S-1416.2

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**SUBSTITUTE SENATE BILL 5430**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Chapman, Short, Boehnke, Liias, Dozier, and Nobles)

AN ACT Relating to approval of electric utility wildfire mitigation plans; amending RCW 80.24.010; adding a new section to chapter 80.28 RCW; creating a new section; and repealing RCW 80.28.440.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  It is the intent of the legislature to provide for the safe, efficient, and reliable transmission and distribution of electric power at affordable rates. Preparation for and response to wildfire risk is an increasingly important element of planning conducted by electric utilities. Proper preparation is crucial to position electric utilities to respond to wildfire risk. It is essential to make sure these risks are addressed, as needed, but also within appropriate cost parameters to keep electric power affordable to the public. This legislation is designed to direct the prudent use of resources by electric utilities to mitigate and respond to wildfire risk within costs that can be justified as fair, just, and reasonable in order to balance wildfire risk with affordable electric rates.

NEW SECTION. **Sec.**  A new section is added to chapter 80.28 RCW to read as follows:

(1)(a) Each electrical company must file a wildfire mitigation plan with the commission as soon as practicable after the effective date of this section, unless the company has previously filed a wildfire mitigation plan with the commission prior to the effective date of this section. An electrical company that has previously filed a wildfire mitigation plan with the commission must file a plan update as soon as practicable after the effective date of this section. To the extent practicable, a company should try to align the timing of filing a plan and plan updates with the filing of a multiyear rate plan under RCW 80.28.425. The company shall update a plan no less frequently than every three years. The company shall provide a copy of its wildfire mitigation plan and updates to the department of natural resources and the utility wildland fire prevention advisory committee created in RCW 76.04.780 in the format prescribed under RCW 76.04.185 to be posted on the committee's website.

(b) Nothing in this subsection prohibits an electrical company from updating its wildfire mitigation plan more often than required under (a) of this subsection.

(2) The commission must approve, reject, or approve with conditions, after holding at least one public workshop and a public meeting, an electrical company's wildfire mitigation plan within 120 days or plan update within 90 days of the filing of such plan or plan update. The commission shall issue an order approving or approving with conditions the plan or plan update if the commission finds that the plan or plan update is based on reasonable and prudent practices and is designed to meet all applicable standards adopted or established by rule or order of the commission, as well as other applicable laws and regulations. The commission may, in approving with conditions the plan or plan update, make modifications to the plan or plan update that the commission reasonably finds represent a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk. The commission shall issue an order explaining any modifications at the time the plan or plan update is approved. In evaluating a plan or plan update, the commission may consult with and consider information from federal, tribal, state, or local governmental entities, utilities, industry organizations, and groups representing utility customers. The commission shall describe the nature of its consultations with third parties in its order approving or approving with conditions a plan or plan update.

(3) The commission must adopt rules to implement this section. The rules must:

(a) Provide that a workshop be held pursuant to subsection (2) of this section that will involve local fire protection districts, utilities, affected landowners, and groups representing utility customers; and

(b) Include, but need not be limited to, procedures and standards regarding vegetation management, including guidelines for determining fair market landowner compensation when appropriate, public safety power shutoffs and service restoration, pole materials, circuitry, and monitoring systems.

(4) The commission is not liable for an electrical company's implementation of its wildfire mitigation plan. There is no liability on the part of, and no cause of action of any nature may arise against, the state, commission, commissioners, commission staff, or commission representatives, agents, or consultants for the death of or injury to persons, or property damage, for any action taken by them in the performance of their powers and duties exercised under this section.

**Sec.**  RCW 80.24.010 and 2024 c 351 s 13 are each amended to read as follows:

(1) Every public service company subject to regulation by the commission shall, on or before the date specified by the commission for filing annual reports under RCW 80.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first $50,000 of gross operating revenue, plus four-tenths of one percent of any gross operating revenue in excess of $50,000, except that a large combination utility as defined in RCW 80.86.010 shall pay a fee equal to ((~~0.001~~)) 0.1 percent of the first $50,000 of gross operating revenue, plus ((~~0.005~~)) 0.5 percent of any gross operating revenue in excess of $50,000: PROVIDED, That the commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this ((~~section~~)) subsection (1).

(2) The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Electrical, gas, water, telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

(3) The commission shall collect a reasonable fee from an electrical company in addition to the fee in subsection (1) of this section for the purposes of section 2 of this act.

(4) Any payment of the fee imposed by subsection (1) of this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

NEW SECTION. **Sec.**  RCW 80.28.440 (Wildfire mitigation plan—Review/revision) and 2023 c 132 s 3 are each repealed.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**