

HOUSE BILL NO. HB0192

Public utilities-wildfire mitigation and liability limits.

Sponsored by: Representative(s) Larson, JT, Campbell, E,
Lawley, Thayer and Wylie and Senator(s)
Barlow, Dockstader, Jones and Schuler

A BILL

for

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

9

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

11

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

14

15

ARTICLE 4

1

WILDFIRE MITIGATION

2

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

4

5 (a) As used in this article:

6

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

13

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

21

22 (iii) "Wildfire" means an unplanned, unwanted
23 fire burning within Wyoming that may impact, damage or

1 cause harm to natural resources, agricultural resources,
2 homes and property or that threatens lives and safety.

3

4 **37-3-402. Wildfire mitigation plans; commission**
5 **authority; applicability.**

6

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

10

11 **37-3-403. Electric utilities; wildfire mitigation**
12 **plans; contents.**

13

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

16

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

21

22 (ii) A description of the procedures, standards
23 and schedules that the electric utility will use to inspect

1 and operate its transmission and distribution
2 infrastructure, if any;

3

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

7

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

12

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

16

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

20

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

1

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

5

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

9

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

14

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

18

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

1

2 (F) Anticipated potential impacts to public
3 safety.

4

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

8

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

14

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

19

20 (xi) A description of potential participation
21 with emergency coordinators, if applicable.

22

1 **37-3-404. Wildfire mitigation plans; commission**
2 **approval.**

3

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

6

7 (b) Upon receiving an application for approval of a
8 wildfire mitigation plan, the commission shall, not later
9 than one hundred twenty (120) days after receipt, approve
10 the plan if the plan is reasonable, in the public interest
11 and appropriately balances the costs of implementing the
12 plan with the risks of a potential wildfire. For electric
13 utilities whose rates are regulated by the commission,
14 approval of a wildfire mitigation plan shall not
15 automatically confer to the electric utility the right to
16 recover the costs associated with the wildfire mitigation
17 plan. An electric utility whose rates are regulated by the
18 commission may seek, and the commission may authorize, cost
19 recovery for the costs associated with implementing a
20 wildfire mitigation plan.

21

22 (c) Each electric utility shall submit subsequent or
23 updated plans to the commission not later than every fifth

1 year after the electric utility last submitted a plan to
2 the commission or as ordered by the commission. The
3 commission shall review and approve subsequent plans in
4 accordance with subsection (b) of this section.

5

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

14

15 **37-3-405. Wildfire mitigation plans; recovery of**
16 **costs.**

17

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

22

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

5
6 (i) The electric utility failed to substantially
7 comply with an approved wildfire mitigation plan, and that
8 failure was the actual and proximate cause of the damages
9 to the plaintiff. For purposes of this paragraph, an
10 electric utility shall be deemed to have substantially
11 complied with the wildfire mitigation plan if the electric
12 utility attempted in good faith to comply with the plan but
13 was denied or unreasonably delayed access to a right-of-way
14 after the electric utility requested access to the
15 right-of-way to perform vegetation management or fire
16 mitigation work in accordance with the plan;

17
18 (ii) The electric utility acted with malice or
19 criminal intent, and the electric utility's action was the
20 actual and proximate cause of the damages to the plaintiff.

21

1 (c) The following shall apply in any civil action
2 that any plaintiff brings against an electric utility for
3 damages caused by wildfire:

4

5 (i) An action against an electric utility for
6 damages caused by a wildfire shall be brought not later
7 than four (4) years after the date of the ignition of the
8 wildfire;

9

10 (ii) A plaintiff may recover economic losses;

11

12 (iii) No plaintiff shall recover noneconomic
13 losses unless the plaintiff suffered bodily injury or died
14 from wildfire;

15

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

20

21 **Section 2.** Nothing in this act shall be construed to
22 impair, alter or preempt any terms or agreements in
23 original grants of easements made before July 1, 2025.

1

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

4

5 **Section 4.**

6

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

9

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

14

15 (END)