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The Honorable George Rauscher
Alaska State Representative
State Capitol Room 426
Juneau, AK 99801

Dear Representative Rauscher:

Alaska Power Association (APA) strongly supports House Bill 29, which would protect Alaska electric ratepayers from increased costs by clarifying that utilities are not liable for damage caused by vegetation outside their legal rights-of-way contacting electric facilities. The legislation also makes clear that electric utilities are only liable for damage inside an easement if the utility did not adhere to its vegetation management plan.

APA is the statewide trade association for electric utilities in Alaska. Our members provide power to more than a half-million Alaskans from Utqiagvik to Unalaska, through the Interior and Southcentral, and down the Inside Passage.

HB 29 will protect Alaska's electric ratepayers from shouldering costs related to damage caused by vegetation outside a utility's control. HB 29 also protects utilities that create and follow a written vegetation management plan for the easements and rights of way that they do control.

Electric utilities do not have legal access to vegetation located on land outside a utility's right-of-way. This creates a situation where trees or other vegetation outside the right-of-way but large enough to fall inside the right of way and contact power lines or other utility infrastructure pose an uncontrollable risk. Electric utility ratepayers should not bear the burden of liability for wildfires caused by vegetation beyond utility easements and rights-of-way. Similarly, utilities should also be protected for following their vegetation management plans within their easements and rights-of-way.

Importantly, HB 29 does not eliminate liability for electric utilities – they will still be liable if they are found to have failed to follow their own vegetation management plan or if the utility causes vegetation outside the right-of-way to contact powerlines.

As factors that cause wildfires increase – hotter, drier summers, invasive insects, and longer growing seasons – it is imperative that HB 29 pass to protect Alaska electric utility ratepayers.

Sincerely,

Crystal Enkvist
Executive Director