
Rocky Mountain Power's Utah Wildland Fire Protection Plan	<u>DOCKET NO. 20-035-28</u> <u>ORDER APPROVING WILDLAND FIRE PROTECTION PLAN</u>
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ISSUED: October 13, 2020

BACKGROUND AND PROCEDURAL HISTORY

On June 1, 2020, Rocky Mountain Power (RMP) filed its Utah Wildland Fire Protection Plan ("Plan") with the Public Service Commission of Utah (PSC) pursuant to the provisions of the Wildland Fire Planning and Cost Recovery Act ("Act").¹

On August 13, 2020, the Utah Department of Natural Resources, Division of Forestry, Fire, and State Lands ("FFSL") filed a letter summarizing input it provided to RMP during the Plan's development. On August 17, 2020, the Division of Public Utilities (DPU) and the Office of Consumer Services (OCS) filed comments. On September 9, 2020, RMP, DPU, and OCS filed reply comments.

DISCUSSION, FINDINGS, AND CONCLUSIONS

A. The Plan

The Plan describes strategies RMP intends to deploy in Utah to reduce the probability of utility-related wildfires and to mitigate wildfire damage to RMP's facilities. Consistent with the Act, RMP's Plan includes a cost summary associated with its planned mitigation activities and time frames for implementation based on RMP's analysis of risks, operational practices, and construction standards. The Plan also addresses Public Safety Power Shutoffs (PSPS),

¹ Utah Code Ann. § 54-24-101, *et seq.* The Act was passed during the 2020 Utah General Session and became effective on May 12, 2020.

emergency management and response procedures, and performance metrics and monitoring. RMP represents in the Plan that “[a]s new analyses, technologies, practices, network changes, environmental influences or risks are identified, modifications may be incorporated into future iterations of the plan, as contemplated in [the Act].”²

B. Parties’ Positions

DPU, OCS, and FFSL generally support the Plan. FFSL represents the Plan is acceptable, and its leadership believes the Plan will result in fewer wildfire ignitions and smaller, less expensive wildfires overall. FFSL’s fire managers and planners provided advice to RMP during the Plan’s development, including input on practices, standards, and terminology. FFSL represents RMP incorporated nearly all of FFSL’s input into the final Plan.

DPU asserts the Plan thoroughly discusses all of the items the Act requires and “attempts to protect the public, minimize the chance that RMP’s power lines will start a wildland fire, and speed up the recovery or restoration of service from any wildfire that may occur.”³ DPU did not identify any problems with the costs presented in the Plan. DPU represents the Plan complies with the Act and is otherwise reasonable and in the public interest. Accordingly, the DPU recommends the PSC approve it.

OCS states RMP has developed a thorough wildfire protection plan for Utah and recommends the PSC approve the Plan contingent on resolution of two concerns. First, OCS asks the PSC to require RMP to develop and file additional customer outreach materials and plans for customer assistance related to PSPS events. OCS advises that RMP has already completed

² Plan at 6.

³ DPU’s Reply Comments filed September 9, 2020 at 2.

“significant and valuable work in communicating with customers”⁴ pertaining to PSPS events. Nevertheless, OCS argues that many customers will not receive notification of PSPS events, referencing “past California PSPS events and postings on social media for a recent power outage” RMP recently initiated in Salt Lake City.⁵ OCS recommends RMP incorporate in its Plan relevant improved practices and lessons learned from PSPS events in California, such as improved public outreach, communication, and readiness.

Second, OCS also asserts “it is unable to locate in [the Plan] a demonstration that costs and risks are balanced appropriately, as required by the [Act].”⁶

In response to these concerns, RMP provided its response to OCS Data Request 1.2, which identifies RMP’s process to explain the PSPS program to potentially impacted customers.⁷ RMP also referenced information on its website relating to PSPS areas.

Addressing OCS’s concerns regarding balancing the costs of implementing the Plan with the risks of a potential wildfire, RMP emphasized the complexity attendant to the task insofar as each mitigation strategy entails not only consideration of the probability it will prevent a fire but also the magnitude of the harm that might be avoided. RMP provided an explanation of the thorough process it underwent to develop the Plan, including consultation with outside experts and government agencies. RMP commits that it will continue to re-evaluate the balance of risks

⁴ OCS’s Reply Comments filed September 9, 2020 at 2.

⁵ *Id.*

⁶ OCS’s Comments filed August 17, 2020 at 2.

⁷ RMP’s Reply Comments filed September 9, 2020 at Attachment A.

and costs “[a]s more and better information is developed through practical application of various mitigation strategies.”⁸

C. Findings and Conclusions

The Act governs our evaluation of RMP’s Plan, the first such wildfire protection plan RMP has filed. We must approve the Plan provided it is (1) reasonable and in the public interest; and (2) appropriately balances the costs of implementing the Plan with the risk of a potential wildfire. Utah Code Ann. § 54-24-201(3).

In light of OCS’s representation that RMP has performed significant and valuable work on its communication plan and the supplementary information RMP provided, we find the Plan reasonably addresses OCS’s concerns about customer notification and outreach. Nevertheless, we appreciate the information OCS has provided relating to the experiences of other utilities associated with recent PSPS events. We expect RMP to update its practices and procedures, as appropriate, for subsequent plan years based on information it receives from stakeholders, as the statute contemplates. *See id.* at § 54-24-201(3). Correspondingly, in its annual reports,⁹ we direct RMP to identify any updates or changes it has incorporated into its wildland fire protection practices during the previous year and the reason for those changes.

On the issue of balancing risks and costs, we note DPU “did not identify problems with [the Plan’s costs],”¹⁰ and FFSL’s representation that the Plan will result in fewer wildfire ignitions and smaller, less expensive wildfires. The Act does not require the Plan itself to

⁸ *Id.* at 3.

⁹ *See* Utah Code Ann. § 54-24-201(4) (requiring RMP to submit annual reports “detailing [its] compliance with [its] wildland fire protection plan”).

¹⁰ DPU’s Reply Comments filed September 9, 2020 at 2.

expressly discuss and demonstrate that costs and risks are appropriately balanced. Rather, the Act requires the PSC to make such a finding, based on its review, in order to approve a plan. Given this is the first wildland fire protection plan RMP has created pursuant to the statute, we expect RMP will learn much from its implementation and will utilize its experience in designing plans for subsequent plan years, including any reasonable opportunities to make the plans more cost effective. Here, based on the PSC's review of the Plan and DPU's and FFSL's respective input, we find this Plan appropriately balances the costs of implementing it with the risk of potential wildland fires. We further find and conclude the Plan to be reasonable and in the public interest.

Accordingly, as required by the Act, we approve the Plan.

ORDER

Pursuant to the foregoing discussion, findings, and conclusions:

1. We approve RMP's Utah Wildland Fire Protection Plan; and
2. We direct RMP to identify in the annual reports required by Utah Code Ann. § 54-24-201(4) any changes it has incorporated into its wildland fire-related practices during the previous year and the reasons for those changes.

DOCKET NO. 20-035-28

- 6 -

DATED at Salt Lake City, Utah, October 13, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#315894

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this written Order by filing a written request with the PSC within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC does not grant a request for review or rehearing within 30 days after the filing of the request, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on October 13, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

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