

(S. B. 1426)

(No. 138)

(Approved October 1, 2007)

AN ACT

To amend Section 6 of Act No. 83 of May 2, 1941, as amended, in order to provide for the Electric Power Authority (PREPA) to submit to the Governor and the Legislature of the Commonwealth of Puerto Rico an annual report about its plans to face emergencies caused by hurricanes, storms, fires in facilities or establishments of the Authority, or earthquakes, with regard to the supply of electric power; and for other purposes.

STATEMENT OF MOTIVES

Nothing concerns each Puerto Rican family more than the hurricane and storm season. This atmospheric phenomena season comprises from June 1 to November 30, although the same may occur and form outside of this period. Hurricanes may carry sustained winds of more than 74 mph, while storms may have sustained winds between 55 and 73 mph. In 2005, 26 hurricanes formed in the Atlantic Ocean; fortunately, none of these affected the Island of Puerto Rico.

On September 15, 2004, Tropical Storm Jeanne hit us. As a consequence thereof, the system of the Electric Power Authority shut down completely. The Executive Director of PREPA indicated, in a statement made to the press, that the decision of shutting down the power system throughout the Island was a measure to protect the electrical system and to ensure the safety of workers and citizens.

The Office of the Comptroller issued an Audit Report on this matter (Audit Report CP-06-02) on August 11, 2005. The main finding of said report shows that an internal report submitted by the Executive Director of the Electric Power Authority to the Governing Board of the Corporation, about the management of the electrical system during the passing of Tropical Storm Jeanne, did not include the causes that originated the breakdowns that affected the electrical system; that the personnel of the Office of the Director of the Electrical System did not receive training on the management of the Technical Operations Center to face emergency events such as storms and hurricanes. Furthermore, the PREPA emergency plan for the management of atmospheric disturbances had not been reviewed. A second finding of the Comptroller's report shows deficiencies in the tree trimming program which might result in both local failures and power outages in PREPA's electrical system. Another very interesting finding is the fact that these deficiencies present scenarios in which the safety of the citizens is jeopardized, entailing subsequent adverse effects for the PREPA.

Sometimes, what could have been solved with maintenance and by rendering the emergency plan up-to-date costs much money and suffering to the people of Puerto Rico. If an earthquake, from which we are not exempt occurs, the consequences would be disastrous.

This Act has the purpose of requiring the PREPA to render a annual report to the Governor and the two Chambers of the Legislature of Puerto Rico, stating the measures taken to address emergencies related to atmospheric disturbances such as storms and hurricanes or fires in facilities or establishments of the Authority, as well as the measures to be taken during an earthquake, in order for it to be prepared to face any emergency situation.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A new subsection (v) is hereby added to Section 6 of Act No. 83 of May 2, 1941, as amended, to read as follows:

“Section 6.-

(a) ...

(v) Not later than May 31 of each year, the Executive Director of the Electric Power Authority shall submit a report to the Governor and the two Chambers of the Legislature of the Commonwealth of Puerto Rico, stating the measures taken by the Authority during the preceding calendar year to address the emergencies that may arise with respect to the upcoming hurricane season and other atmospheric disturbances, including floods that may affect the electrical system of the Island. Likewise, said report shall present the plans or protocols adopted to be followed in the case of fires in facilities or establishments of the Authority. It shall include further any measure identified for the prevention and conservation of the electrical lines in the case of an earthquake. The report shall include, without it being understood as a limitation, the following information:

- (1) Improvements to the Electric Power Authority’s Revised Operating Plan for Emergencies due to Atmospheric Disturbances.
- (2) Development of an emergency plan to face a possible seismic disturbance (earthquake), from which the Island is not exempt.
- (3) Plans or protocols adopted to be followed in cases of fire in facilities or establishments of the Authority.

- (4) Status of the tree trimming program in order to protect electrical transmission lines. The Authority shall work in said Program together with the Department of Natural and Environmental Resources in order to protect our trees and prevent them from being damaged.
- (5) Decision-Making Protocol and process to enforce the shutting down of the electrical system.
- (6) Trainings offered to the essential personnel of the Authority to qualify it on the steps to be taken in case of emergencies arising from atmospheric disturbances, fire in facilities or establishments of the Authority or earthquakes as well as a certification attesting that all the personnel conducting supervisory functions in the operating areas has been duly oriented on the norms of the operating emergency plan in effect.
- (7) Contingency plans to address the situation after the passing of a storm, hurricane, fire in the facilities or establishment of the Authority or earthquake, directed to normalizing or reestablishing the electrical system as soon as possible, keeping in mind and giving priority to hospitals, homes for the elderly, and schools, as well as those non-profit agencies and corporations that provide services to the needy of the Island.”

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 138 (S.B. 1426) of the 6th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 6 of Act No. 83 of May 2, 1941, as amended, in order to provide for the Electric Power Authority (PREPA) to submit to the Governor and the Legislature of the Commonwealth of Puerto Rico an annual report about its plans to face emergencies caused by hurricanes, storms, fires in facilities or establishments of the Authority, or earthquakes, with regard to the supply of electric power; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 15th of February of 2008.

Francisco J. Domenech
Director