



State of Utah

Department of Commerce Division of Public Utilities

MARGARET W. BUSSE
Executive Director

CHRIS PARKER
Director, Division of Public Utilities

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Doug Wheelwright, Utility Technical Consultant Supervisor

Abdinasir Abdulle, Utility Technical Consultant

Date: September 24, 2021

Re: **Docket Nos.** 21-506-01 and 20-506-02 Deseret Generation and Transmission Cooperative's Wildland Fire Protection Plan

Recommendation

Deseret Generation and Transmission Cooperative (Deseret Power) has not filed its annual compliance report for the Wildland Fire Protection Plan, but is expected to file after review and approval of its governing board. The Division of Public Utilities (Division) recommends the Public Service Commission (Commission) issue an Action Request as Deseret Power files a copy of its report on or around the expected board approval date shown below. The Division also recommends that, going forward, the Commission direct Deseret Power to file a copy of its annual compliance report on or around the anniversary of its filing of the Wildland Fire Protection Plan (WFPP).

Issue

Utah Code §54-24-203(4)(b) requires an electric cooperative to file a copy of the annual WFPP compliance report with the Commission. On August 26, 2021, the Commission issued a

Supplemental Action Request to the Division asking the Division to evaluate whether the 2021 WFPP filed by Deseret Power on July 19, 2021 complies with Utah Code § 54-24-203(4)(b), or, if it does not, whether Deseret Power has otherwise complied.

Background and Discussion

Utah Code § 54-24-203(3), requires electric cooperatives to file with the Commission a WFPP submitted to and approved by its governing authority in 2020 and every third year thereafter.

Utah Code § 54-24-203(4) requires electric cooperative to (a) file with the governing authority an annual report detailing the electric cooperative's compliance with the WFPP; and (b) file with the Commission a copy of the annual compliance report.

In its investigation, the Division searched both its own records and the Commission's website for a compliance report from Deseret Power. The Division noticed that Deseret Power did not file a copy of its annual compliance report with the Commission. To enquire about the status of its filing, the Division contacted Deseret Power, which indicated that it is in the process of filing the report with its board of directors and will file a copy of the report after it is approved by its Board of Directors on or around the last week of September, 2021. The Division recommends the Commission issue an Action Request for the Division to review, for compliance with Utah Code § 54-24-203(4)(b), the annual compliance report of the Deseret Power as it files a copy of its report.

In reviewing the statute, the Division noticed that there is no due date for the annual compliance report in the statute. However, Utah Code § 54-24-203(3)(a)(ii) requires electric cooperatives submit WFPP with their governing authority on or before October 1 of every third year after calendar year 2020. Therefore, going forward, the Division recommends the Commission direct Deseret Power to file a copy of the compliance report soon after Board approval. This would be on or around the anniversary of their filing of the WFPP with the Commission. This will, hopefully, reduce any confusion regarding the due dates of the compliance reports and simplify future filings with the Commission.

Deseret Power filed an update of its 2020 WFPP on July 19, 2021. However, the Division determined that the updated filing does not constitute an annual compliance filing. Deseret Power will file its compliance report soon after its board approves it. Thereafter, the Division will evaluate the report for compliance with the code.

Cc: Michele Beck, Office of Consumer Services
Kimball Rasmussen, President & CEO, Deseret Generation and Transmission Cooperative