
SENATE BILL 5430

State of Washington

69th Legislature

2025 Regular Session

By Senators Chapman, Short, Boehnke, Lias, Dozier, and Nobles

Read first time 01/22/25. Referred to Committee on Environment,
Energy & Technology.

1 AN ACT Relating to approval of electric utility wildfire
2 mitigation plans; amending RCW 80.24.010; adding a new section to
3 chapter 80.28 RCW; creating a new section; and repealing RCW
4 80.28.440.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 provide for the safe, efficient, and reliable transmission and
8 distribution of electric power at affordable rates. Preparation for
9 and response to wildfire risk is an increasingly important element of
10 planning conducted by electric utilities. Proper preparation is
11 crucial to position electric utilities to respond to wildfire risk.
12 Knowing what measures should be taken to minimize wildfire risk
13 before it occurs and to respond to it when it does occur is central
14 to the safe, efficient, and reliable provision of an essential public
15 service. It is essential to make sure these risks are addressed, as
16 needed, but also within appropriate cost parameters to keep electric
17 power affordable to the public. This legislation is designed to
18 direct the prudent use of resources by electric utilities to mitigate
19 and respond to wildfire risk within costs that can be justified as
20 fair, just, and reasonable in order to balance wildfire risk with
21 affordable electric rates.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.28

2 RCW to read as follows:

3 (1) (a) Each electrical company may, as soon as practicable after
4 the effective date of this section, file a wildfire mitigation plan
5 with the commission. To the extent practicable, a company should try
6 to align the timing of filing a plan and plan updates with the filing
7 of a multiyear rate plan under RCW 80.28.425. The company shall
8 update a plan no less frequently than every three years. The company
9 shall provide a copy of its wildfire mitigation plan and updates to
10 the department of natural resources and the utility wildland fire
11 prevention advisory committee created in RCW 76.04.780.

12 (b) Nothing in this subsection prohibits an electrical company
13 from updating its wildfire mitigation plan more often than required
14 under subsection (1) (a) of this section.

15 (2) The commission must approve, reject, or approve with
16 conditions, after a public meeting, an electrical company's wildfire
17 mitigation plan or plan update within 60 days of the filing of such
18 plan. The commission shall issue an order approving or approving with
19 conditions the plan or plan update if the commission finds that the
20 plan or plan update is based on reasonable and prudent practices and
21 is designed to meet all appropriate standards adopted or established
22 by rule or order of the commission. The commission may, in approving
23 with conditions the plan or plan update, make modifications to the
24 plan or plan update that the commission reasonably finds represent a
25 reasonable balancing of mitigation costs with the resulting reduction
26 of wildfire risk. The commission shall issue an order explaining any
27 modifications at the time the plan or plan update is approved. In
28 evaluating a plan or plan update, the commission may consult with and
29 consider information from federal, tribal, state, or local
30 governmental entities, utilities, and industry organizations. The
31 commission shall describe the nature of its consultations with third
32 parties in its order approving or approving with conditions a plan or
33 plan update.

34 (3) The commission may adopt rules to implement this section. The
35 rules may include, but need not be limited to, procedures and
36 standards regarding vegetation management, public power safety
37 shutoffs and service restoration, pole materials, circuitry, and
38 monitoring systems.

39 (4) The commission is not liable for an electrical company's
40 implementation of its wildfire mitigation plan. There is no liability

1 on the part of, and no cause of action of any nature may arise
2 against, the state, commission, commissioners, commission staff, or
3 commission representatives, agents, or consultants for the death of
4 or injury to persons, or property damage, for any action taken by
5 them in the performance of their powers and duties exercised under
6 this section.

7 **Sec. 3.** RCW 80.24.010 and 2024 c 351 s 13 are each amended to
8 read as follows:

9 (1) Every public service company subject to regulation by the
10 commission shall, on or before the date specified by the commission
11 for filing annual reports under RCW 80.04.080, file with the
12 commission a statement on oath showing its gross operating revenue
13 from intrastate operations for the preceding calendar year or portion
14 thereof and pay to the commission a fee equal to one-tenth of one
15 percent of the first \$50,000 of gross operating revenue, plus four-
16 tenths of one percent of any gross operating revenue in excess of
17 \$50,000, except that a large combination utility as defined in RCW
18 80.86.010 shall pay a fee equal to ~~((0.001))~~ 0.1 percent of the first
19 \$50,000 of gross operating revenue, plus ~~((0.005))~~ 0.5 percent of any
20 gross operating revenue in excess of \$50,000: PROVIDED, That the
21 commission may, by rule, set minimum fees that do not exceed the cost
22 of collecting the fees. The commission may by rule waive any or all
23 of the minimum fee established pursuant to this ~~((section))~~
24 subsection (1).

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

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

38 (4) Any payment of the fee imposed by subsection (1) of this
39 section made after its due date shall include a late fee of two

1 percent of the amount due. Delinquent fees shall accrue interest at
2 the rate of one percent per month.

3 NEW SECTION. **Sec. 4.** RCW 80.28.440 (Wildfire mitigation plan—
4 Review/revision) and 2023 c 132 s 3 are each repealed.

5 NEW SECTION. **Sec. 5.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

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