Date Filed: November 02, 2026

Witness: Mark P. Baldwin, Christopher E. Colorio, John G. Griffin and Leanne M. Landry
Request from: Office of Consumer Counsel

Question:

(MS24E) Please refer to the Responses to OCC-871 and 872. Please confirm this vendor's crews are paid for their time eating breakfast before they begin working at a job site. Cite to applicable contract provisions in the record.

Response:

The contractor's crews are compensated beginning at the commencement of their scheduled work shift, which may include time during which crews consume breakfast prior to proceeding to their first assigned work location.

Emergency restoration operations require crews to perform various preparatory activities prior to beginning work at an assigned job site. These activities include, but are not limited to, conducting safety briefings, performing U.S. Department of Transportation (DOT) mandated pre-trip vehicle inspections, replenishing materials and supplies, and receiving work assignments. Crews may also consume meals during this period. The sequence in which these activities are completed may vary depending on operational circumstances and restoration priorities.

As provided in OCC-044, Attachment 1 CONFIDENTIAL, page 4529, Exhibit A Pricing Schedule, working rates are payable from the commencement of applicable Emergency Response Work through the termination of such Emergency Response Work.

Emergency restoration activities are not limited to the physical execution of an individual work ticket. Numerous activities occur throughout a normal work shift that may not be directly attributable to a specific work ticket but are necessary to support crew readiness, employee safety, and efficient restoration operations.

Accordingly, the Company considers the time at issue compensable as part of the contractor's established work shift, consistent with the applicable contractual provisions. The consumption of breakfast is not considered a separately billable activity, but rather an incidental activity that may occur during an otherwise compensable period of Emergency Response Work.