



**Edison Electric
Institute**

Thomas R. Kuhn
President

May 19, 2015

The Honorable Rob Bishop
Chairman
House Committee on Natural Resources
Washington, D.C. 20515

The Honorable Raul Grijalva
Ranking Member
House Committee on Natural Resources
Washington, D.C. 20515

The Honorable John Fleming
Chairman
House Subcommittee on Water, Power
and Oceans
Washington, D.C. 20515

The Honorable Jared Huffman
Ranking Member
House Subcommittee on Water, Power
and Oceans
Washington, D.C. 20515

Dear Chairmen Bishop and Fleming and Ranking Members Grijalva and Huffman:

On behalf of the Edison Electric Institute (EEI), I am writing in support of H.R. 2358, the Electricity Reliability and Forest Protection Act, introduced by Representatives Zinke and Schrader. We applaud you for proceeding quickly to a legislative hearing and your intent to advance H.R. 2358 to the floor this year.

EEI is the association of U.S. investor-owned electric utilities, international affiliates and industry associates worldwide. Our members provide electricity for 220 million Americans, directly and indirectly employ more than one million American workers, and operate in all 50 states and the District of Columbia. With more than \$90 billion in annual capital expenditures, the electric utility industry is responsible for providing reliable, affordable, and increasingly clean electricity that powers the economy and enhances the lives of all Americans.

Managing and clearing vegetation within or near rights-of-way (ROWs) presents difficult challenges, especially where such ROWs are located on federal land. While integrated vegetation management (IVM) and utility vegetation management (UVM) requirements impact "less than a fraction of a percent" of overall federal lands, the consequences of not effectively managing the ROWs and power line corridors can be significant and catastrophic. Failure to manage vegetation can cause wildfires, spark outages, and jeopardize the transmission facilities themselves. As a consequence, electric utilities are required under North American Electric Reliability Corporation (NERC) reliability standard FAC-003-3 to prevent vegetation from growing into and falling onto transmission lines, and there are state and local safety and fire requirements as well.

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Even so, obtaining timely approvals from the federal land management agencies to perform IVM and conduct the operation and maintenance work necessary to meet reliability standards, assure a proper functioning of the grid, and reduce the potential risk of catastrophic fire is a constant challenge. This not only includes management within the ROW, but extends to “hazard trees” growing outside the permitted ROW. In most cases, a federal permit for vegetation management does not cover off-ROW trees, even if such trees pose a risk to the power lines, human life or other property. In spite of this, utilities are often held liable for fire suppression costs and damages when the off-ROW hazard trees cause a wildfire. In recent years, utilities have literally paid out millions of dollars to cover these costs.

We believe that H.R. 2358 will provide an avenue for electric utilities to obtain more timely approvals while respecting the needs of the federal land agencies to appropriately manage their respective lands. The bill provides direction to the Secretaries of Agriculture and the Interior to expedite permit reviews; move, where possible, away from case-by-case approvals; and support the long-term, cost-effective, and timely management of facilities and vegetation within and adjacent to the ROW. IVM is an important tool for the sustainable management of vegetation and the provision of quality habitat for pollinators and wildlife.

We appreciate that H.R. 2358 recognizes the inequities of imposing strict liability on utilities for the consequences of decisions made elsewhere. We would like to work with the Committee to address liability issues associated with off-ROW work that is the responsibility of the land agencies, but which prevent utilities from partnering with the land agencies to complete that work to their mutual benefit.

EEI believes that H.R. 2358 can work to the benefit of the federal land agencies and electric utilities to assure the timely completion of work critical to maintaining a reliable grid and catastrophic wildfire risk reduction, and in manner that is efficient for all parties.

Sincerely,



Thomas R. Kuhn

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