

Sponsors: Florida Municipal Electric Association; Orlando Utilities Commission; Northern California Power Agency; Tennessee Municipal Electric Power Association; Minnesota Municipal Utilities Association

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

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

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

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

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

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

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25 A uniform Mutual Aid Agreement developed by APPA, the National Rural Electric Cooperative
26 Association (NRECA), and FEMA in the 1990s, facilitates rapid, short-term deployment of emergency
27 support prior to, during, and after an incident or disaster. Under this uniform agreement, no utility is
28 required to provide assistance; however, should a utility provide assistance, it would do so with the
29 expectation that its costs will be reimbursed.

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31 APPA also administers the Mutual Aid Network (MAN) and Mutual Aid Working Group (MAWG) and
32 participates in the Department of Energy (DOE) Energy Restoration Team (ERT). The MAN connects
33 utilities, state associations, joint action agencies, APPA, and federal/response partners to support the safe
34 and efficient restoration of power through effective resource coordination and information sharing.

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

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

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

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

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60 Furthermore, while Congress has expanded disaster-related public assistance to encourage communities to
61 make investments in infrastructure resiliency, FEMA guidance makes it very difficult for public power
62 utilities to qualify for such funds.

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64 Recent disaster experiences underscore the value of mutual aid and federal disaster assistance, but also
65 highlights how improvements should be made, including:

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

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

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

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

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

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