

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Request of Rocky Mountain Power for
Approval of a Utah Fire Fund

DOCKET NO. 25-035-61

REQUEST FOR COMMENTS AND
SCHEDULING ORDER AND NOTICE OF
HEARING

ISSUED: December 17, 2025

Rocky Mountain Power (RMP) initiated this docket on November 26, 2025, filing its Notice of Creation of Utah Fire Fund and Request for Commission Approval (“Request”), which asks the Public Service Commission (PSC) to approve a new statutory Utah fire fund (“Fire Fund”).

On December 4, 2025, the PSC held a virtual scheduling conference. During the conference, the parties and stakeholders in attendance stipulated to a schedule (“Stipulated Schedule”).¹

To allow the matter to progress without delay, the PSC tentatively approves the Stipulated Schedule. However, the PSC is concerned parties may have different views as to the scope of this proceeding and the evidence that will, ultimately, be necessary for the PSC to grant the Request. Therefore, at this early stage of the proceeding, the PSC believes it prudent to invite further comment from the parties.

REQUEST FOR COMMENTS REGARDING SCOPE AND SCHEDULE

Utah Code § 54-24-301(4) governs the PSC’s review of RMP’s Request and enumerates certain findings the PSC must make to approve it. The necessary findings

¹ The details of the Stipulated Schedule are discussed below.

are both specific (e.g., the associated surcharge may not increase the average residential customer's monthly bill more than \$3.70 per month) and rather broad (e.g., RMP must show the fund "supports [its] financial health" and "maintains or improves [RMP's] ability to deliver safe and reliable services").²

RMP submitted written direct testimony from five witnesses, and RMP argues their cumulative testimony is generally sufficient to support the PSC making the findings necessary to approve its Request.³

Several months prior to filing the Request, RMP initiated a different docket ("IJCA Docket"),⁴ seeking the PSC's approval of its proposed 2026 Inter-Jurisdictional Cost Allocation Protocol ("2026 Protocol").⁵ There, RMP explains that, notwithstanding substantial and prolonged effort, stakeholders cannot reach consensus on the terms of a protocol to apportion costs among the six states that RMP's system serves.

² Utah Code § 54-24-301(4).

³ See, e.g., Direct Test. of J. Steward, filed Nov. 26, 2025, at 2:25-27 ("Along with [RMP's] other witnesses, my testimony demonstrates that the Fire Fund proposed by [RMP] meets the criteria for [PSC] approval set forth in Utah Code § 54-24-301.").

⁴ *Application of RMP for Approval of the 2026 Inter-Jurisdictional Cost Allocation Protocol*, Docket No. 25-035-47.

⁵ RMP serves customers in six different states and has, historically, endeavored to operate as a single system. Since 2020, the system's costs have generally been allocated among the states according to the terms of a stipulated protocol ("2020 Protocol"), approved by the PSC. However, the 2020 Protocol will soon expire. In the IJCA Docket, RMP explains that diverging state energy policies are "mak[ing] it increasingly difficult ... to operate and maintain a single resource portfolio for customers across all jurisdictions." IJCA Docket, RMP's Application for Approval of the 2026 Protocol, filed Aug. 5, 2025, at 2. Consequently, RMP asks the PSC, in that docket, to approve RMP's proposed 2026 Protocol.

Consequently, RMP filed the 2026 Protocol in the IJCA Docket, proposing a cost-allocation method and stressing that, absent the PSC's approval, RMP will be operating without an approved methodology when the 2020 Protocol expires on December 31, 2025.⁶

Importantly, RMP's proposed 2026 Protocol expressly refrains from addressing allocation of "wildfire[-]related insurance coverage and liability."⁷ In written testimony, RMP confirms, under its proposal, "[t]he costs for wildfire-related insurance coverage and liability in retail states will be addressed on a state-by-state basis."⁸ RMP's testimony further explains RMP "is currently engaging with stakeholders on the appropriate treatment of wildfire-related insurance coverage and liability for its retail service states and is exploring options beyond standard third-party insurance."⁹

In short, in the IJCA Docket, RMP does not seek to allocate wildfire-related insurance coverage and liability costs, proposes that such costs will be addressed in

⁶ The PSC notes, however, RMP has stipulated to a schedule in the IJCA Docket that precludes the PSC from resolving the matter before late April or early May of 2026. See IJCA Docket, Scheduling Order and Notice of Hearing issued Sept. 22, 2025 (establishing a stipulated adjudication schedule that allows discovery through April 8, 2026, and sets the hearing to commence on April 15, 2026).

⁷ See IJCA Docket, RMP's Application for Approval of the 2026 Protocol, filed Aug. 5, 2025, at 4; IJCA Docket, Direct Test. of R. Link, filed Aug. 5, 2025, Ex. RTL-1 at ¶ 12.

⁸ IJCA Docket, Direct Test. of R. Link filed Aug. 5, 2025, at 30:609-10.

⁹ *Id.* at 30:616-19.

different proceedings on a case-by-case basis, and offers no specific indication of how it intends to resolve the allocation of such costs to Utah.

Of course, the Fire Fund that RMP seeks to implement through the instant docket must be a component or relevant variable when determining the allocation of such costs to Utah, but RMP plainly does not intend it to be the sole component. RMP represents in its Request that “[t]he proposed Fire Fund is based on the assumption that [RMP] will continue to acquire commercial excess liability insurance (‘ELI’), or develop a self-insurance program, that provides coverage for third[-]party liability risks in Utah, including the risk of wildland fires in the state.”¹⁰ RMP further states “[t]he [proposed] Fire Fund, by contrast, will be available to pay an eligible fire claim ... that ‘exceeds [RMP’s] applicable insurance coverage, including self-insurance.’”¹¹

What additional costs RMP expects to incur related to wildfire liability and how RMP expects those costs to be allocated are questions RMP does not meaningfully address in its Request or attached written testimony. RMP’s direct written testimony provides only high-level, limited information about its efforts and intentions regarding commercial wildland fire insurance coverage.¹² Additionally, it is not clear whether RMP expects to provide additional information on the subject during this proceeding.

¹⁰ Request at 5.

¹¹ *Id.* (quoting Utah Code § 54-24-301(1)(a)(i)).

¹² The PSC discusses this issue in general because RMP has designated this information as confidential.

The PSC is concerned questions exist as to whether it can reasonably and competently evaluate whether the statutory criteria to establish the Fire Fund exist in a context largely devoid of information regarding other significant costs RMP intends to incur related to wildfire insurance and liability and how those costs are to be allocated to Utah customers. Again, the statutory criteria invoke relatively broad questions regarding whether the Fire Fund will “support the financial health” of RMP and “maintain or improve” RMP’s ability to deliver safe and reliable service to Utahns. Of course, the PSC must also find the Fire Fund to be in the public interest.

The PSC, therefore, invites any interested person to submit comments on or before **Friday, January 16, 2026** that address the following questions:

(1) whether the PSC can approve the Fire Fund in the absence of information regarding the additional costs RMP will incur related to wildland fire liability risk and how those costs are to be allocated;

(2) what additional kinds or categories of information, if any, are necessary to allow the PSC to make the statutorily required findings to approve the proposed Fire Fund; and

(3) given the answers to the foregoing, whether the schedule and process established in this order will be sufficient for the PSC to reasonably and responsibly evaluate whether the statutory criteria are met and, if not, what changes to the process are necessary.

The PSC recognizes the public policy underlying Utah Code § 54-24-301 and strongly prefers to avoid any needless delay in its consideration of RMP's Request to implement a Utah fire fund. The PSC is also mindful, however, that parties might proceed in developing their cases with fundamentally different understandings as to the scope of evidence necessary for the PSC to make the findings the law requires to approve the Request. Allowing the parties to fully litigate this case only to yield an insufficient record based on such misunderstandings could only result in a much longer delay in the implementation of a Utah fire fund while needlessly wasting the parties' respective time and resources.

SCHEDULE

As discussed above, the PSC adopts the Stipulated Schedule to which the parties agreed at the scheduling conference the PSC held on December 4, 2025. However, this schedule may be amended contingent on feedback the PSC receives from the parties in response to the PSC's solicitation for comments above. The Stipulated Schedule is as follows:

ITEM	DEADLINE/DATE/TIME/LOCATION
Intervenor Direct Testimony	Wednesday, February 11, 2026
Rebuttal Testimony	Monday, March 30, 2026
Intervention Deadline	Friday, April 3, 2026
Surrebuttal Testimony	Tuesday, April 21, 2026

Hearing	Tuesday and Wednesday, April 28 and 29, 2026, beginning at 9:00 a.m. each day of the hearing, Fourth Floor Hearing Room 403, Heber M. Wells Building, Salt Lake City, Utah
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DISCOVERY

Discovery turn-around times are 14 calendar days until February 11, 2026, and 7 calendar days thereafter. Parties shall serve discovery requests and responses on applicable parties by electronic mail. In the event a document produced in response to a discovery request cannot reasonably be transmitted by electronic mail, the party disclosing the document shall provide an electronic copy of the document on CD (or, if an electronic copy is not available, a paper copy).

NOTICE OF HEARING

The PSC will conduct a hearing on **Tuesday and Wednesday, April 28 and 29, 2026, beginning at 9:00 a.m. each day of the hearing, Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** All parties must have their witnesses in attendance and prepared to testify. Any person desiring to attend this event must show government-issued photo identification to be admitted past the building security station.

Individuals wishing to participate in the hearing remotely should contact the PSC two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824) to receive connection information and instructions.

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Individuals needing accommodations during the hearing should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, December 17, 2025.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#343093

CERTIFICATE OF SERVICE

I CERTIFY that on December 17, 2025, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Data Request Response Center (datareq@pacificorp.com, utahdockets@pacificorp.com)
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/s/ Melissa R. Paschal _____
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