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March 24, 2015

Office of the Public Advocate Testimony AGAINST LD 797 "An Act to Ensure Reliable Power Supply to Homes and Businesses"

Dear Representative Dion, Senator Woodsome, and members of the Energy, Utilities and Technology Committee,

The Office of the Public Advocate testifies in opposition to LD 797 "An Act to Ensure Reliable Power Supply to Homes and Businesses." The legislation would likely significantly increase costs for Maine ratepayers and provide uncertain benefits in improved reliability. We believe that the existing process before the Public Utilities Commission uses the Commission's expertise to effectively evaluate the tradeoff between improved reliability and increased costs.

LD 797 is aimed at addressing reliability issues and outages. It requires transmission and distribution utilities or other entities authorized to construct lines to trim, cut or remove by cutting trees that are in a public right of way once every five years. The bill also requires these entities to trim back from the line the lesser of 20 feet, or to the edge of the public right of way.

By mandating the frequency and width of trimming, the bill substitutes strict statutory requirements for an existing Commission process. Current law permits a utility to trim or cut "to ensure safe and reliable service," which allows for some flexibility in setting the frequency and distance of a specific utility's tree trimming practices. Trim cycles of the utilities are set by the PUC, usually in the context of a rate case, taking into account cost, reliability targets and customer service.

Our primary concern is that we have no way of knowing either the magnitude of the higher costs or the potential improvements in reliability associated with the specific trimming practices and frequency the bill establishes in law. The period proposed by the bill is not significantly different than that which exists for the larger electric utilities: CMP is currently on a five year trim cycle; Emera Maine is on a six year cycle. The additional trimming and cutting requirements could improve reliability by reducing storm outages, but the magnitude of the improved reliability is unknown and uncertain. Increasing the trim to 20 feet would require a substantial increase in tree trimming contractor work (currently, CMP trims back 8 feet from its lines and Emera trims to 10 feet), but the magnitude of the associated cost increase is also unknown.

In evaluating the proposed requirements of the bill, the impact of the additional costs should be weighed against how reliability and storm outage restoration would be improved. Current law allows the Commission to evaluate the causes of reliability problems alongside the cost implications of measures that might improve reliability, on a utility by utility basis. We recommend that the Commission retain the ability to examine the particular geography, customer concerns and tree-trimming practices of each utility in order to craft a solution that matches the particular need. This would avoid a strict and possibly arbitrary trimming standard and allow the Commission to continue to determine the just and reasonable balance between cost and reliability.

For these reasons, the Office of the Public Advocate recommends Ought Not to Pass on LD 797. We look forward to working with the Committee on this bill and will be present at the work session to assist the Committee in its consideration.

Respectfully submitted,



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Public Advocate