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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Brenda Salter, Assistant Director

Doug Wheelwright, Utility Technical Consultant Supervisor

Tyler McIntosh, Utility Analyst

Date: February 12, 2024

Re: **Docket No. 24-022-01**, Bridger Valley Electric Wildland Fire Protection Plan Annual Compliance Report.

Recommendation (Acknowledge with Recommendation)

The Division of Public Utilities (Division) recommends the Public Service Commission (Commission) acknowledge with recommendations, Bridger Valley Electric's (Bridger Valley or Company) January 17, 2024, filing as complying with Utah Code §54-24-203(4)(b). The Division recommends Bridger Valley provide to the Commission as soon as practical its revised WFPP in compliance with Utah Code §54-24-203(3)(a).

Issue

On January 17, 2024, Bridger Valley filed a copy of its annual Wildland Fire Protection Plan (WFPP) Compliance Report (Compliance Report). On the same date, the Commission issued an Action Request to the Division asking the Division to review the filing and clarify a discrepancy in the completion date of the WFPP, filing dates, and compliance with Utah Code §54-24-203. The Commission asked the Division to report back by February 12, 2024. This memorandum represents the Division's response to the Action Request.

Division of Public Utilities

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Discussion

Utah Code §54-24-203(3) requires an electric cooperative to submit to its governing board its WFPP on or before June 1, 2020, and then file with the Commission the approved WFPP. The WFPP is to be revised with input from the Division of Forestry, Fire, and State Lands along with other appropriate federal, state, or local entities, submitted to the governing board before October 1 of every third year thereafter, and filed with the Commission. Utah Code §54-24-203(4) requires electric cooperatives 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.

Bridger Valley's Compliance Report was presented to its governing authority at a regular board meeting that was held on October 10, 2023, and was then filed with the Commission on January 17, 2024. The Company did not file a detailed report but indicated that the report had been reviewed by the governing authority during a board meeting.

The Compliance Report submitted by Bridger Valley indicated the following actions taken by the Company:¹

- To follow the State Code that requires an annual report to be filed.
- The report includes actions taken during the year. Trimming the right of ways, breakers put to non-reclosing, and raptor guarding as outlined in the Wildland Fire Protection Plan.

As part of the Division's review, it was determined that Bridger Valley did not submit its WFPP to the Commission as required by Utah Code §54-24-203(3)(a) following the June 1, 2020, governing authority's review. During discussions with the Company, it was determined that the WFPP was completed in January 2021. While the Company has indicated that the completed report was mailed to the Commission, the January 2021 WFPP was never received or filed with the Commission. The January 2024 Compliance Report filing includes the January 2021 WFPP plan as an attachment.

¹ Wildland Fire Protection Plan Annual Compliance Report, Bridger Valley Electric Cover Letter, dated January 12, 2024.

Utah Code §54-24-203(3)(a)(ii) requires electric cooperatives to submit a WFPP to its governing authority on or before October 1 of every third year after the calendar year 2020. Since the WFPP is to be updated every 3 years and completed by October 1, the Division asked for the new plan or an estimated timeframe as to when a revised WFPP would be completed. The Company indicated that they have reached out to groups for help to revise the plan but did not have an estimated timeframe for completion. Bridger Valley is not in compliance with Utah Code §54-24-203(3)(a).

The Division has reviewed the filing and recommends the Commission acknowledge that Bridger Valley has complied with Utah Code §54-24-203(4)(b). The Division notes that Bridger Valley was late in completing the original WFPP and has not completed the required update to the WFPP. It appears that Bridger Valley is not in compliance with Utah Code §54-24-203(3)(a).

Conclusion

While it appears that the 2021 WFPP was not received by the Commission, the Company has filed Compliance Reports in 2023² and 2024. Based on its review of the filing, the Division recommends the Commission acknowledge that Bridger Valley has complied with the filing requirements for the Compliance Report under Utah Code § 54-24-203(4)(b). The Division recommends Bridger Valley provide to the Commission as soon as practical its revised WFPP in compliance with Utah Code §54-24-203(3)(a).

cc: Michele Beck, Office of Consumer Services

² Bridger Valley Electric Association's Wildland Protection Plan Annual Compliance Report, Docket No. 23-022-01, March 2, 2023.