

## Electric Utilities Liability for Interruption in Service

As New Yorkers and many other residents of the northern United States recover from the Great Blackout of 2003 the law library staff thought it would be of topical interest to compile a bibliography of legal reference materials, texts and cases dealing with the liability of power companies for an interruption in service.

**American Law Reports 3<sup>rd</sup>** 4 ALR 3d 594

“Liability of electric power or light company to patron for interruption, failure, or inadequacy of power”

**American Law Reports 4<sup>th</sup>** 54 ALR 4<sup>th</sup> 667

“Liability of electric utility to non-patron for interruption or failure of power”

**Warren’s Negligence** Vol 2B Part 2 Parties Negligent  
(Hunters-Lighting, Heating and Power Companies), pp. 489-495  
Section 64.05 “Liability for Interruption in Service”

**23 U.S.F.L. Rev. 75** (Fall 1988) pp. 75-96

“Liability of electric utilities for unintended power outages”

Following the NYC blackout of 1977, The New York Court of Appeals and the Appellate Division of Supreme Court both wrote extensive case law on the subject of the limits and scope of liability of power companies for an interruption of electrical service to customers. The following New York cases deal with the topic.

Andrade v. Consolidated Edison Co., 117 A.D.2D 695, 498 N.Y.S.2d 695, (1986)  
Crane v. City of New York, 65 N.Y. 2d 859, 493 N.Y.S. 2d 292 (1985)  
Food Pageant, Inc., v. Consolidated Edison Co., Inc. 54 N.Y.2d 167, 445 N.Y.S.2d 60  
Gallagher v. Consolidated Edison, 162 A.D.2d 657, 557 N.Y.S.2d 102 (1990)  
Goldstein v. Consolidated Edison Co., 115 A.D.2d 34, 499 N.Y.S.2D 47 (1986)  
Grow Tunneling Corp. v. Con. Edison Co. 195 A.D.2d 325, 600 N.Y.S.2d 30 (1993)  
Koch v. Consolidated Edison Co., 62 N.Y.2d 548, 479 N.Y.S.2d 163 (1984)  
Lilpan Food Corp., v. Consolidated Edison Co., 129 Misc. 2d 629, 493 N.Y.S.2d 740  
Longo v New York City Educ. Constr. Fund, 114 A.D.2d 304, 493 N.Y.S.2D 561 (1985)  
Milliken & Co., v Consolidated Edison Co., 84 N.Y.2d 469, 619 N.Y.S.2d 686 (1994)  
Stack v. Branicky, 119 A.D.2d 998, 500 N.Y.S.2d 898, (1986)  
Strauss v. Belle Realty Company, 65 N.Y. 2d 399, 492 N.Y.S. 2d 555, 482 N.E. 2d 34 (1985).

Additional case law may be found by searching the WL Official New York Reports Digest using the topic  
PUBLIC UTILITIES-LIABILITY FOR POWER FAILURE  
or West’s New York Digest Topic and Key Number  
145k11.1 “ELECTRICITY DISCONTINUANCE OF SUPPLY”

The New York State Library holds the following documents relating to electric power failures in New York State. Tel. 518-474-5355

### **PUB 146-4 REPGL 202-9949 3RD INTERIM**

Third interim report to the Governor and the Legislature respecting the electric power failure of November 9, 1965 / State of New York, Public Service Commission  
New York (State). Public Service Commission

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**LAW 119-4 CONEJ 200-6225**

Con Edison's July 1999 electric service outages : a report to the people of the State of New York from the Office of the Attorney General / Eliot Spitzer, attorney general ; Telecommunications and Energy Bureau  
New York (State). Dept. of Law

**621.319 qC755 202-4449**

Power service interruption of July 13-14, 1977 : report to Consolidated Edison Company / by the Panel of Consultants to the Board of Review of Consolidated Edison Company  
Panel of Consultants to the Board of Review of Consolidated Edison Company.

**621.319 qU587 78-84743**

The Con Edison power failure of July 13 and 14, 1977 : final staff report / Federal Energy Regulatory Commission, U.S. Department of Energy  
United States. Federal Energy Regulatory Commission.

**352.912 qN532 78-76400**

Report of the Special Commission  
New York (N.Y.). Special Commission of Inquiry into Energy Failures.

**364.1609747 qN532 79-81015**

Blackout commercial damage survey / prepared by the Department of City Planning  
New York (N.Y.) Dept. of City Planning

**621.319 qN532 202-5239**

New York City blackout, July 13-14, 1977  
New York (State). Special Consultant in Charge of Investigation. State of New York investigation, New York City blackout, July 13, 1977 : report

**621.3191 qC755 79-29965**

First phase Report : system blackout and system restoration, July 13-14, 1977 / Con Edison Board of Review  
Consolidated Edison Company of New York, inc. Board of Review.