

FINAL BILL REPORT

2SHB 1032

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Synopsis as Enacted

Brief Description: Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Dent, Chapman, Ryu, Reed, Graham, Ramel, Pollet, Griffey, Reeves, Tharinger, Wylie, Springer, Kloba and Donaghy).

House Committee on Agriculture and Natural Resources
House Committee on Appropriations
Senate Committee on Environment, Energy & Technology
Senate Committee on Ways & Means

Background:

Wildland Fire Advisory Committee.

The Wildland Fire Advisory Committee was created in 2015. The Committee advises the Commissioner of Public Lands (Commissioner) on all matters related to wildland firefighting in the state. This includes developing strategies to enhance the safe and effective use of private and public wildland firefighting resources.

Utility Wildland Fire Prevention Advisory Committee.

In 2021 the Legislature directed the Commissioner to convene a Utility Wildland Fire Prevention Advisory Committee (Advisory Committee). The duties of the Advisory Committee are to advise the Department of Natural Resources (DNR) on a variety of issues related to reducing the risk of wildland fires associated with the electrical transmission and distribution network.

Utilities and Transportation Commission.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Utilities and Transportation Commission (UTC) regulates the rates, services, and practices of investor-owned utilities and transportation companies, including electrical companies, natural gas companies, and telecommunications companies. In May 2021, the UTC held a workshop on utility wildfire preparedness. Washington's three investor-owned electric utilities presented their plans for the upcoming wildfire season, including plans for fire mitigation strategies and communications plans with state, federal, and local emergency response agencies, and customers.

Summary:

Department of Natural Resources—Recommended Format for Utility Wildfire Mitigation Plans.

The Department of Natural Resources (DNR) must contract with an independent consultant to recommend a format and list of elements to be included in an electric utility wildfire mitigation plan. In identifying a plan format and list of elements, the DNR must seek input from the Utilities and Transportation Commission (UTC), the Utility Wildland Fire Prevention Advisory Committee (Advisory Committee), electric utilities, the State Fire Marshal, the Governor's Office of Indian Affairs, and the public.

The DNR must publish a recommended format and list of actions by April 1, 2024.

The recommended elements within an electric utility wildfire mitigation plan must include, but are not limited to:

- vegetation management along transmission and distribution lines and near associated equipment;
- infrastructure inspection and maintenance repair activities, schedules, and recordkeeping; and
- identification of appropriate widths for vegetation management and rights-of-way, including the consideration of fire-resistant vegetation alternatives.

The recommended format and list of elements identified by the DNR must be forwarded to the UTC, the Energy Resilience and Management Office of the Department of Commerce, and all electric utilities in the state for a review period prior to finalizing the format and list of elements.

The DNR will provide technical assistance to utilities to support the inclusion of the guidelines in the revision of their wildfire mitigation plans.

The DNR must submit a summary and compilation of the wildfire mitigation plans to the Legislature by December 31, 2024.

Investor-Owned Electrical Companies—Wildfire Mitigation Plans.

Each investor-owned electrical utility must review, revise if appropriate, and adopt its wildfire mitigation plan by October 31, 2024, and every three years thereafter. The review

must use the recommended format and elements developed by the DNR through the independent consultant process.

Local fire protection districts must be provided the opportunity to provide input for each wildfire mitigation plan.

Each investor-owned utility must provide its wildfire mitigation plan to the UTC to review, and the UTC will confirm whether the plan contains the recommended elements. Each investor-owned utility must also provide a copy of its wildfire mitigation plan to the DNR, along with a list and description of wildland fires involving utility equipment over the previous two years as reported by the DNR. The wildfire mitigation plan must also be submitted to the Advisory Committee to be posted on the Advisory Committee's website.

The UTC is not liable for an investor-owned utility's implementation of its wildfire mitigation plan. An investor-owned utility may pursue recovery of costs and investments associated with a wildfire mitigation plan through a proceeding to set rates at the UTC.

Consumer-Owned Electrical Companies—Wildfire Mitigation Plans.

Each consumer-owned electrical company must review, revise if appropriate, and adopt its wildfire mitigation plan by October 31, 2024, and every three years thereafter. The review must use the recommended format and elements developed by the DNR through the independent consultant process. The electrical company must submit its plan to the governing board of the electrical company and make the plan publicly available.

The governing board of the electrical company must review the plan. Local fire districts must be given an opportunity to review and comment during this period. After the governing board's review, the electrical company must provide a copy of the plan to the DNR along with a list and description of wildland fires involving utility equipment within its customer service area over the previous two years as reported by the DNR. The wildfire mitigation plan must also be submitted to the Advisory Committee to be posted on the Advisory Committee's website.

The DNR is not responsible for a consumer-owned utility's implementation of its wildfire mitigation plan. The DNR's review of the consumer-owned utility's wildfire mitigation plan and any recommendations associated with the review do not constitute a reasonableness review or approval of recovery of any measure, investment, cost, or other component of the plan.

Two or more abutting consumer-owned electric utilities may co-develop a wildfire mitigation plan.

Utility Wildland Fire Prevention Advisory Committee—Duties and Composition.

The Advisory Committee must produce an updated report by May 30, 2024, and every three years thereafter that addresses the following topics, among others:

- implementing and updating as appropriate a model agreement for managing vegetation adjacent to utility rights-of-way; and
- implementing and updating recommendations related to communication between the DNR and utilities.

The Advisory Committee must develop recommendations for strengthening state agency coordination of wildland fire risk reduction, prevention, and suppression. In this work, the Advisory Committee must seek the views of the Wildland Fire Advisory Committee, as well as the views of the Energy Resilience and Emergency Management Office and the UTC. The Advisory Committee must host electric utility wildfire mitigation plans on its website. The membership of the Advisory Committee is expanded to include a representative of the Energy Resilience and Emergency Management Office and a representative of the UTC.

The Chair of the Advisory Committee must schedule and hold meetings on a regular basis, at a minimum of twice per year but not more than four times per year.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 23, 2023