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Oppose Senate Bill 754

SB 754 – Public Service Commission – Damaged, Obsolete, or Excessive Lines

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) oppose **Senate Bill 754 – Public Service PSC – Damaged, Obsolete, or Excessive Lines**. Senate Bill 754 would require the Public Service Commission (the “PSC” or the “Commission”) to promptly notify the owner of a utility pole after the Commission receives notice of a damaged, dangling, obsolete, or redundant lines on a utility pole, or blight or public nuisance caused by an excessive number of lines on a utility pole. The bill would also mandate the owner of a utility pole to require the person or entity that controls the affected line or lines to investigate, repair, or remove offending lines within 30 days of receiving notice from the Commission of any one of the above-listed issues. Finally, the bill would impose a fine of \$250 on the utility pole owner for each day of non-compliance if the offending line or lines are not repaired or removed within 90 days after the Commission notifies the utility pole owner about the condition of the lines.

SB 754 places an additional burden on the Commission to rely on public assessment of the state and condition of lines attached to utility poles. It further obligates the Commission to act regardless of whether the complainant has the necessary credentials or background, or expertise related to engineering, construction and infrastructure.

In addition, SB 754 does not define “damaged,” “dangling,” “redundant,” “obsolete,” “blight” or “public nuisance”, which leaves open interpretation of these terms by the general public. Without defined terms to serve as a guide for the application of the bill’s intent, there is no standard by which the general public can uniformly consider and follow when filing a complaint with the Commission. This will invariably lead to many frivolous investigations of complaints about pole lines that are based on entirely subjective opinions of the public. In short, this bill would provide unfettered discretion to unqualified and/or improperly motivated individuals who may simply not want to look at utility poles and their lines.

SB 754 provides a 90-day window within which the entity controlling the line or lines is required to repair or remove the offending lines. This short time frame is unmanageable. In some instances, for example, damaged lines attached to utility poles require substantial time and expense to upgrade, relocate, remove, or fix underground existing infrastructure associated with lines and utility poles. That process often requires formal surveys, remediation design-work, acquisition of necessary materials and permits to complete any necessary infrastructure change. That process, when undertaken in an efficient and expeditious matter can take more than 90 days, yet under the existing framework of this bill, the owner of the utility pole would be subject to a penalty of \$250

for each day beyond the 90-day period, even if the owner or entity controlling the line caused no delay to remediation efforts.

Finally, the onerous nature of the penalties outlined in the legislation is overbroad and improperly focused on the pole owner. The owner of the dangling line should be responsible for any penalties for failure to maintain or repair lines. SB 754 requires, within 30 days after receiving notice from the Commission, the owner of the utility pole to 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 Commission notified the owner of the utility pole, then the Commission shall impose a fine on the owner of the utility pole of \$250 for each day of noncompliance. Utility pole owners are not necessarily qualified nor authorized to repair other parties' lines. SB 754 unfairly holds the utility pole owner responsible when legitimate issues to lines may be caused by an entity that does not own any utility poles.

For the above reasons, Pepco and Delmarva Power respectfully request an unfavorable vote on Senate Bill 754.

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