

A Letter in Opposition to HB 227 Electric Utility Liability

“You can’t start a fire without a spark” (Bruce Springsteen, “Dancing in the Dark”)

We are writing to oppose HB 227. This bill seeks to absolve electrical utilities of responsibility for damages that occur from fires caused by vegetation contacting their electrical lines, if that vegetation originates from outside of the utilities cleared right-of-way. Utility companies are interested in passing this legislation because electrical utilities have been held responsible for extensive homeowner and infrastructure damage from catastrophic wildfires caused by downed electrical lines.

We oppose this legislation for two reasons:

- 1. The legislation removes incentives for utilities to harden distribution lines and to implement other fire prevention strategies.** For example, burying distribution lines is an obvious means to reduce the likelihood of wildland fire. GVEA, our local utility, will not bury distribution lines, even new ones in very fire-prone areas, because it would increase costs to consumers. Three years ago the power line was extended across an easement on our property. We offered to contribute towards burying the line, but the utility was not interested despite the line going through an over-mature forest with trees 100-ft high. Instead, an above-ground bare-wire line was installed with no fire-prevention strategies. In other fire-prone areas in western North America electric utilities are burying distribution lines and implementing other wildfire mitigation strategies including: row vegetation management, fast trip circuit interrupters to minimize time of electricity contact with downed vegetation: insulating distribution lines; and turning off power to selective distribution lines in fire-vulnerable areas when winds are high and vegetation is dry (<https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-and-enforcement-division/documents/epss-reports/utility-benchmarking-of-fast-trip-schemes-and-relay-technologies-for-fire-mitigation.pdf>) . Granting utilities blanket indemnity, removes the incentive for utilities to employ many of these fire prevention strategies.
- 2. The legislation shifts liability from the entity providing the spark (electrical utilities) to land owners.** Easements for distribution lines are only 30 feet wide; however the trees adjacent to the cleared easement can be 100 feet high. If the electrical utility is not liable for the spark from their power lines and a fire results, the owner of the tree that fell on the lines may be held accountable for wildfire damages. Often a tree that looks healthy falls, or in the case of a high wind event, multiple healthy trees may topple from outside the easement. If HB 227 passes and property owners are now found to be liable for catastrophic wildfire damage, will insurance costs skyrocket for property owners that have an electrical easement? Will homeowners with power line easements need to cut their trees to avoid liability? When trees are tall this may require clearing 100 feet on each side of the distribution line. What effect will this legislation have on property values of properties with electrical easements? Would decreased property values constitute a takings and require compensation? Would the State or utilities compensate the property owners?

Above ground power lines in the urban - wild land interface and in other forested areas are a fire risk. HB 227 is deeply flawed and does not address the issue of how to mitigate this risk. It merely shifts the liability from the source of ignition (the utility company), to the unsuspecting property owner whose assets and insurance costs could be significantly impacted were this bill to pass.

Sincerely,

Jeff and Sarah Conn
PO Box 127: Ester, AK 99725