
PUBLIC UTILITIES - TEXAS

AEP Texas Central Company v. Arredondo

Supreme Court of Texas - November 20, 2020 - S.W.3d - 2020 WL 6811465 - 64 Tex. Sup. Ct. J. 165

Landowner brought negligence action against electric utility, utility's independent contractor, and utility's inspector arising from landowner's fall in hole that allegedly was created by contractor's removal of utility stub pole from municipal right-of-way on edge of landowner's property.

The District Court granted summary judgment for defendants. The San Antonio Court of Appeals affirmed in part, reversed in part, and remanded. Utility and contractor filed petitions for review, which were granted.

The Supreme Court held that:

- Factual issues as to whether contractor properly fill hole precluded summary judgment on negligence claim against contractor;
- Utility did not have a contractual right of control of contractor's work on which to base a duty to landowner;
- Contractor's removal of stub pole was not an inherently dangerous activity giving rise to a nondelegable duty of utility; and
- There was no statute on which to premise negligence per se claim against utility.

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