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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  
Jeremy Hirschi, Utility Technical Consultant  
Savannah Torman, Utility Analyst

**Date:** November 3, 2025

**Re:** **Docket No. 25-025-01**, Empire Electric Association's 2025 Wildland Fire Protection Compliance Report.

## Recommendation (Acknowledge with Recommendation)

The Division of Public Utilities (Division) recommends that the Public Service Commission (Commission) acknowledge Empire Electric Association's (Empire Electric or Company) Wildland Fire Protection Plan's 2025 Compliance Report, filed on October 14, 2025, as complying with Utah Code §54-24-203(4)(b). The Division recommends Empire Electric consider:

1. Providing year-end data from 2025 in the 2026 report.
2. Reporting on activities performed under the plan on a full 12-month calendar-year period to ensure comparability and usefulness of the report.
3. Submitting its annual compliance report for the previous year's activities to its governing board by June 1<sup>st</sup>.
4. Reporting the actual metrics and costs for the current year next to the planned goals and budgets from the approved plan to ensure accountability and transparency of implementation.



5. Reporting fire suppression and mitigation costs separately to ensure accountability, comparability, and transparency of the plan.

## **Issue**

On October 14, 2025, Empire Electric filed a copy of its 2025 Wildland Fire Protection Plan Compliance Report (Compliance Report). On the same date, the Commission issued an Action Request to the Division asking the Division to review the filing for compliance and make recommendations by November 13, 2025. This memorandum represents the Division's response to the Action Request.

## **Discussion**

Empire Electric is a non-profit rural electric distribution cooperative. Utah Code §54-24-230(4) requires electric cooperatives to: (a) file with its governing authority an annual report detailing the electric cooperative's compliance with the wildland fire protection plan; and (b) file with the Commission a copy of the annual compliance report described in Subsection (4)(a).

Empire Electric submitted its 2025 Compliance Report to its governing authority, which is its Board of Directors, on October 10, 2025, and it was approved. The Compliance Report was then filed with the Commission on October 14, 2025.

The Compliance Report submitted by Empire Electric reported that the following actions were taken by the Company from November 2024 to present:

- Three (3) substations and substation protection devices serving Monticello Rural (MU), Blue Door (BD), and Dove Creek (DC) were inspected on several occasions
- Three (3) 167kVA MU regulators were rebuilt and installed in November 2024. Three (3) 114kVA DC regulators were rebuilt and installed in December 2024.
- All circuits from the MU and DC3 substations were patrolled in June/July 2025.
- The Viper recloser protecting the MU3 circuit was replaced. All Viper cables were replaced on the DC and MU substations.

- Three (3) poles on the MU3 circuit and two (2) poles in the DC3 circuit were replaced in June 2025. One (1) pole and six (6) epoxilators were also replaced on the BD3 circuit.
- Vegetation management on the DC circuits' right-of-way was completed in April 2025. Vegetation management on the MU circuits' right-of-way is currently underway as of September 2025.
- System protection devices serving high-risk fire danger areas were placed on “summer” settings (non-reclose) in April 2025. Those devices are still in summer settings as of October 14, 2025.
- No emergency outages or electrical power restoration procedures were enacted due to the lack of wildland fires in the Empire Electric service territory.

Empire Electric also provides a report of its primary costs for fire mitigation:

**Table 1.** Costs for tree-trimming and vegetation management.

Substation	Circuit	Percent Complete	Cost/Estimate
Dove Creek	DC3	100%	\$74,969.07
Monticello	ALL	1%	\$125,000.00

Empire Electric was awarded funds<sup>1</sup> to upgrade a section of powerline from overhead to underground, with the obligation to match \$257,586. As of 2025, \$9,893 of these funds were spent, and construction is expected to begin in Spring 2026.

Finally, the Company provided a list of future planned projects throughout its report:

- Line patrols will be conducted in Summer 2028
- Poles in high-risk fire danger areas will be tested at MU in 2032 and at DC in 2034.

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<sup>1</sup> State of Utah formula 40101(d)

- The 651R Relay at the DC3 substation will be replaced to improve Arc Sensing Technology at the end of 2025 or the beginning of 2026.

Empire Electric is monitoring areas of concern to determine if additional changes are needed for its next Wildland Fire Mitigation Plan. The Company notes that its current Circuit Breaker Maintenance schedule is unnecessary: electronic reclosers have a manufacturer recommended duty cycle, so it is unnecessary to conduct maintenance on the basis of the number of operations.

## Recommendations

DPU recommendations found in this filing are consistent with its recommendations in other electric cooperative dockets<sup>2</sup> and are provided in an effort to standardize reporting recommendations across all electric cooperatives. The Division recommends that Empire Electric includes the additional data from October-December 2025 in the 2026 report to ensure complete reporting. The Division also recommends that annual reports be completed on a full 12-month calendar year basis.

In addition, the Division recommends electric cooperative utilities include separate reporting metrics for expenditures related to fire mitigation and fire suppression, as the activities of each can differ.

The Division highlights that Utah Code § 54-24-203 is currently silent on an annual submission deadline for electric cooperatives. This stands in sharp contrast to investor-owned utilities, which are clearly required to submit their yearly reports to their governing authority by June 1. There has been inconsistency in reporting from year to year and between electric cooperative reports. The Commission and the cooperatives may wish to consider setting a date for electric cooperatives' cost and compliance reports. Establishing a submission deadline could eliminate ambiguity and ease review for all parties.

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<sup>2</sup> Docket No. 25-028-06, Garkane Energy Cooperative's 2025 Wildland Fire Protection Plan Annual Compliance Report, DPU Comments.

## Conclusion

Based on its review of the filing, the Division recommends that the Commission acknowledge that Empire Electric has complied with the filing requirements for the 2025 Compliance Report under Utah Code §54-24-203(4)(b). The Division also provides the following suggestions:

1. Empire Electric should consider including year-end data from 2025 in its 2026 cost and compliance report.
2. Empire Electric may wish to report on activities performed under the plan on a full 12-month calendar-year period to ensure comparability and usefulness of the report.
3. Empire Electric should consider submitting its annual compliance report to its governing board for the previous year's compliance by June 1<sup>st</sup>. This could provide clarity and simplify its tasks and others' review.
4. Empire Electric's report of the actual metrics and costs for the current year next to the planned goals and budgets from the approved plan could help ensure accountability and transparency of implementation while increasing the value of its data.
5. If Empire Electric reports fire suppression costs, reporting them separately from mitigation costs can provide a fuller, more accurate picture of its activities and their effects.

cc: Michele Beck, Office of Consumer Services  
Dalton Randolph, Empire Electric Association System Engineer