**Private Electrical Service on Chappy and Martha’s Vineyard**

**In an effort to keep our members up to date on this issue, the following is updated information we have previously communicated. There are 3 documents:**

1. **Overview of current status of private electrical service written by Dennis Golden, Chappy resident whose road association recently transferred ownership of their private electrical service to Eversource**
2. **Email from Representative Dylan Fernandez summarizing meeting his office held last August**
3. **Link to MV Times article about Chappy electrical service**
4. **Overview of current status of private electrical service**



Many homeowners living in Massachusetts are unaware that the power lines delivering their electricity are privately owned rather than owned by Eversource. As such, when the power line breaks, Eversource is obligated to determine where the break has occurred. If the break is on a private line they will respond with “ who is your electrician?”. Eversource owns the transformers, however, the lines are privately owned and the homeowners’ responsibility. Each break may cost an average of $5000 to $10000 for an underground repair.

Above ground lines are more vulnerable to repetitive damage from Vineyard storms. **The responsibility for repair/ replacement is the homeowners.** The crisis begins when the homeowners try to organize a repair/replacement with all the affected homeowners on the line without a pre- existing structure in which to coordinate efforts!

Many of these power lines are aging out. They were constructed 30-50 years ago. The average lifespan for an older trenched line (underground) is about 30 years. Many of these older lines were buried without conduit. Construction on Chappy was previously like the wild west! Often the lines were placed without regard to easements or boundaries. Therefore a straight replacement of an extended line becomes impossible if people don’t work together. Our line which serviced 21+ homes on Chappaquiddick was over 40 years old and had suffered 3 breaks. All of the homeowners on our line were completely unaware of this issue at that time. Subsequently, we formed a “not for profit Power Line Association” to handle repairs as well as save for the contingency of maintenance and replacement.

**The problem with organizing is that most homeowners are unaware there is a problem until a break occurs.** Realtors were unaware of this issue in the past. Those of us who purchased our homes decades ago had no idea of the issue. Eversource claims notifications have been sent out in the past, but we have never spoken to anyone who ever received notification. The Attorney General’s office has noted this irregularity as well. **We believe your realtor and Eversource should be obligated to explain who owns the power line.** Private ownership of an older line may put both the buyer or seller at risk for thousands of dollars or make the house potentially unsellable.

Recently we replaced our 1/2 mile line at a cost of almost $200,000. There are many other communities on Chappy and Martha’s Vineyard that are doing so currently or have done so in the past and many more that will be doing so over the next few years out of necessity.

**To gauge the extent of the problem on MV please refer to the included map on “MV Private Roads”.** It is difficult to obtain information from Eversource. Living on a private road does not exactly correlate with being on a privately own electrical service, but it does increase the chances.

Eversource has little interest in maintaining an aging infrastructure or in replacing/owning the privately owned electric grid particularly when they can pass that cost completely to the community.

**Eversource’s cost for installation is at least 3 x more expensive than retrenching privately. In fairness, it does involve more construction detail with line duplication. Eversource generally uses the replacement paradigm of a “Million Dollars a Mile” if they do the work.**

**However, they still charge full price for delivery despite using privately owned lines to distribute their product.**

The issue is not unique to Martha’s Vineyard but, applicable to the entire Commonwealth where private developers constructed the electric grid. Dylan Fernandes, our state rep, noted there were 10,000 private poles in the commonwealth. The number of consumers per pole is unknown but this probably represents several hundred thousand homes.

**We have currently been working with our State Rep Dylan Fernandez and our State Senator Julian Cyr. They recently submitted legislation to mandate realtors and Eversource to notify homeowners of the problem. In addition, they included proposals to mandate retroactive payments for distributing electricity over private lines as well as a mechanism for Eversource to take over private electrical services. Refer to the included email chain from Rep Fernandes and the article from the MV Times.**

Eversource is using our infrastructure to fulfill their public utility mandate. **They still charge full cost to us without compensation for using our infrastructure.** We would add that the telephone companies / internet providers must pay Eversource a fee to use the electric poles for conveying their lines. Two legal firms, one in Washington, DC and another in Boston are working in concert and looking to file a class action suit to force Eversource to retroactively pay for the use of our private line. They are only looking for a primary litigant to proceed.

**It is unfair to place the cost of infrastructure to the consumer without some fair compensation model. We would like to see Eversource take on full ownership of private lines or pay a monthly percentage fee for use of the line.**

In our case, we chose a retrenchment of our line in certified conduit with an Eversource certified electrical contractor. The line is warrantied for 5 years by the contractor and rated for 50+ years by the manufacturer. Eversource required pre testing of the new line prior to going live. Admittedly, it does not fulfill their mandate for a duplicated circuit though it is unclear if any of Eversource’s older owned lines have that built in capability. Nonetheless, the financial liability for Eversource to assume a new line such as ours was negligible.

**As a consequence of continued pressure, Eversource recently agreed to take over complete ownership of our newly constructed power line. They are now responsible for all maintenance, repair, and replacement issues.**

**Recommended steps you should consider:**

1. Find out if you are on a private line. Call Eversource Energy or the Edgartown Registry if you are uncertain.
2. If you are on a private line: Organize homeowners on your line to act in concert. Send letter/email to Eversource requesting them to take over your line. Send your request to Mark Reed listed on the email below.
3. Each homeowner on a private electrical service should email to Rep Dylan Fernandes/ Kayla Moore. The more people aware, the greater the momentum for change. dylan1fernandes@gmail.com kaylea.moore@mahouse.gov
4. **Email from Rep. Dylan Fernandes, August 2018**

From: "Fernandes, Dylan - Rep. (HOU)" <Dylan.Fernandes@mahouse.gov>

Subject: Eversource meeting follow up

Date: August 29, 2018 at 1:15:19 PM EDT

To: "Moore, Kaylea (HOU)" <Kaylea.Moore@mahouse.gov>

Cc: "Roche, Elizabeth (HOU)" <Elizabeth.Roche@mahouse.gov>

Hi folks,

Thank you for attending Friday's meeting. The message was loud and clear that Eversource needs to create a viable path to taking over private lines and the Department of Public Utilities, as their state regulator, needs to take action to compel them to do so. We will stay on the DPU to respond to the concerns of Vineyard ratepayers.

Per request, below is the contact information for folks at the meeting for follow up:

  Mark Reed

  Director of Government Affairs Eversource, Massachusetts

  617-424-2132

  mark.reed@eversource.com

  John Daly

  Manager ESSC Eversource, Eastern Mass

  781-441-3206

  john.daly.jr@eversource.com

  Stole Singleton

  Director of Legislative Affairs

  Executive Office of Energy and Environmental Affairs

  617-626-1105

  stolle.singleton@state.ma.us

  Nancy Stevens

  Director of the Consumer Division at the DPU

  617-305-3500

  nancy.stevens@state.ma.us

**Contacting your neighbors**

Attached is a spreadsheet containing contact info of people who have reached out to our office concerning their private utility lines and those that attended Friday's meeting. This will allow you to connect with your neighbors who may be on your private line so that you can jointly approach Eversource about taking it over.

**Spreading the word**

Our office is keeping track of residents who have reached out about private poles. If we do not have your information, please fill out this form. Additionally, please share it with anyone you know who has a private line. <https://docs.google.com/forms/d/e/1FAIpQLSeIkbI1Bmo-nY-edtyaTyYr6wkAuZgp3pwMhrS3Li5lCjIb4Q/viewform>

**Confirming your private line**

To confirm that you are on a private line/pole, please reach out to Eversource. It is worth noting that Eversource may say that your line/pole is private when it is indeed public, as digging through the Registry of Deeds has indicated on some properties. To fully confirm whether your line is public or private, you will want to check with the Dukes County Registry of Deeds, [http://dukescountydeeds.comhttp://dukescountydeeds.comhttp://dukescountydeeds.com](http://dukescountydeeds.com/)

**Legislative Action**

If the DPU is negligent in their duty to provide a reasonable path for homeowners to transfer their private lines/poles to Eversource, then we will pursue a legislative fix. Regardless of DPU action, we intend on filing legislation about transparency of private utilities when purchasing a home.

Thank you for attending the meeting and we will stay on the DPU to follow up with residents.

Yours,

Dylan

Dylan Fernandes

State Representative for Falmouth, Martha's Vineyard & Nantucket

dylan.fernandes@mahouse.gov

617-722-2430

1. **MV Times article: Eversource Assumes Ownership of Private Electrical Service, Dylan Fernandes Submits Legislation**

<https://www.mvtimes.com/2019/02/12/bill-protect-homeowners-private-power-lines/>