

AT ISSUE | LIMITING STRAY VOLTAGE LAWSUITS

At Issue: Bill seeks to limit lawsuits against electric companies



4 HOURS AGO • [MATTHEW DEFOUR](#) | [WISCONSIN STATE JOURNAL](#) | MDEF0UR@MADISON.COM | 608-252-6144

In a nutshell

An Assembly bill seeks to exempt electric companies from civil liability for damage to a person, animal or property caused by the transmission of electricity if the company is following state standards.

Rep. Mark Honadel, R-South Milwaukee, is the lead sponsor of the bill along with 13 other Assembly Republicans and two Republican

senators. A Senate version has not been introduced.

Former Republican Gov. Scott McCallum included a similar proposal in his 2001 budget proposal but removed it after getting pushback from farmers.

Opponents say stray voltage from faulty power lines can harm the behavior, health and milk production of cows, even when the state standards are being followed.

In 2003, the Wisconsin Supreme Court agreed, upholding a \$1.2 million jury award to a farmer who said Wisconsin Electric Power Co. ignored wiring problems that generated stray voltage, even though measurable amounts on the farm were below the state standard.

The case for it

The bill is crafted to protect companies that follow the Public Service Commission's engineering and safety standards, according to the Wisconsin Utilities Association, which represents investor-owned gas and electric companies, such as Madison Gas and Electric and Wisconsin Public Service.

"Because past court cases did not officially recognize these standards, plaintiff's trial attorneys can exploit ratepayers and share owners through lawsuits filed against electric service providers," association executive director Bill Skewes wrote to the Legislature.

The bill exempts a company from liability if it can provide clear and convincing evidence, the highest standard in civil cases, that it follows the standards.

Skewes noted in most civil cases the burden of proof is on the plaintiff, but the proposal shifts the burden to the electric company.

The case against it

The legislation is a “power grab” by electric companies who won’t be responsible for losses suffered by dairy farmers, according to the Wisconsin Association for Justice, which represents trial lawyers.

The 2003 court ruling has resulted in utility companies working with farmers to fix stray voltage problems because they know they can be sued, said Scott Karel, a lobbyist for the Wisconsin Farmers Union.

Karel said the state standards for stray voltage aren’t enough because they are based on a point-in-time measurement and don’t take into account the long-term effect of exposure to low doses of stray voltage on animals.

“It would make zero sense to go back to the standard they want,” Karel said. “Farmers will go bankrupt if this is passed.”

To get involved

To contact your lawmaker about this or any other bill, call the legislative hotline, which is staffed from 8:15 a.m. to 4:45 p.m. weekdays, at 608-266-9960 or 800-362-9472.

To send an email, go to the Legislature’s website at legis.wisconsin.gov, select Assembly or Senate and then “Email Directory.”

— *MatthewDeFour*