

# Power utility sued after massive Texas wildfire

ANGELA K. BROWN - Associated Press - Associated Press

A utility knew about wildfire dangers amid Texas' severe drought but failed to remove dead trees and branches near power lines that sparked the most destructive wildfire in state history, an attorney said Tuesday after filing a lawsuit for some families who lost their homes.

A Texas Forest Service investigation into the Sept. 4 Bastrop fire near Austin determined that the fire started after wind gusts caused limbs and a dead tree to topple onto power lines. However, the report did not blame Bluebonnet Electric Cooperative for the blaze that destroyed more than 1,500 Central Texas homes and left two people dead.

Bluebonnet CEO Mark Rose released a statement Monday saying the fire was a "terrible incident" brought on by high winds, hot temperatures and historic drought in heavily wooded areas — but those conditions were beyond anyone's control. He also said the trees that first caught fire were on private property and outside the utility's rights-of-way.

But attorney William Rossick, who filed a lawsuit Monday on behalf of three residents, said Bluebonnet had the right — and the responsibility — to remove dead trees and trim branches on private property, and both of these areas were close to easements.

At a Bluebonnet annual membership meeting in May, Rose "stressed that we should all pray for rain" and told the group that wildfires had scorched more than 330,000 acres so far, while more than 2 million acres of the state was in severe drought, according to minutes of the meeting posted on Rossick's website.

"A reasonable utility company would have been vigilant in policing their pine forests," Rossick said.

The lawsuit accuses Bluebonnet of negligence and seeks compensation for property damage, mental anguish, medical expenses, physical impairment and court costs.

According to the Public Utility Commission of Texas, no agency oversees the trimming of trees and branches around power lines.

**Source URL (retrieved on 11/28/2014 - 8:45am):**

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