 Section 7–213(a) and (e)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Public Utilities
16 Section 7–213(d)
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2014 Supplement)

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

21 **Article – Public Utilities**

22 7–213.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (i) “Eligible reliability measure” means a replacement of or an
2 improvement in existing infrastructure of an electric company that:

3 1. is made on or after June 1, 2014;

4 2. is designed to improve public safety or infrastructure
5 reliability;

6 3. does not increase the revenue of an electric company by
7 connecting an improvement directly to new customers; and

8 4. is not included in the current rate base of the electric
9 company as determined in the electric company’s most recent base rate proceeding.

10 (ii) “Eligible reliability measure” includes vegetation management
11 measures that are necessary to meet applicable service quality and reliability standards
12 under this section.

13 (3) “Fund” means the Electric Reliability Remediation Fund established
14 under subsection (j) of this section.

15 (4) **“HAZARDOUS TREE” MEANS A TREE OR PART OF A TREE THAT:**

16 (I) **IS DEAD, EXTENSIVELY DECAYED, OR STRUCTURALLY**
17 **WEAK; AND**

18 (II) **IF IT WERE TO FALL, WOULD ENDANGER AN ELECTRIC**
19 **COMPANY’S INFRASTRUCTURE, FACILITIES, OR EQUIPMENT.**

20 ~~[(4)]~~ (5) “System–average interruption duration index” or “SAIDI” means
21 the sum of the customer interruption hours divided by the total number of customers
22 served.

23 ~~[(5)]~~ (6) “System–average interruption frequency index” or “SAIFI”
24 means the sum of the number of customer interruptions divided by the total number of
25 customers served.

26 (d) On or before July 1, 2012, the Commission shall adopt regulations that
27 implement service quality and reliability standards relating to the delivery of electricity to
28 retail customers by electric companies through their distribution systems, using:

29 (1) SAIFI;

30 (2) SAIDI; and

1 (3) any other performance measurement that the Commission determines
2 to be reasonable.

3 (e) (1) The regulations adopted under subsection (d) of this section shall:

4 (i) include service quality and reliability standards, including
5 standards relating to:

6 1. service interruption;

7 2. downed wire response;

8 3. customer communications;

9 4. vegetation management;

10 5. periodic equipment inspections;

11 6. annual reliability reporting; and

12 7. any other standards established by the Commission;

13 (ii) account for major outages caused by events outside the control of
14 an electric company; and

15 (iii) for an electric company that fails to meet the applicable service
16 quality and reliability standards, require the electric company to file a corrective action
17 plan that details specific actions the company will take to meet the standards.

18 (2) The regulations adopted under subsection (d) of this section may
19 include a separate reliability standard for each electric company in order to account for
20 system reliability differentiating factors, including:

21 (i) system design;

22 (ii) existing infrastructure;

23 (iii) customer density; and

24 (iv) geography.

25 (3) In adopting the regulations required under subsection (d) of this
26 section, the Commission shall:

27 (i) consider applicable standards of the Institute of Electrical and
28 Electronics Engineers;

1 (ii) ensure that the service quality and reliability standards are
2 cost-effective; and

3 (iii) with respect to standards relating to vegetation management[,
4 consider]:

5 1. **CONSIDER** limitations on an electric company's right to
6 access private property; [and]

7 2. **CONSIDER** customer acceptance of vegetation
8 management initiatives;

9 **3. REQUIRE THAT AN ELECTRIC COMPANY'S**
10 **VEGETATION MANAGEMENT PROGRAM COMPLY WITH THE INTERNATIONAL**
11 **SOCIETY OF ARBORICULTURE'S BEST MANAGEMENT PRACTICES FOR UTILITY**
12 **PRUNING OF TREES; AND**

13 **4. PROHIBIT AN ELECTRIC COMPANY FROM REMOVING A**
14 **TREE ON PRIVATE PROPERTY UNLESS:**

15 **A. THE TREE IS A HAZARDOUS TREE; AND**

16 **B. THE PRIVATE PROPERTY OWNER HAS CONSENTED TO**
17 **REMOVAL OF THE HAZARDOUS TREE.**

18 (4) A county or municipal corporation may not adopt or enforce a local law,
19 rule, or regulation or take any other action that interferes with, or materially increases the
20 cost of the work of an electric company toward, compliance with the vegetation
21 management standards adopted under subsection (d) of this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2015.