



1-888-440-3311

P.O. Box 1937, Hughesville, MD 20637

www.smeco.coop

People. Power. Progress.

February 25, 2021

HB 1231: Public Service Commission – Damaged, Obsolete, or Excessive Lines - Fines

Committee: House Economic Matters

Position: Opposed

Southern Maryland Electric Cooperative (SMECO), a member-owned electric cooperative based in Hughesville that provides electricity to more than 166,000 customers in Charles, St. Mary's, Calvert and southern Prince George's County, opposes HB 1231. The bill requires the PSC to notify the owner of a utility pole if the Commission receives notice related to a utility pole regarding damage, dangling, obsolete, redundant lines, blight, or public nuisance caused by an excessive number of lines on a utility pole. The bill also requires the owner of a utility pole to investigate and repair or remove offending lines within 30 days of receiving notice of an issue listed above. Finally, the bill imposes a fine of \$250 on the owner of the utility pole for each day of non-compliance if the offending line or lines are not repaired or removed within 90 days after the Commission notifies them about the condition of the lines.

SMECO has multiple concerns with HB 1231. First, and of particular concern is the excessive nature of the penalties outlined in the legislation. The bill requires within 30 days after receiving notice from the PSC, the owner of the utility pole shall require the person that controls the line or lines to investigate and where appropriate, repair or remove the offending line or lines.

If the offending line or lines are not repaired or removed within 90 days after the PSC notifies the owner of the utility pole about the condition of the lines then the PSC is required to impose a fine on the owner of the utility pole of \$250 for each day of noncompliance. This provision would be nearly impossible for SMECO to satisfy since the Cooperative utilizes the National Joint Utilities Notification system (NJUNS) to coordinate joint ventures regarding pole attachments and are contractually obligated to refrain from tampering with equipment owned by third parties and placed on its poles. How will SMECO require that the owner of the offending lines remove infrastructure and then consequently be held accountable for the lack of action by the offending line owner?

In effect, the proposed legislation levies an extraordinary fine on the owner of the pole for which the owner of the pole has no authority to remedy. Additionally, since SMECO is a cooperative, owned by its members, this requirement would be a pass-through cost and would result in a negative financial impact on ratepayers, regardless of whether the lines are utility lines or third party telecommunication lines.

For more information, contact: Tom Dennison, SMECO
Government Affairs Managing Director
240-506-6772 • tom.dennison@smeco.coop



1-888-440-3311

P.O. Box 1937, Hughesville, MD 20637

www.smeco.coop

People. Power. Progress.

The proposed legislation would put an additional burden on the PSC to rely on public opinion to make a determination and file a complaint regardless of whether the complainant has the necessary credentials, background or expertise related to engineering, construction and infrastructure. The PSC would also be required to determine who owns the pole and which utility lines are on the pole.

Finally, the length of time by which the utility is required to upgrade, relocate, remove or underground existing infrastructure is insufficient because that removal process requires survey, design, acquisition of necessary materials and permits to complete many infrastructure changes.

For the reasons explained above, SMECO respectfully requests an unfavorable report on HB 1231.

For more information, contact: Tom Dennison, SMECO
Government Affairs Managing Director
240-506-6772 • tom.dennison@smeco.coop