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February 25, 2020

The Honorable John Coghill
Alaska State Senator
State Capitol Room 103
Juneau, AK 99801

Dear Senator Coghill:

Alaska Power Association (APA) strongly supports Senate Bill 193, 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. SB 193 will protect Alaska's electric ratepayers from shouldering costs related to damage caused by vegetation outside a utility's control. SB 193 also protects utilities that create and follow a written vegetation management plan for the easements and rights of way that they do control.

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.

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 utilities should not bear the burden of defending against lawsuits over wildfires caused by vegetation beyond those utilities' easements and rights of way. Similarly, they should also be protected when they develop and carry out vegetation management plans within their easements and rights of way.

The reforms in SB 193 will protect Alaska consumers from ultimately having to pay the cost through electric rates in cases where fires began on property not under a utility's control. Electric utilities Outside have run into serious financial difficulty in such instances and Alaska is starting to see such litigation.

Without the needed changes made through SB 193, the only other options for utilities are to bury electric lines, which is extremely costly, or to acquire easements wide enough to completely eliminate the possibility that vegetation from outside the right of way ever contacts power lines. The latter, while also costly, is environmentally and logistically unfeasible in most areas.

As factors that cause wildfires increase – hotter, drier summers, invasive insects, and longer growing seasons – it is imperative that SB 193 pass to protect Alaska electric utilities and ratepayers.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Crystal Enkvist', with a stylized flourish at the end.

Crystal Enkvist
Executive Director