

Lawsuit claims SEC responsible for Quebradas fire

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By John Larson, El Defensor Chieftain staff writer Aug 22, 2019

A civil complaint filed Friday, Aug. 9 in district court claims that a wildland fire in the Escondida area on May 20 started because of vegetation too close to a Socorro Electric Cooperative power line. Residents Jan Gribble and Johnny Pack contend that the co-op was neglectful and are asking for undisclosed damages.

The fire – designated the Quebradas Fire – was confined to the area of Bosquecito Road and the Quebradas Backcountry Byway.

The plaintiffs' lawyer, John M. Bryant, maintains that the Quebradas Fire was the result of failure by SEC to keep its powerline easement clear of encroaching trees and vegetation and to maintain its power lines and equipment in a reasonably safe condition.

“The SEC has not maintained its easement over Plaintiff's property in several years,” the complaint states.

In support of the suit, the complaint refers to the fire investigation report.

“A fire investigation was conducted by an investigator with the New Mexico Energy, Mineral and Natural Resources Division, and an investigator with the Bureau of Land Management,” the complaint states. 'A report was prepared based upon this investigation which found “the likely cause of the Quebradas Fire is from vegetation coming into contact with the power line and ignition occurring.”’

In addition, “the GPS coordinates of the fire origin contained in the fire report show that the fire started in an area with heavy vegetation in or near SEC's power line easement.”

The fire originated on Pack's property and quickly spread to Gribble's.

In the Quebradas Fire investigation report for the state's Energy, Minerals and Natural Resources Division, Gribble told investigators that on May 20 at approximately 4:30 p.m. she lost power at her house

“At approximately 5:03 p.m., power had not been restored, which she considered unusual, and she then called the power company,” the report said. “At this time, she saw the fire through the trees with flames above the tallest cottonwoods, to the east/northeast from her home. She called 911 to report the fire. She stated that she could not leave her property because the fire was threatening her exit route along her driveway to Bosquecito Road.”

The complaint states that in accordance with state statute NMSA 1978-42A-1-12, “SEC is liable to Plaintiffs for injury to their property resulting from SEC's actions in regard to its powerline easement over their property.”

It noted that “SEC utilizes reclosers to restart power when a power line trips off,” and that “when lines are in contact with branches or brush the pulses of electricity produced by the reclosers can start a fire.”

Reclosers are circuit breakers equipped with a mechanism that can automatically close the breaker after it has been opened due to a fault.

The policy of SEC is to conduct tree trimming maintenance along the right-of-way of distribution lines to provide safe and reliable electric service. According to its website, the “cooperative tries to control trees growth on primary and secondary power lines at an early stage of development before they interfere with the electrical

service. Keeping the trees trimmed will decrease outages due to natural growth interference. The cooperative regrets the need to cut trees, but it is hoped that members understand the need to cut or trim some of their trees or why objects in the right-of-way must be relocated.”

The case will be heard by District Judge Matthew Reynolds. No date has been set as of press time.