

April 9, 2021

Senator Peter Micciche  
Senate President, Alaska Legislature  
State Capitol Room 111  
Juneau AK, 99801

SUBJECT: Senate Bill 110 Support

Dear Senator Micciche:

Copper Valley Electric Association strongly supports SB110, which would clarify in statute that an electric utility may not be held liable for property damage, death, or personal injury resulting from contact between vegetation outside a utility's right of way (ROW) and utility infrastructure. Thus, protecting the rate payers, which in most cases in Alaska are the member owners of the electric cooperative or the citizens of the municipality.

Even prior to the news of the California wildfires, CVEA has been very aggressive to re-establish and maintain our rights of way. Not only is it our responsibility as the stewards of the utility rights of way, but it is also the prudent thing to do. Maintaining the ROW in Alaska can be very difficult work. In places like the southeast and even in Valdez the trees and vegetation grow about as fast can be cleared.

CVEA's Vegetation Management Plan describes the width of ROW that can be cleared for both distribution and transmission assets, the methods that are used to clear that ROW (both hand clearing and the use of mechanical equipment: Fecon mowers and vertical clearing machines), the rotation of which feeder or feeders will be cleared on any given year, and how frequently they need to be revisited. CVEA's 106-mile-long transmission line is maintained at a 100-foot-wide clearing through some of the most rugged terrain in Alaska and we have re-established nearly the entire length of this line since 2016. If a tree from outside the ROW were to fall into our lines and cause a fire it does not seem right for the utility that has an established plan and are doing their due diligence to maintain those rights of way to be held liable for the property damage caused by that tree when we do not have the legal right to remove vegetation outside the easement boundaries.

Unlike many utilities in the Lower 48, remotely isolated utilities run the risk of having to shut down the power system if a lawsuit were to bankrupt the utility. In most cases, there is not another option for residents or businesses to receive electrical services. Essentially, if the utility were sued those who would be ultimately hurt by it would be the member-owners, not the shareholders like a for-profit electric utility.

Without the changes to the Alaska statute that are introduced in SB110, it leaves very few cost-effective options for the utilities to mitigate those risks. Again, with any cost burden being passed on to the member-owners.

Increasingly warm summers in the interior of the state brings drier conditions, increased number of spruce beetle killed trees, and higher risks of wildfires. I strongly urge you to consider passing SB110 to protect the Alaska electric utilities and their member-owners.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Million", with a long horizontal stroke extending to the left.

Travis Million  
Chief Executive Officer