

119 and

120 (C) other interested persons who choose to provide input.

121 (c) The commission shall approve a wildland fire protection plan submitted under  
122 Subsection (3)(a) if the plan:

123 (i) is reasonable and in the public interest; and

124 (ii) appropriately balances the costs of implementing the plan with the risk of a  
125 potential wildland fire.

125a **§→ (4) No later than June 1, 2021, and each year after 2021, a qualified utility shall submit**  
125b **to the commission a report detailing the qualified utility's compliance with the qualified**  
125c **utility's wildland fire protection plan. ←§**

126 Section 5. Section **54-24-202** is enacted to read:

127 **54-24-202. Cost recovery for wildland fire protection plan implementation.**

128 (1) A qualified utility shall recover in rates all prudently incurred investments and  
129 expenditures, including the costs of capital, made to implement an approved wildland fire  
130 protection plan.

131 (2) A qualified utility shall file an annual report to the commission identifying the  
132 actual capital investments and expenses made in the prior calendar year and a forecast of the  
133 capital investments and expenses for the present year to implement a wildland fire protection  
134 plan approved by the commission under Section [54-24-201](#).

135 (3) The commission shall authorize the deferral and collection of the incremental  
136 revenue requirement for the capital investments and expenses:

137 (a) to implement an approved wildland fire protection plan; and

138 (b) not included in base rates.

139 Section 6. Section **54-24-203** is enacted to read:

140 **54-24-203. Wildland fire protection plan for an electric cooperative.**

141 (1) An electric cooperative shall prepare a wildland fire protection plan in accordance  
142 with the requirements of this chapter.

143 (2) A wildland fire protection plan under Subsection (1) shall include:

144 (a) a description of areas within the service territory of the electric cooperative that  
145 may be subject to a heightened risk of wildland fire;

146 (b) a description of the procedures, standards, and time frames that the electric  
147 cooperative will use to inspect and operate its infrastructure;

148 (c) a description of the procedures and standards that the electric cooperative will use  
149 to perform vegetation management;

212 wildland fire or to recover the cost of fire suppression resulting from a wildland fire, a qualified  
213 utility or electric cooperative may not be considered to have negligently caused a wildland fire  
214 if:

215 (a) (i) the electrical transmission wildland fire protection plan of the qualified utility or  
216 electric cooperative identifies and addresses the cause of the wildland fire for fire mitigation  
217 purposes; and

218 (ii) at the origin of the wildland fire, the qualified utility or electric cooperative has  
219 completed the fire mitigation work identified in the electrical transmission wildland fire  
220 protection plan, including:

221 (A) inspection, maintenance, and repair activities;

222 (B) modifications or upgrades to facilities or construction of new facilities;

223 (C) vegetation management work; and

224 (D) preventative programs; or

225 (b) (i) the qualified utility or electric cooperative is denied or delayed access to a  
226 right-of-way on land owned by the state, a federal agency, or a tribal government after the  
227 qualified utility or electric cooperative requests access to the right-of-way to perform  
228 vegetation management or fire mitigation work in accordance with an electrical transmission  
229 wildland fire protection plan; and

230 (ii) the electrical transmission wildland fire protection plan identifies and addresses the  
231 cause of the wildland fire for fire mitigation purposes.

232 ~~[(3)]~~ (4) A person who incurs costs to suppress a wildland fire may bring an action  
233 under this section to recover those costs.

234 (5) (a) A property owner who suffers damages resulting from a wildland fire may bring  
235 an action under this section to recover those damages.

236 (b) An award ~~of~~ for ~~damages to~~ ~~real property~~ resulting from a  
236a wildland fire, including the  
237 loss of vegetation, shall be the lesser of:

238 (i) the cost to restore the real property to its pre-wildland fire condition; or

239 (ii) the difference between:

240 (A) the fair market value of the real property before the wildland fire; and

241 (B) the fair market value of the real property after the wildland fire.

242 ~~[(4)]~~ (6) A person who suffers damage from a wildland fire may pursue all other legal