



# PSE&G Becomes First Utility to Meet Department of Homeland Security Anti-Terrorism Standards

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PSEG is the first public utility in the United States to obtain SAFETY Act liability protections from the U.S. Department of Homeland Security for the deployment of physical security measures that are designed to detect, deter and recover from acts of terrorism.

The protections cover the PSEG Holistic Security Model, a customized anti-terrorism program that is designed to identify and reduce risks based on comprehensive planning processes and physical security measures at five PSE&G critical electrical sites in New Jersey that are subject to North American Electric Reliability Corporation Critical Infrastructure Protection (NERC CIP) standards, and runs through July 31, 2023.

“PSEG immediately recognized the value of having PSE&G become the first public utility to be granted SAFETY Act protection,” said Aaron T. Ford, Vice President and Chief Security Officer of PSEG’s Corporate Security and Claims group. “The SAFETY Act process not only offered us an opportunity to demonstrate our industry leadership, it also helped us identify ways to make our security program even stronger and more dynamic. That intangible benefit – learning how we and our industry partners can better protect America’s energy infrastructure – was itself worth the effort.”

Congress enacted the SAFETY Act after the Sept. 11, 2001, terrorist attacks as an incentive for private companies to develop and deploy effective anti-terrorism technologies and services. In particular, the Act offers significant liability protections from lawsuits in the event that a terrorist attack impacts a company’s “Qualified Anti-Terrorism Technology.” These protections include: limited or no liability to third persons, the elimination of punitive damages, and exclusive jurisdiction in federal court over any lawsuits arising from such an attack. To qualify for protection under the SAFETY Act, companies must file an application with DHS that, among other criteria, demonstrates the “substantial utility and effectiveness” of their anti-terrorism security deployments.

To assist with the SAFETY Act application process, PSEG engaged Ray Biagini and Alex Sarria of Covington & Burling LLP who worked closely with an integrated team of PSEG senior security managers.

The PSEG Holistic Security Model consists of 11 core components:

1. PSEG’s Infrastructure Risk-Rating Tool and Vulnerability Assessment Processes;
2. PSEG’s Business Interruption Management Model;
3. PSEG’s Industry Liaison Security Model;
4. PSEG’s Threat Level Advisory System;
5. PSEG’s Enterprise Security Plans and Procedures;
6. PSEG’s Security Awareness Training Program;
7. PSEG’s Background Checks and Insider Threat Mitigation Program;
8. PSEG’s Security Command Centers;
9. PSEG’s Physical Security Measures and Equipment;
10. PSEG’s Procurement Processes for Physical Security Services and Equipment; and
11. PSEG’s Physical Security Exercises and Assessments.

“The liability protections granted to PSE&G open up a new frontier for the SAFETY Act program,” said Ray Biagini of Covington & Burling LLP, who conceived and authored the key liability protection provisions of the SAFETY Act statute and who assisted PSE&G with its SAFETY Act application. “It sends a clear message to energy and utility companies that DHS is willing to work through complex applications that are of a great consequence to our national security. As the first-of-its-kind, this decision will help set the standards by which future energy and utility SAFETY Act applications are evaluated.

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## **About PSEG and PSE&G**

*Public Service Enterprise Group (NYSE: PEG) is a publicly traded diversified energy company with annual revenues of \$9.1 billion and approximately 13,000 employees. Headquartered in Newark, N.J., PSEG's principal operating subsidiaries are: Public Service Electric and Gas Company (PSE&G), PSEG Power and PSEG Long Island. PSEG is a Fortune 500 company included in the S&P 500 Index and has been named to the Dow Jones Sustainability Index for North America for 10 consecutive years ([www.pseg.com](http://www.pseg.com)) [5].*

*Public Service Electric and Gas Company (PSE&G) is New Jersey's oldest and largest regulated gas and electric delivery utility, serving nearly three-quarters of the state's population. PSE&G is the winner of the ReliabilityOne Award for superior electric system reliability. PSE&G is a subsidiary of Public Service Enterprise Group Incorporated (PSEG) (NYSE: PEG), a diversified energy company.*

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