



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. 20-025-01 Empire Electric Association Inc's Wildland Fire Protection Plan
20-027-01 Flowell Electric Association, Inc's Wildland Fire Protection Plan
20-028-02 Garkane Energy Cooperative, Inc.'s Wildland Fire Protection Plan
20-030-01 Moon Lake Electric Association's Wildland Fire Protection Plan
20-031-01 Mt. Wheeler Power, Inc.'s Wildland Fire Protection Plan
20-032-01 Raft River Rural Electric Cooperative, Inc.'s Wildland Protection Plan
20-066-02 – Dixie Power's Wildland Fire Protection Plan

Recommendation

The Division of Public Utilities (Division) recommends the Public Service Commission (Commission) issue an Action Request for the Division to review, for compliance with Utah Code § 54-24-203(4)(b), the annual compliance reports of the Electric Cooperatives listed in the reference as they file copies of their reports on or around the expected board approval dates listed in the Table below. The Division also recommends that, going forward, the Commission direct

the electric cooperatives to file a copy of their compliance report on or around the anniversary of their filing of the Wildland Fire Protection Plan (WFPP). On September 14, 2021, Moon Lake Electric Association, Inc. (Moon Lake) filed its annual report. The Division recommends the Commission acknowledge Moon Lake's September 14, 2021, filing as complying with Utah Code § 54-24-203(4)(b).

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 above listed Electric Cooperatives have complied with Utah Code § 54-24-203(4)(b).

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. Each of the above listed electric cooperatives filed its WFPP with Commission and all were approved by the Commission.

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 each of the cooperatives. The Division noticed that none of the above listed electric cooperatives, except Moon Lake, filed a copy of its annual compliance report with the Commission. To enquire about the status of their filing, the Division contacted each of the cooperatives. The cooperatives indicated that they are in the process of filing the report with their board of directors and will file a copy of the report after it is approved by their Board of Directors. The following Table shows the status of the compliance reports.

Electric Cooperative	Estimated Submission to the Board of Directors for Approval
Empire Electric Association Inc.	1 st week of December, 2021
Flowell Electric Association	1 st week of December, 2021
Garkane Energy Cooperative	Board reviewed. Planned on Thursday, September 23, 2021
Mt. Wheeler Power, Inc.	October 12, 2021
Raft River Rural Electric Cooperative	Last week of October, 2021
Dixie Power	1 st week of December, 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 reports of the electric cooperatives listed as they file copies of their reports on or around the expected board approval dates listed above.

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 the electric cooperatives 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.

Though Moon Lake Electric Association had not filed its annual compliance file with the Commission at the time the Commission issued the Supplemental Action Request, on September 14, 2021, Moon Lake did file a copy of its annual WFPP compliance report. The report was reviewed and approved by the Moon Lake Electric Association’s Board of Directors at its September 8, 2021 meeting. The Division has reviewed the filing and recommends the Commission acknowledge that Moon Lake has complied with Utah Code § 54-24-203(4)(b).

Empire Electric Association, Inc., filed an update of its 2020 WFPP on April 28, 2021. On May 26, 2021, the Commission acknowledged that Empire Electric Association's 2021 Plan complies with the requirements of Utah Code Ann. § 54-24-203. However, the Division determined that the updated filing does not constitute an annual compliance filing. As noted above, Empire Electric plans on filing its compliance report with its board of directors the first week of December and with the Commission after approval.

Cc: Michele Beck, Office of Consumer Services
Josh Dellinger, General Manager, Empire Electric Association, Inc.
Durand Robison, Chief Executive Officer, Flowell Electric Association.
Dan McClendon, CEO/General Manager, Garkane Energy Cooperative
Grant J. Earl, General Manager / CEO, Moon Lake Electric Association.
Kevin Robinson, Chief Executive Officer, Mt Wheeler Power Cooperative
Chad Black, General Manager, Raft River Rural Electric Cooperative
LaDel Laub, Chief Executives Offices, Dixie Power