



309 East 11th St., Suite 2 • Austin, Texas 78701 • 512.477.1155 • www.citizen.org

Date: March 12, 2025
To: Chairman Ken King and the Members of the House Committee on State Affairs
CC: Rep. Ana Hernandez, Rep. Rafael Anchía, Rep. Drew Darby, Rep. Yvonne Davis, Rep. Charlie Geren, Rep. Ryan Guillen, Rep. Lacey Hull, Rep. John W. McQueeney, Rep. Will Metcalf, Rep. Dade Phelan, Rep. Richard Peña Raymond, Rep. John T. Smithee, Rep. Senfronia Thompson, Rep. Chris Turner
Via hand delivery and by email.

From: Kamil Cook (kcook@citizen.org) and Adrian Shelley (ashelley@citizen.org) Public Citizen, 512-477-1155

Re: HB 143, RRC & PUC authority over electrical power lines – Public Citizen testimony in support

Dear Chairman King and Members of the Committee:

Public Citizen appreciates the opportunity to testify in support of HB 143, relating to the authority of the Railroad Commission of Texas and the Public Utility Commission of Texas to address a failure by an operator to maintain an electrical power line serving a well site or certain surface facilities in accordance with the National Electrical Code. We support this bill because it will provide another tool to prevent wildfires.

Wildfires are caused by downed power lines and marginal oil and gas operations.

Over the interim, Chairman King chaired the House Investigative Committee on the Panhandle Wildfires, which produced an excellent report on the causes of wildfires and potential preventative solutions.¹ The report found that the largest wildfire in Texas history—the Smokehouse Creek fire, which burned 1.058 million acres—was caused by a decayed power pole. It reached similar conclusions about other fires:²

- The Grape Vine Creek fire was started when a three-wire power pole broke and crashed to the ground.
- The Windy Deuce Fire began with a pumpjack serviced by one power pole with three distribution lines.
- The 2277 Fire originated near an oil field location.
- The Reamer Creek Fire was caused by a broken power pole allowing utility wires to contact fuels on the ground.

¹ Available at <https://www.house.texas.gov/pdfs/committees/reports/interim/88interim/House-Interim-Committee-on-The-Panhandle-Wildfires-Report.pdf>.

² *Id.* at p. 7.



309 East 11th St., Suite 2 • Austin, Texas 78701 • 512.477.1155 • www.citizen.org

The committee’s conclusion was straightforward, “The largest and most destructive of the Panhandle wildfires were caused by electric power poles and lines that had not been effectively maintained or replaced by a utility provider and an oil and gas operator.”³

This bill provides a solution to the negligence of marginal well operators.

The investigative committee report identified “irresponsible oil and natural gas operators” as a major cause of wildfires in Texas.⁴ Marginal operators lack the financial incentive to maintain electrical infrastructure at their well sites. Marginal wells often become orphaned wells that still have power flowing to them. One rancher testified that 85 per cent of the fires on his property were caused by “damaged electrical infrastructure at oil and gas locations.”⁵

The Railroad Commission has been caught unawares regarding this problem. An executive at the Commission testified to the committee “that the agency was unaware of and had no record of wildfires being caused by neglected electrical infrastructure at well locations.”⁶ The committee report concluded that, “the regulatory gap between RRC and PUC enforcement authority must be closed.”⁷

HB 143 closes that gap. Power lines at oil and gas facilities are required to be maintained up to standards in the National Electrical Code that are published by the National Fire Protection Association. The bill tasks Railroad Commission inspectors with knowing those standards and identifying when they are not met at a well site or surface facility. The bill doesn’t require any new inspections—this new assessment is done during existing inspections.

When an inspector identifies electrical power infrastructure not meeting the standards, they are required to notify the Public Utility Commission. The RRC and PUC then notify the applicable electric utility and the state or local fire authority to disconnect power or remedy the dangerous condition, as appropriate.

In conclusion, we support HB 143 because it will address the problem of marginal oil and gas well operators contributing to conditions that cause wildfires by giving the Railroad Commission the expertise to identify dangerous conditions and the RRC and PUC the authority to remedy those conditions.

³ *Id.* at p. 15.

⁴ *Id.* at p. 18.

⁵ *Id.* at p. 19.

⁶ *Id.*

⁷ *Id.* at p. 20.