

Testimony in Partial Opposition to LD 1929, An Act to Improve Public Utility Service by Addressing Seasonal Property Hazards

Senator Lawrence

Representative Sachs

Members of the Joint Standing Committee on Energy, Utilities and Technology

My name is Debra Hart, and I am a resident of Manchester, Maine. I am providing this testimony on behalf of my clients, the Dirigo Electric Cooperative. The Dirigo companies, which are consumer-owned, include Van Buren Light & Power District, Houlton Water Company, Eastern Maine Electric Cooperative, Fox Island Electric Cooperative, Madison Electric Works, Kennebunk Light & Power District, Isle Au Haut and the Brunswick Landing Electric Utility (collectively, "the COUs").

LD 1929, though perhaps well intentioned, has several flaws that cause concern for the consumer-owned utilities. Property owners are responsible for maintaining their property and ensuring compliance with all applicable ordinances. LD 1929's classification of a 'seasonal residential dwelling' suggests that seasonal dwellings have a different standard than dwellings occupied year-round. Neither the State, the PUC, nor utilities have a duty to identify, classify, and track dwelling use, especially when a dwelling may meet certain criteria for one year but not the following year. Property owners are obligated to inspect potential hazards, such as overgrown trees or damaged utility lines regardless of often they use the property. There should not be different levels of duty or liability for dwellings based on how often the dwelling is occupied. LD 1929 would unintentionally create an insufficient basis for determining property owner negligence.

Additionally, LD 1929 creates a subjective standard for utilities that is not based on utility best practices determined by the industry. If there is a downed line, it will be handled by the utility. A line may appear to be damaged but may be perfectly fine, or it may be on the list for upgrading as a part of the utility's regular maintenance schedule. Utilities set priorities for replacements or upgrades to lines regardless of the seasonal or year-round nature of dwelling use. Property owners are already obligated to report damage, provide appropriate contact information for the account, and follow the utility's procedures for line repair notifications. Utilities are not responsible for managing seasonal dwellings differently from year-round customers or creating special protocols for seasonal customers.

Utilities already have protocols on how they address storm-restoration and other weather-related events. Those protocols are to ensure the timely and efficient operations, maintenance and restoration of utility service for the entire utility system, and not for one particular customer class (seasonal residential dwellings). In addition, the requirement to conduct inspections at least annually of a portion of a utility line with a history of outages and those with a history of issues related to seasonal resident dwellings is unnecessary and burdensome since utilities have well-established outage and maintenance protocols related to their entire service territory.

In addition, the COUs object to the Commission providing financial assistance to low-income owners of seasonal residential dwellings, which is likely to result in Maine ratepayers paying (through annual fees to fund the Commission) to hire caretakers for out-of-state homeowners. The COUs also object to the mandate that utilities seek federal grants to fund specific services to seasonal dwellings. Numerous dwellings in Maine are seasonal homes owned and used by out-of-state owners. Maine ratepayers should not be obligated to provide them with free or subsidized services or hold them to a lesser standard than owners of year-round dwellings.

For these reasons COUs respectfully oppose this bill.

Thank you for your time and attention. I'd be happy to answer any questions you may have.