

RCW 76.04.185 Electric utility wildfire mitigation plan. (1)

The department, in consultation with the energy resilience and emergency management office of the department of commerce, shall contract with an independent consultant with experience in developing electric utility wildfire mitigation plans to develop an electric utility wildfire mitigation plan format and a list of elements to be included in electric utility wildfire mitigation plans. When developing the plan format and list of elements, the department shall seek input from the utilities and transportation commission, the utility wildland fire prevention advisory committee, electric utilities, the state fire marshal, the governor's office of Indian affairs, and the public. By April 1, 2024, the department shall make public a recommended format and list of elements for electric utility wildfire mitigation plans. The department may update these guidelines annually if needed, but not more than once in each year.

(2) The recommended elements must acknowledge that utilities serve areas that vary in topography, vegetation, population, and other characteristics, and that best practices guidelines within each element must recognize that a utility's wildfire mitigation measures will be designed to fit site-specific circumstances. The recommended elements must include, but are not limited to:

(a) Vegetation management along transmission and distribution lines and near associated equipment;

(b) Infrastructure inspection and maintenance repair activities, schedules, and recordkeeping;

(c) Modifications or upgrades to facilities and construction of new facilities to incorporate cost-effective measures to minimize fire risk;

(d) Preventative programs, including adoption of new technologies to harden utility infrastructure;

(e) Operational procedures;

(f) Identification of appropriate widths for vegetation management and rights-of-way, including the consideration of fire-resistant vegetation alternatives; and

(g) Public and interested parties' engagement and communication plans addressing wildfire safety and risk mitigation.

(3) The recommended format and list of elements identified by the department must be forwarded to the utilities and transportation commission, the energy resilience and emergency management office of the department of commerce, and all electric utilities in Washington state for a review period of no less than three months prior to finalizing the format and list of elements that utilities will use to adopt or update their electric utility wildfire mitigation plan.

(4) The department will provide technical assistance to all electric utilities to support inclusion of these guidelines in the revision of their plans.

(5) By December 31, 2024, the department must submit to the appropriate committees of the senate and house of representatives a compilation and summary of existing wildfire mitigation plans maintained by electric utilities.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer-owned utility" means a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, or a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the

business of distributing electricity to more than one retail electric customer in the state.

(b) "Electric utility" means a consumer-owned utility or an investor-owned utility as defined in this section.

(c) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state. [2023 c 132 § 2.]

Findings—Intent—2023 c 132: "(1) It is in the best interest of the state, our citizens, and our natural resources to identify the sources of wildland fires; identify and implement best practices to reduce the prevalence and intensity of those wildland fires; put those practices in place; and by putting those practices in place, reduce the risk of wildland fires and damage and losses resulting from those fires.

(2) The legislature finds that electric utilities are partners with relevant state agencies, emergency responders, and public and private entities in identifying best practices to reduce the risk of and prevent wildland fires. Many electric utilities have developed and are implementing wildfire mitigation plans. The legislature further finds that electric utilities should adopt and implement wildfire mitigation plans, and that electric utilities should be informed by recognized best practices, as applicable to their geography, terrain, vegetation, and other characteristics specific in their service area, for reducing wildland fire risk and reducing damage from wildland fires as may be ignited by electric utility equipment.

(3) Therefore, the legislature intends to authorize the identification of best practices guidelines and to require that electric utilities provide their wildfire mitigation plans to the state in order to promote public transparency." [2023 c 132 § 1.]