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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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Request of Rocky Mountain Power for Approval of a Utah Fire Fund	Docket No. 25-035-61 <b>UTAH LARGE CUSTOMER GROUP'S COMMENTS REGARDING SCOPE AND SCHEDULE</b>
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The Utah Large Customer Group (“UTLCG”) provides these Comments Regarding Scope and Schedule (“Comments”) pursuant to the Commission’s Order issued on December 17, 2025 (“Order”) in the above-captioned docket.

**INTRODUCTION**

The Public Service Commission of Utah (“PSC” or “Commission”) requested that parties comment and respond to three questions: (1) whether the PSC can approve the Fire Fund in the absence of information regarding the additional costs Rocky Mountain Power (“RMP” or the “Company”) 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 the 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 UTLCG recognizes the importance of addressing the risks related to wildfires in Utah, as well as RMP's interest in securing funding to address such risks for the Company's and ratepayers' shared benefit. However, the UTLCG is similarly concerned about the Commission's ability to "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."<sup>1</sup> While the UTLCG will work within the current schedule or any other schedule the Commission deems fit, it also maintains that it is better to get this done right than fast. Fundamentally, the UTLCG appreciates the invitation to provide comments for the Commission's consideration in promoting administrative efficiency and a just and reasonable result for ratepayers.

**I. The Company's Fire Fund Request is Substantively and Procedurally Flawed.**

The Commission rightly considers whether it *can* approve the Company's Application absent key information regarding the costs and allocation of RMP's wildland fire liability risk.<sup>2</sup> Before approving a Utah Fire Fund, the Commission is required to consider to its satisfaction that the fund meets enumerated criteria: that it is in the public interest; that it supports the Company's financial health; and that it maintains or improves the Company's ability to deliver safe and reliable services.<sup>3</sup> This is not an easy puzzle and cannot be solved if key pieces are missing.

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<sup>1</sup> Order, p. 5.

<sup>2</sup> *See id.*

<sup>3</sup> Utah Code Ann. §§ 54-24-301(4)(a)(i)-(iii).

First, RMP has yet to determine “[w]hat additional costs RMP expects to incur related to wildfire liability and how RMP expects those costs to be allocated[.]”<sup>4</sup> Absent knowing the sources or extent of its Utah-specific “wildfire-related insurance coverage and liability,”<sup>5</sup> it is impractical if not impossible to determine whether a Fire Fund, in isolation, is supportive to the Company’s financial health. Without a line of sight into the availability, source, and amount of *other* wildfire insurance coverage, right-sizing a specific Fire Fund surcharge amounts to little more than a best guess. Stripped of context, how can the Commission determine if the Company’s proposed Fire Fund collection of approximately \$109 million per year<sup>6</sup> is adequate or excessive?

Second, the Company’s request lacks detail on the allocation of wildfire-related insurance coverage and liability costs. The Utah Legislature created the Fire Fund for Utahns. RMP asserts that it has not yet, but will, address wildfire liability coverage on a “state-by-state basis.”<sup>7</sup> That state-specific allocation is not currently at issue in the Company’s concurrently pending proposed 2026 Inter-Jurisdictional Cost Allocation Protocol (“2026 IJCA”),<sup>8</sup> but it will still need to occur. The allocation will inform whether the surcharge is “reasonable and prudent,”<sup>9</sup> and whether it advances “the public interest,”<sup>10</sup> and “supports the financial health of [the Company].”<sup>11</sup>

Beyond the substantive omissions that render consideration of the Company’s Fire Fund request piecemeal, the request is perhaps procedurally fatal. Utah law requires that a Fire Fund’s

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<sup>4</sup> Order, p. 4.

<sup>5</sup> *Id.* at p. 3.

<sup>6</sup> Direct Testimony of Kenneth Lee Elder, Jr., at 5:52-53.

<sup>7</sup> Order, p. 3 (citing the Direct Testimony of Rick Link, at 30:609-10, Docket No. 25-035-47).

<sup>8</sup> Docket No. 25-035-47.

<sup>9</sup> Utah Code Ann. § 54-24-301(3)(a).

<sup>10</sup> *Id.* at § 54-24-301(4)(a)(i).

<sup>11</sup> *Id.* at § 54-24-301(4)(a)(ii).

“reasonable and prudent fire surcharge” must be “approved by the Commission **in a rate case[.]**”<sup>12</sup>

The UTLCG is concerned about the potential administrative inefficiency of litigating this proceeding when the surcharge cannot legally be established outside of a rate case. RMP had, but did not pursue, the opportunity to seek approval of a Fire Fund in its recently concluded rate case.<sup>13</sup>

As UTLCG understands, another rate case is on the horizon, should the Commission wish to defer its consideration until then.

## **II. The Commission’s Consideration of the Fire Fund is Complex and Necessarily Intertwined with other Needed Information.**

For the foregoing reasons, there are additional kinds or categories of information and other procedural requirements that are necessary to allow the PSC to make the requisite statutory findings to approve the proposed Fire Fund. Without limitation, these include information regarding the availability, sources, and costs of the Company’s *other* wildfire-related insurance coverage and the proposed allocation of any state-specific wildfire-related insurance coverage and liability costs. Consideration of this data will better inform whether the Fire Fund is in the public interest, supports RMP’s financial health, and its ability to deliver safe and reliable service.<sup>14</sup> Should the Commission defer its consideration of the Fire Fund to a future rate case, these and other factors can be considered in a more fulsome and comprehensive manner.

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<sup>12</sup> *Id.* at § 54-24-301(3)(a).

<sup>13</sup> Docket No. 24-035-04.

<sup>14</sup> Utah Code Ann. § 54-24-301(4)(a)(i)-(iii).

**III. The UTLCG will Abide by the Stipulated Schedule, or any Alternative Schedule the Commission Deems Fit.**

Regarding the procedural schedule, the UTLCG does not intend to invite the Company to simply bring us another rock. The UTLCG acknowledges that the Commission denied a portion of the Company's test year excess liability insurance premiums in the prior rate case in part on the grounds that RMP could have but did not pursue a Fire Fund,<sup>15</sup> and that the UTLCG now raises issues with the proposed Fire Fund's lack of information regarding supplemental sources of wildfire insurance. But, as stated initially, the UTLCG maintains that given the importance of these issues and the weight of the time and resources necessary to address them, it is better to get it done right than fast. In any event, the UTLCG will abide by the stipulated schedule, or any alternative procedural schedule as the Commission deems fit.

**CONCLUSION**

WHEREFORE, the UTLCG appreciates the Commission's consideration and the opportunity to comment on these important issues.

DATED this 16<sup>th</sup> day of January, 2026.

*s/ Michelle Brandt King*  
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<sup>15</sup> Docket No. 24-035-04, Order, p. 163 (issued April 25, 2025).

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *The Utah Large Customer Group's Comments Regarding Scope and Schedule*, was served this 16<sup>th</sup> day of January, 2026, to the following:

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*\*Indicates those with Confidentiality Agreements on file*

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