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**Testimony Neither for nor Against  
LD 1223, “An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public  
Utility Equipment”  
May 10, 2023**

Senator Lawrence, Representative Zeigler and distinguished members of the Joint Standing Committee on Energy, Utilities, and Technology,

My name is William Harwood, here today as Public Advocate, to testify neither for nor against the sponsor’s amendment to LD 1223, “An Act to Clarify Cost Allocations and Insurance in the Joint Use of Public Utility Equipment.”

The OPA appreciates the desire for more clarity regarding pole attachments. However, our Office has concerns about ratepayers absorbing the costs of any errors or omissions by municipalities or their contractors who are seeking to attach to a utility pole. OPA believes that ratepayers should be protected from such risk of liability.

OPA proposes that the bill be amended further to require municipalities to indemnify the utility owning the pole from any liability arising out of acts or omissions of the municipality or its contractor, related to the municipality attaching facilities to the utility’s pole.

Thank you for your time, attention, and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 1223 and will be available for the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

A handwritten signature in cursive script that reads "William S. Harwood".

William S. Harwood  
Public Advocate