Public Power Position on Preparing for, Responding to, and Recovering from Disasters

Every year, communities throughout the United States experience events that cause significant damage to utility infrastructure. These events can cause loss of life, human suffering, loss of income, and property and electric infrastructure loss and damage, both from direct impact and from the often-extended periods before electric service can be restored.

As community-owned resources, public power utilities are committed to improving the resiliency of their systems and responding expeditiously to emergencies. Increased resiliency not only decreases the likelihood of outages, but can limit damage to systems and speed restoration. In turn, a speedy restoration of power can reduce losses of life, human suffering, loss of income, and property loss and damage.

To prepare for such events, utilities maintain and implement disaster management and emergency response plans well in advance. Utilities also hold regular drills to ensure readiness.

However, particularly severe or widespread events can turn an emergency into a disaster, which outstrips local and regional resources to respond. In such instances, public power utilities generally rely on mutual aid agreements and federal assistance for the additional resources needed to respond.

A mutual aid agreement between utilities, agencies, organizations, and jurisdictions provides a way to efficiently obtain emergency assistance in the form of personnel, equipment, materials, and other related services from outside the area of impact. If mutual aid from another utility is utilized, a utility must also have a mutual aid agreement in place with that utility before it can seek public assistance for electric restoration work from the Federal Emergency Management Administration (FEMA) for presidentially declared disaster expenses.

A uniform Mutual Aid Agreement developed by APPA, the National Rural Electric Cooperative Association (NRECA), and FEMA in the 1990s, facilitates rapid, short-term deployment of emergency support prior to, during, and after an incident or disaster. Under this uniform agreement, no utility is required to provide assistance; however, should a utility provide assistance, it would do so with the expectation that its costs will be reimbursed.
APPA also administers the Mutual Aid Network (MAN) and Mutual Aid Working Group (MAWG) and participates in the Department of Energy (DOE) Energy Restoration Team (ERT). The MAN connects utilities, state associations, joint action agencies, APPA, and federal/response partners to support the safe and efficient restoration of power through effective resource coordination and information sharing.

The MAWG works collaboratively with state and regional associations, joint action agencies, and individual utilities to identify MAN coordinators that can streamline and aggregate information from a state or region and facilitate communication with APPA to provide consistent, accurate reporting to federal entities. Additionally, the MAWG facilitates the creation of a repository of recognized practices to serve as a resource for public power utilities, allowing utilities to continuously evaluate and improve their level of preparedness for an event of any scale.

DOE has included APPA on the ERT to expedite restoration efforts of the entire energy sector. APPA represents public power utilities on the ERT by providing restoration and recovery updates, in addition to advocating for any access to fuel, permits, or other resources. As such, in the event of a disaster that exceeds the mutual aid resources of the local/regional program, having an organized public power plan is essential.

The federal government, through FEMA, also provides direct assistance to communities affected by disasters by providing public assistance grants for debris removal, emergency response, and utility repair and restoration. This assistance is hugely valuable, but is quite complicated to obtain.

FEMA has exacerbated disaster response costs by often revisiting public assistance grants years after the fact and demanding repayment when alleged errors, most commonly related to documentation or document retention, are found. Congress has sought to curb this practice by imposing a three-year statute of limitations on such “clawbacks.” However, in 2020, FEMA announced it would sidestep this requirement by pausing the three-year limit any time it had further “questions” about the public assistance grant.

Furthermore, while Congress has expanded disaster-related public assistance to encourage communities to make investments in infrastructure resiliency, FEMA guidance makes it very difficult for public power utilities to qualify for such funds.
Recent disaster experiences underscore the value of mutual aid and federal disaster assistance, but also highlights how improvements should be made, including:

- An expansion of voluntary participation in, and coordination of, mutual aid efforts;
- Improvement in the administration and determination of FEMA grants to reimburse utilities, in part by allowing state and local government procurement policies to meet federal procurement requirements under the public assistance grant program. This, in turn, will expedite payments to those utilities that have provided mutual aid;
- Reimbursement of interest accrued on loans to cover disaster-related expenses while awaiting FEMA public assistance grants;
- A reform of federal disaster assistance programs to facilitate greater focus on disaster prevention, staging, system resiliency, program efficiency, and improved oversight; and
- A reform of hazard mitigation programs to avoid penalizing hazard mitigation investments prior to an event.

NOW, THEREFORE, BE IT RESOLVED: That the American Public Power Association (APPA) will continue to work with the Federal Emergency Management Agency (FEMA), Department of Energy, Department of Homeland Security, and other federal agencies to improve preparedness, coordination, communication and understanding between these federal entities, APPA, and utilities, and to streamline the administrative obstacles to procuring assistance during and after a major storm/event;

BE IT FURTHER RESOLVED: That APPA will work with its members, other utility associations, and federal agencies to enhance communication, resource, and information sharing during preparation and recovery from disasters;

BE IT FURTHER RESOLVED: That APPA will continue to educate and encourage all APPA members to sign the APPA mutual aid agreement, and be ready to assist other public power utilities in times of need; and

BE IT FURTHER RESOLVED: That APPA calls on Congress to reform the Stafford Act to improve the administration and determination of FEMA grants: to better enable utilities to use federal funds for disaster preparedness, prevention, and system resiliency investments; to expedite federal payments to utilities for both direct disaster responses and mutual aid payments; and to provide adequate federal funding for disaster response.
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