

HB66 Wildland Fire Planning and Cost Recovery

Bill Summary: This bill requires electricity providers to develop specific plans for how they will prevent wildland fires caused by electrical equipment. The intent of this bill is very much aligned with our state's philosophy on wildland fire prevention: the more effort put in on the front end to prevent wildland fires will save the state considerable dollars on the back end in wildland fire suppression and mitigation costs.

How is the Substitute Bill Different:

The Attorney General's Office suggested the language that is now included in the substitute bill. This change makes sure that ***only the cause of the fire is covered under a wildland fire plan***. If an approved plan did not contemplate an action that could have prevented a fire or the electricity provider did not adhere to its approved plan, then they could be held responsible for negligently causing that wildland fire.

The third substitute also adds further limiting language on line 211, and adds a requirement for annual plan compliance updates (line 127 for IOU, line 183 for co-ops).

Additionally, the third substitute gives other parties the opportunity to submit input on the wildland fire protection plans. These could include insurance carriers, public interest groups, public citizens, etc. The idea is that these groups can participate on the front end to make sure a plan is as robust as possible. Lastly, the substitute removed a section that included the wording "reckless or intentional" at the request of third parties.



FAQ

Q. Does this bill provide blanket immunity for a utility?

A: No. This is a concern the Attorney General's Office and Utah Division of Forestry, Fire and State Land had from the beginning, and they have worked extensively to make sure that is not the case through substitute versions of this bill. The plans – which will be created in collaboration with the state forester, land managers, and other interested persons – will have to specifically list what their plans will do, and when that work will be completed. For a finding of no negligence, the following must occur:

1. The utility has an approved wildland fire protection plan;
2. The wildland fire protection plan specified the specific action that caused the fire; and
3. The utility completed the work their plan contemplated where the fire began prior to the start of the fire.

If a plan is silent or has not specifically addressed the cause of a fire, a utility can be found negligent. In addition, if the plan lists a specific action but that work was not completed before the start of the fire, they can be found negligent. Only within this narrow window of compliance will a utility not be negligent. Under this bill, our utilities will be held to a higher standard than they are today. If they do not meet this standard, they will be held responsible for their actions.

Q. How can we know if a plan is adequate?

A: The bill specifies what must be included in a wildland fire plan and the conditions that must be met for its approval. The State Forester and Public Service Commission will work together to provide details on what actions the utility will implement to mitigate risks. The plans will also be filed or made available for public inspection through the Commission – if an individual has a concern, they can speak to that, or provide input for the approved plan. The utility is also incentivized to have a robust plan in place because deficiencies in the plan leave open the possibility of lawsuits due to the utility not conducting adequate preventative maintenance.

Q. This bill mentions in several places the process for “de-energizing” electric lines. Does this bill allow for blackouts like we have recently seen in California.

A: No. The section of the bill gives state regulators more authority to oversee this action so that we don't have the same kinds of problems that have occurred in California. The reason California utilities are shutting down the electric grid is to prevent wildland fire risks. This bill encourages Utah utilities to take a more targeted approach by working together to reduce wildland fire risk through enhanced vegetation management, increased inspection timelines, system modifications and other preventative measures.

Groups who have reviewed and participated in the process of this bill:

State Forester
Attorney General's Office
Public Service Commission
Rocky Mountain Power
Division of Public Utilities
Office of Consumer Services
Utah Rural Electric Cooperative Association
Insurance Groups
State Fire Chiefs Association