

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 361 Session of 2001

INTRODUCED BY WOGAN, NOVEMBER 20, 2001

AS AMENDED, HOUSE OF REPRESENTATIVES, DECEMBER 3, 2001

A RESOLUTION

1 Directing the Pennsylvania Public Utility Commission AND THE <—
2 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY to conduct a
3 comprehensive ~~study~~ ASSESSMENT of the ~~safety and security~~ <—
4 policies adopted by ~~utility service providers that protect~~ <—
5 ~~critical utility infrastructures, including operative and~~
6 ~~nonoperative nuclear power plant facilities, private electric~~
7 ~~and natural gas generating plants and independent electric~~
8 ~~system operators and to~~ REGULATED PUBLIC UTILITIES, OPERATIVE <—
9 AND NONOPERATIVE NUCLEAR POWER PLANTS, ELECTRIC GENERATING
10 COMPANIES, NATURAL GAS PRODUCERS, INDEPENDENT ELECTRIC SYSTEM
11 OPERATORS, COOPERATIVE ASSOCIATIONS, MUNICIPAL CORPORATIONS
12 AND MUNICIPAL AUTHORITIES THAT PROTECT CRITICAL UTILITY
13 INFRASTRUCTURES AND recommend prudent strategies to enhance
14 the standards for the physical security ~~of utility facilities~~ <—
15 ~~that create, possess, handle, store or transport energy in~~
16 ~~this Commonwealth.~~ AND INTEGRITY OF THESE FACILITIES. <—

17 WHEREAS, The September 11, 2001, terrorist attacks on the
18 World Trade Center in New York City, the Pentagon in Washington,
19 D.C., and the plane crash in Somerset County, Pennsylvania,
20 clearly demonstrate that neither the United States nor the
21 Commonwealth is immune from orchestrated acts of terrorism; and

22 WHEREAS, The threats of potential terrorist attacks against
23 the United States' CRITICAL utility infrastructures create civil <—
24 unrest and are occurring more frequently since the September 11,
25 2001, attack; and

1 WHEREAS, Maintaining the ~~safety~~ SECURITY and integrity of the <—
2 CRITICAL utility infrastructures of this Commonwealth remains a <—
3 high priority of the General Assembly; and

4 WHEREAS, Terrorist attacks that incapacitate or destroy
5 CRITICAL utility infrastructure systems and operating systems <—
6 compromise the health, safety and welfare of the citizens of
7 this Commonwealth; and

8 WHEREAS, The protection of the critical utility
9 infrastructures in this Commonwealth is necessarily a shared
10 responsibility and partnership between owners, operators and THE <—
11 FEDERAL AND State Government; and

12 WHEREAS, The Pennsylvania Public Utility Commission is
13 responsible for ~~developing energy forecasts, conducting audits,~~ <—
14 enforcing the Public Utility Code and inspecting utility
15 facilities to assure the safe, reliable and adequate delivery of
16 utility service to the citizens of this Commonwealth; and

17 WHEREAS, The Pennsylvania Public Utility Commission is
18 responsible for evaluating programs that ensure the stability of
19 complex and interdependent utility systems in this Commonwealth
20 and for developing policy recommendations that support the
21 ~~continuous~~ operation of interconnected CRITICAL utility <—
22 infrastructures; and

23 WHEREAS, ~~Any physical disruption of the operation of critical~~ <—
24 CRITICAL utility infrastructures in this Commonwealth must <—
25 REMAIN RELIABLE SUCH THAT ANY PHYSICAL DISRUPTION WILL be rare, <—
26 brief, geographically limited in effect, manageable and
27 minimally detrimental to the economy, human and government
28 services and the security of our State and nation; and

29 WHEREAS, THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY IS <—
30 CHARGED WITH THE MANAGEMENT AND COORDINATION OF THE

1 COMMONWEALTH'S EMERGENCY MANAGEMENT PROGRAMS AND ADMINISTERS THE
2 COMMONWEALTH'S EMERGENCY OPERATIONS CENTER (EOC); AND

3 WHEREAS, THE PENNSYLVANIA EMERGENCY MANAGEMENT COUNCIL IS
4 RESPONSIBLE FOR OVERALL POLICY AND DIRECTION OF STATEWIDE
5 DISASTER PROGRAMS AND RESPONSE CAPABILITIES, IS CHAIRED BY THE
6 LIEUTENANT GOVERNOR AND HAS A MEMBERSHIP THAT INCLUDES STATE
7 AGENCIES, COUNTY AND LOCAL GOVERNMENTS; AND

8 WHEREAS, The General Assembly deregulated Pennsylvania's
9 electricity market in 1996 and its natural gas market in 1999,
10 which resulted in privately owned and operated utility
11 generating facilities; and

12 WHEREAS, PJM Interconnection is a ~~privately managed~~ PRIVATE ←
13 limited liability corporation which operates the largest
14 centrally controlled dispatched electric system in North
15 America, providing 23 million consumers in five states with
16 reliable electric service; and

17 WHEREAS, The United States Nuclear Regulatory Commission
18 regulates commercial nuclear power reactors, nonpower research,
19 testing and training reactors, fuel cycle facilities, medical,
20 academic and industrial uses of nuclear materials and the
21 transport, storage and disposal of nuclear materials and waste;
22 therefore be it

23 RESOLVED, That the General Assembly direct the Pennsylvania
24 Public Utility Commission AND THE PENNSYLVANIA EMERGENCY ←
25 MANAGEMENT AGENCY, in cooperation with other Federal and State
26 agencies, the United States Nuclear Regulatory Commission,
27 regulated public utilities, ~~privately owned and municipally~~ ←
28 ~~owned utility companies and independent grid system operators to~~
29 ~~conduct a comprehensive review and evaluation of the safety and~~
30 OPERATIVE AND NONOPERATIVE NUCLEAR POWER PLANTS, ELECTRIC ←

1 GENERATING COMPANIES, NATURAL GAS PRODUCERS, INDEPENDENT
2 ELECTRIC SYSTEM OPERATORS, COOPERATIVE ASSOCIATIONS, MUNICIPAL
3 CORPORATIONS AND MUNICIPAL AUTHORITIES, TO REVIEW AND EVALUATE
4 security policies implemented in and around ~~the~~ PENNSYLVANIA'S <—
5 CRITICAL utility infrastructures ~~in this Commonwealth~~ since the <—
6 September 11, 2001, terrorist attack; and be it further
7 RESOLVED, That the Pennsylvania Public Utility Commission AND <—
8 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY analyze existing
9 utility infrastructure protection and continuity programs and
10 utility-specific proposals to implement counterterrorism threat
11 assessment and risk mitigation policies; and be it further
12 RESOLVED, THAT RECOMMENDATIONS BE MADE BY THE PENNSYLVANIA <—
13 PUBLIC UTILITY COMMISSION AND THE PENNSYLVANIA EMERGENCY
14 MANAGEMENT AGENCY TO THE GENERAL ASSEMBLY CONCERNING STATUTORY
15 CHANGES TO ENABLE COST RECOVERY MECHANISMS FOR ANY SECURITY
16 MODIFICATIONS TO UTILITY INFRASTRUCTURES RECOMMENDED BY THE
17 PENNSYLVANIA PUBLIC UTILITY COMMISSION AND THE PENNSYLVANIA
18 EMERGENCY MANAGEMENT AGENCY; AND BE IT FURTHER
19 RESOLVED, THAT PROPRIETARY, SECURITY AND COMPETITIVELY
20 SENSITIVE INFORMATION AND TRADE SECRETS OF REGULATED PUBLIC
21 UTILITIES, OPERATIVE AND NONOPERATIVE NUCLEAR POWER PLANTS,
22 ELECTRIC GENERATING COMPANIES, NATURAL GAS PRODUCERS,
23 INDEPENDENT ELECTRIC SYSTEM OPERATORS, COOPERATIVE ASSOCIATIONS,
24 MUNICIPAL CORPORATIONS AND MUNICIPAL AUTHORITIES SHALL NOT BE
25 PUBLIC RECORDS FOR PURPOSES OF THE ACT OF JUNE 21, 1957
26 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW, AND
27 SHALL NOT BE SUBJECT TO MANDATORY PUBLIC DISCLOSURE WHICH WOULD
28 COMPROMISE THE SECURITY AND INTEGRITY OF CRITICAL UTILITY
29 INFRASTRUCTURES; AND BE IT FURTHER
30 RESOLVED, That the Pennsylvania Public Utility Commission AND <—

1 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY report ~~its~~ THEIR ←
2 findings and recommendations to the House of Representatives on
3 or before ~~July 15, 2002~~ SEPTEMBER 1, 2002. ←