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Mata v. Pacific Gas and Electric Company

Court of Appeal, First District, Division 3, California - February 28, 2014 - Cal.Rptr.3d - 14 Cal. Daily Op. Serv. 2234

Heirs of decedent electrocuted by overhead power line while trimming redwood tree brought negligence and premises liability action against electrical utility and vegetation contractor, alleging they failed to exercise due care in maintaining vegetation clearance near the power line. The Superior Court dismissed the claims based on lack of subject matter jurisdiction, and heirs appealed.

The Court of Appeal held that court had subject matter jurisdiction even if clearance met minimum standard determined by Public Utilities Commission rules.

Commission rules and orders clearly provided that while a utility normally must maintain specified minimum clearances between its overhead electric lines and adjacent trees, the Commission left to the determination of the utility whether greater clearances were necessary at particular locations in order to ensure public safety, and permitting court action for failure to use due care in making such a determination complimented, rather than hindered, the Commission's jurisdiction.

An electrical utility has a duty to make overhead wires safe under all the exigencies created by the surrounding circumstances. A failure to satisfy that duty subjects the utility to liability in judicial proceedings for damages to those harmed by its negligence. Compliance with the general orders of the Public Utilities Commission does not establish as a matter of law due care by the power company, but merely relieves it of the charge of negligence per se. It does not affect the question of negligence due to the acts or omissions of the company as related to the particular circumstances of the case.

The Public Utilities Commission cannot evaluate and rectify individual claims for damages resulting from a utility's failure to exercise reasonable care in making the determination at a particular location as to whether clearance between vegetation and power lines beyond the minimum required by rule is necessary or advisable. A superior court action for damages based on a utility's failure to use due care is in aid of, rather than in derogation of, the Public Utilities Commission's jurisdiction.