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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  
Abdinasir Abdulle, Utility Technical Consultant Supervisor  
Jonathan Lee, Utility Analyst

**Date:** March 7, 2025

**Re:** **Docket No. 25-028-02**, Garkane Energy Cooperative's 2023 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 outlined below, Garkane Energy Cooperative's (Garkane Energy or Company) Wildland Fire Protection Plan's 2023 Compliance report filed on February 21, 2025, as retroactively complying with Utah Code §54-24-203(4)(b).

## Issue

On February 21, 2025, Garkane Energy filed a copy of its 2023 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 for compliance and make recommendations. The Commission asked the Division to report back by March 21, 2025. This memorandum represents the Division's response to the Action Request.



## Discussion

Garkane Energy is a non-profit rural electric distribution cooperative. Pursuant to Utah Code §54-24-203(3)(a), an electric cooperative will file a WFPP: i) on or before June 1, 2020; and ii) on or before October 1 of every third year after the calendar year 2020. 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.

Garkane submitted its 2023 WFPP to its governing authority, which is its Board of Directors on October 23, 2023. After submission, state code requires that the governing authority review the plan and take into account input from interested parties, mainly the Utah Division of Forestry, Fire, and State Land (UFFSL). Garkane's practice is to review interested parties' inputs before final approval of the WFPP. The constructive feedback necessitated that Garkane take additional time to fully assimilate these insights and incorporate them into the 2023 plan. As a result, Garkane requested an extension from its governing authority to approve the final plan, pushing the review approval to November 2024. The extension enabled Garkane to ensure maps were updated and recommendations were addressed. During this period, Garkane has continued to implement all recommendations and the 2020 plan.<sup>1</sup> However, the Division is not aware that Garkane ever notified the Commission about the extension.

Garkane waited to submit the 2023 Compliance report until the delayed 2023 WFPP was in place.<sup>2</sup> The 2023 Compliance Report was presented to its governing authority in a PowerPoint presentation format at a regular board meeting that was held on January 21, 2025 (although the presentation was dated October 23, 2023) and this presentation was then filed with the Commission on February 21, 2025.

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<sup>1</sup> Garkane Energy WFPP cover letter, January 21, 2025. Docket No. 25-028-01.

<sup>2</sup> Email from Gerry Hoyt, Safety and Operations Manager of Garkane Energy to Jonathan Lee of the Division, February 21, 2025.

The PowerPoint presentation submitted by Garkane Energy indicated the following actions were taken by the Company in 2023:<sup>3</sup>

- Completed the rebuild of the Henryville and Buckskin Substations.
- Installed several Trip Saver 2 reclosers and updated multiple new reclosers.
- Completed tree trimming by contractors in Orderville, Glendale, Cedar Mountain, and Kanab.
- Completed maintenance repairs of transmission lines including the 138kV Cottonwood line and 69 kV lines in all areas.
- Performed 2,454 intrusive inspections and 7,443 detailed inspections.
- Performed 100% inspections in high risk areas, 30% inspections in medium risk areas, and 22% in Low Risk Areas.
- Finally, the presentation includes an Engineer Compliance Statement, based on his review of the reports prepared by Garkane Energy's staff, that in his opinion, in all material respects, Garkane has complied with the terms of the Garkane Energy Cooperative Wildland Fire Protection Plan.<sup>4</sup>

The Division has reviewed the filing and recommends the Commission acknowledge with the following recommendation that Garkane Energy has technically, retroactively, complied with Utah Code §54-24-203(4)(b).

## **Recommendation**

Although, Garkane Energy's PowerPoint Presentation is fine for its board meeting and for its internal understanding and approval process of its compliance for the year, the Division recommends that future Garkane Energy annual compliance reports should be in a format that is more appropriate for public inspection. In addition to just reporting numbers, Garkane Energy should provide a more detailed description of where the work is being performed and associated costs so that the Commission has a better understanding of the program administration. The Division recommends that it would be helpful if the work being performed can be cross-referenced to the applicable segments in sections of Garkane

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<sup>3</sup> See Garkane Energy 2023 Wildland Fire Protection Plan Presentation, Page 8.

Energy's WFPP (as identified in Appendix D). The Division also recommends that Garkane Energy acknowledge and confirm positively that the inspection procedures, in sections 5.1 and 5.2 and its associated subsections of its WFPP, are being adhered to on the various parts of the system. A comparison to prior year numbers and costs, if applicable, may also give better context for comparison purposes.

Utah Code §54-24-203(4)(b) requires an 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. The Division interprets Garkane Energy's February 21, 2025, compliance filing for 2023 as retroactively complying with code since Garkane Energy completed and presented to its board its 2023 Compliance report presentation in October 2023. Garkane indicated it was waiting for its delayed WFPP, which covers 2023-2025, to be approved by its board so that it had a board approved WFPP for compliance. This occurred in January 2025 and the Commission approved the WFPP in February 2025.

Nonetheless, the Division understands that the intent of the code was for compliance reports to reflect the prior year's accomplishments whether a new WFPP was in the process or not. For instance, the 2023 Compliance report should have been filed in 2024 whether or not a new WFPP for 2023-2025 was in the works. Thus, going forward, Garkane Energy should file with the Commission annually, its board-approved compliance report for the previous calendar year.

## **Conclusion**

Based on its review of the filing, the Division recommends the Commission acknowledge, with the recommendations outlined above, that Garkane Energy has retroactively complied with the filing requirements for the Compliance Report under Utah Code § 54-24-203(4)(b).

cc: Michele Beck, Office of Consumer Services  
Gerry Hoyt, Garkane Energy Safety and Operations Manager