

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2025 GENERAL SESSION

AN ACT relating to public utilities; requiring public utilities to prepare and submit wildfire mitigation plans; specifying procedures for the submission and review of wildfire mitigation plans; specifying how costs associated with wildfire mitigation plans may be recovered; specifying limits for liability and damages for public utilities related to wildfires; requiring rulemaking; specifying applicability; and providing for effective dates.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** 37-3-401 through 37-3-405 are created to read:

ARTICLE 4  
WILDFIRE MITIGATION

**37-3-401. Definitions.**

(a) As used in this article:

(i) "Economic loss" means pecuniary loss, including losses resulting from medical expenses, business interruption, loss of business, property damage loss, replacement services loss, loss due to death and burial costs to the extent recovery for the loss is allowed under the laws of Wyoming;

(ii) "Electric utility" means any person, including cooperative electric utilities that perform any of the functions specified in W.S. 37-1-101(a)(vi)(C), that is authorized to engage in business in Wyoming and that is primarily engaged in the generation, transmission or sale of electric energy. "Electric utility" shall not include any electric utility owned or operated by a city or town;

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(iii) "Wildfire" means an unplanned, unwanted fire burning within Wyoming that may impact, damage or cause harm to natural resources, agricultural resources, homes and property or that threatens lives and safety.

**37-3-402. Wildfire mitigation plans; preemption; commission authority; applicability.**

(a) Nothing in this article shall be construed to limit the commission's authority to regulate utilities or promulgate rules under other provisions of this title.

(b) Wildfire mitigation plans approved by the commission shall preempt any part of a local land use plan or ordinance that would impede or preclude an electric utility from implementing the wildfire mitigation plan.

**37-3-403. Electric utilities; wildfire mitigation plans; contents.**

(a) Each electric utility shall prepare a wildfire mitigation plan that shall include, at a minimum:

(i) A description of the electric utility's service territory and the areas within the service territory or rights-of-way that may be subject to a heightened risk of wildfire;

(ii) A description of the procedures, standards and schedules that the electric utility will use to inspect and operate its transmission and distribution infrastructure, if any;

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(iii) A description of the procedures and standards that the electric utility will use to perform vegetation management;

(iv) A description of proposed modifications, replacements and upgrades to facilities and preventative programs that the electric utility will implement to reduce the risk of its electric facilities initiating a wildfire;

(v) A description of how the electric utility's wildfire mitigation strategies and policies have changed in the immediately preceding five (5) years;

(vi) A description of how the electric utility will coordinate with other electric utilities regarding any shared facilities;

(vii) A description of procedures and considerations for de-energizing power lines and disabling reclosers to mitigate potential fires, including:

(A) The ability of the electric utility to reasonably access the proposed power line to be de-energized;

(B) Balancing the risk of wildfire with the need for the continued supply of electricity to a community;

(C) Any potential impact that de-energizing lines may have on the resilience of the remainder of the electric utility's transmission and distribution facilities, if any;

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(D) The need to provide notice to customers and the public before or as soon as practicable after de-energization;

(E) Any need to communicate and coordinate with any other electric utilities that may be impacted by a de-energization and any plans to accomplish communications, including communications with transmission operators, reliability coordinators and cooperative member systems;

(F) Anticipated potential impacts to public safety.

(viii) A description of the procedures the electric utility intends to use to restore its electrical system in the event of a wildfire;

(ix) For electric utilities whose rates are regulated by the commission, a description of the estimated incremental costs and potential associated rate impacts for the implementation of the wildfire mitigation plan, including system improvements and upgrades;

(x) A description of community outreach and public awareness efforts before and during the wildfire season, particularly in areas impacted by wildfires or de-energizations;

(xi) A description of potential participation with emergency coordinators, if applicable;

(xii) Input from the Wyoming state forestry division of the office of state lands and investments, an association representing Wyoming rural firefighters,

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counties and any other appropriate federal, state or local fire entity.

(b) Not later than five (5) business days after a fire mitigation plan is submitted to the public service commission for approval under W.S. 37-3-404(a), the electric utility shall provide direct notice that a wildfire mitigation plan has been filed with the public service commission to all conservation districts, municipalities and counties in the electric utility's Wyoming service territories.

**37-3-404. Wildfire mitigation plans; commission approval.**

(a) An electric utility shall apply to the commission for approval of a wildfire mitigation plan.

(b) Upon receiving an application for approval of a wildfire mitigation plan, the commission shall, not later than one hundred twenty (120) days after receipt, unless the commission deems it is necessary to continue the implementation of the wildfire mitigation plan for a longer period of time and the commission has entered an order confirming the continuance and stating the facts making the continuance necessary, approve the plan if the plan is reasonable, in the public interest and appropriately balances the costs of implementing the plan with the risks of a potential wildfire. For electric utilities whose rates are regulated by the commission, approval of a wildfire mitigation plan shall not automatically confer to the electric utility the right to recover the costs associated with the wildfire mitigation plan. An electric utility whose rates are regulated by the commission may seek, and

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the commission may authorize, cost recovery for the costs associated with implementing a wildfire mitigation plan.

(c) Each electric utility shall submit subsequent or updated plans to the commission not later than every fifth year after the electric utility last submitted a plan to the commission or as ordered by the commission. The commission shall review and approve subsequent plans in accordance with subsection (b) of this section.

(d) Not later than June 1 in the year following any year in which the commission approves a wildfire mitigation plan under this section, an electric utility shall file an annual report with the commission detailing the electric utility's compliance with the approved wildfire mitigation plan and shall request an order of the commission finding that the electric utility has substantially complied with the plan during the preceding year.

**37-3-405. Wildfire mitigation plans; recovery of costs.**

(a) Except as otherwise provided in this section, there shall be a presumption in any civil action that the approved wildfire mitigation plan is a reasonable and prudent preparation for, and mitigation of, wildfire risk.

(b) An electric utility and a landowner with an alleged wildfire related claim shall negotiate in good faith before any landowner files a civil action against the electric utility. During negotiations, an electric utility shall respond to a landowner not later than ninety (90) days after receipt of the landowner's submission of itemized damages.

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(c) A plaintiff may recover economic loss from an electric utility as a result of a wildfire only if the plaintiff shows one (1) or more of the following by a preponderance of the evidence:

(i) The electric utility failed to substantially comply with an approved wildfire mitigation plan, and that failure was the actual and proximate cause of the damages to the plaintiff. For purposes of this paragraph, an electric utility shall be deemed to have substantially complied with the wildfire mitigation plan if the electric utility attempted in good faith to comply with the plan but was denied or unreasonably delayed access to a right-of-way after the electric utility requested access to the right-of-way to perform vegetation management or fire mitigation work in accordance with the plan and the denial or delay was a proximate cause of the damages to the plaintiff. A denial or delay shall not be deemed a proximate cause of the damages unless the electric utility made reasonable efforts to enforce their easement access rights within a reasonable time;

(ii) The electric utility acted with gross negligence, malice or criminal intent, and the electric utility's action was the actual and proximate cause of the damages to the plaintiff.

(d) The following shall apply in any civil action filed under subsection (c) of this section that any plaintiff brings against an electric utility for damages caused by wildfire:

(i) An action against an electric utility for damages caused by a wildfire shall be brought not later

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than four (4) years after the date of the ignition of the wildfire;

(ii) A plaintiff may recover economic losses;

(iii) No plaintiff shall recover noneconomic damages unless the plaintiff's claim is based on the injury or death of any person in a wildfire;

(iv) Nothing in this section shall be construed to limit any defenses that an electric utility may be entitled to raise in a civil action for damages caused by wildfire.

(e) Nothing in this section shall be construed to apply to any action against an electric utility for:

(i) Any act or omission taken by the electric utility that is not addressed or covered in the electric utility's wildfire mitigation plan;

(ii) Any act or omission taken by the electric utility that causes damages or losses not caused or created by a wildfire.

**Section 2.** Nothing in this act shall be construed to impair, alter or preempt any terms or agreements in grants of easements or the terms in any other agreements between electric utilities and third parties for the shared use of facilities.

**Section 3.** The public service commission may promulgate any rules necessary to implement this act.

ORIGINAL HOUSE  
BILL NO. HB0192

ENGROSSED

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**Section 4.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2025.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk