

Bond Case Briefs

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PUBLIC UTILITIES - RHODE ISLAND

Borgo v. Narragansett Electric Company

Supreme Court of Rhode Island - June 6, 2022 - A.3d - 2022 WL 1919030

Admitted trespasser brought negligence action against utility company seeking damages for injuries she sustained in an accident at an active electrical substation.

The Superior Court entered summary judgment for utility company. Trespasser appealed.

The Supreme Court held that:

- Utility company did not owe a duty of care absent actual discovery of trespasser in position of peril, and
- Public Utilities Commission (PUC) safety regulations did not create a duty owed to trespasser.

Evidence of frequent trespassers at active electrical substation, including ladder inside the building that was not placed there by utility company, did not give rise to a duty of care owed by utility company to admitted trespasser, absent actual discovery of trespasser in position of peril by utility company, thus precluding trespasser's negligence claim seeking damages for injuries, including an amputated hand, incurred as result of accident at substation, which she entered by crawling under a closed fence.

It could not be discerned from Public Utilities Commission (PUC) safety regulations that PUC intended to protect members of the general public harmed at an electrical facility, and thus, the regulations did not create duty owed by utility company to admitted trespasser who was injured at an electrical substation; there was no language in the regulations that gave any indication that the imposition of safety standards on public utilities was designed to protect members of the general public, nor was there any mention of a purpose or concern for safety of the general public.