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## PERMANENT ADMINISTRATIVE ORDER

### PUC 10-2021

CHAPTER 860  
PUBLIC UTILITY COMMISSION

**FILED**

12/01/2021 10:01 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Wildfire Mitigation Phase I, Wildfire Protection Plans - AR 648

EFFECTIVE DATE: 12/01/2021

AGENCY APPROVED DATE: 11/30/2021

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#### RULES:

860-300-0001, 860-300-0002, 860-300-0003, 860-300-0004

ADOPT: 860-300-0001

NOTICE FILED DATE: 09/14/2021

RULE SUMMARY: This rule explains the general scope and applicability of the rules.

#### CHANGES TO RULE:

#### 860-300-0001

##### Scope and Applicability of Rules

(1) The rules in this division prescribe the filing requirements for risk-based Wildfire Protection Plans filed by a Public Utility that provides electric service in Oregon pursuant to ORS 757.005.

(2) Upon request or its own motion, the Commission may waive any of the rules in this division for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Statutory/Other Authority: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: ORS 756.040, ORS 757.035, ORS 757.039, ORS 757.649, ORS 759.030, ORS 759.040, ORS 759.045

ADOPT: 860-300-0002

NOTICE FILED DATE: 09/14/2021

RULE SUMMARY: This rule articulates the requirements of Wildfire Protection Plans and provides for the possibility of an Independent Evaluator assisting in assessment of the Plans, to allow for a decision within the 180-day time frame mandated by SB 762. The rule provides the requirements for community engagement, description of vegetation management activities, a requirement to describe the process used to develop administrative costs, as well as the timing and process for filing and review of the Plans.

CHANGES TO RULE:

860-300-0002

Wildfire Protection Plan Filing Requirements

(1) Wildfire Protection Plans and Updates must, at a minimum, contain the following requirements as set forth in Section 3(2)(a)-(h), chapter 592, Oregon Laws 2021 and as supplemented below:¶

(a) Identified areas that are subject to a heightened risk of wildfire, including determinations for such conclusions, and are:¶

(A) Within the service territory of the Public Utility, and¶

(B) Outside the service territory of the Public Utility but within the Public Utility's right-of-way for generation and transmission assets.¶

(b) Identified means of mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.¶

(c) Identified preventative actions and programs that the Public Utility will carry out to minimize the risk of utility facilities causing wildfire.¶

(d) Discussion of outreach efforts to regional, state, and local entities, including municipalities regarding a protocol for the de-energization of power lines and adjusting power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.¶

(e) Identified protocol for the de-energization of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.¶

(f) Identification of the community outreach and public awareness efforts that the Public Utility will use before, during and after a wildfire season.¶

(g) Description of procedures, standards, and time frames that the Public Utility will use to inspect utility infrastructure in areas the Public Utility identified as heightened risk of wildfire.¶

(h) Description of the procedures, standards, and time frames that the Public Utility will use to carry out vegetation management in in areas the Public Utility identified as heightened risk of wildfire.¶

(i) Identification of the development, implementation, and administrative costs for the plan, which includes discussion of risk-based cost and benefit analysis, including consideration of technologies that offer co-benefits to the utility's system.¶

(j) Description of participation in national and international forums, including workshops identified in section 2, chapter 592, Oregon Laws 2021, as well as research and analysis the Public Utility has undertaken to maintain expertise in leading edge technologies and¶

operational practices, as well as how such technologies and operational practices have been used develop implement cost effective wildfire mitigation solutions.¶

(2) A Public Utility's initial Wildfire Protection Plan must be filed no later than December 31, 2021 per section 5, chapter 592, Oregon Laws 2021. Subsequent Wildfire Protection Plans must be updated annually and filed with the Commission no later than December 15th.¶

(3) Within 180 days of submission, Wildfire Protection Plans and Wildfire Protection Plan Updates may be approved or approved with conditions through a process identified by the Commission in utility-specific proceedings, which may include retention of an Independent¶

Evaluator (IE). For purposes of this section, "approved" means the Commission finds that the Wildfire Protection Plan or Update is based on reasonable and prudent practices including those the Public Utility identified through Commission workshops and designed to meet all applicable rules and standards adopted by the Commission.¶

(4) Approval of a Wildfire Protection Plan or Update does not establish a defense to any enforcement action for violation of a commission decision, order or rule or relieve a Public Utility from proactively managing wildfire risk, including by monitoring emerging practices¶ and technologies.

Statutory/Other Authority: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: 2021 Senate Bill 762, ORS 756.040, ORS 756.105, ORS 757.035, ORS 757.649

ADOPT: 860-300-0003

NOTICE FILED DATE: 09/14/2021

RULE SUMMARY: This rule explains how utility costs associated with the development of the Plan will be recovered. This rule mirrors SB 762, Section 3, Subsection 8.

CHANGES TO RULE:

860-300-0003

Cost Recovery

All reasonable operating costs incurred by, and prudent investments made by, a Public Utility to develop, implement, or operate a Wildfire Protection Plan are recoverable in the rates of the Public Utility from all customers through a filing under ORS 757.210 to 757.220.

Statutory/Other Authority: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: 2021 Senate Bill 762, ORS 757.020

ADOPT: 860-300-0004

NOTICE FILED DATE: 09/14/2021

RULE SUMMARY: This rule provides timing for customer-owned utilities to submit their Plans to the Commission. This rule mirrors SB 762 Section 6.

CHANGES TO RULE:

860-300-0004

Consumer-owned Utility Plans

Municipal electric utilities, people's utility districts organized under ORS chapter 261 that sell electricity, and electric cooperatives organized under ORS chapter 62 must file with the Commission a copy of its approved risk-based wildfire mitigation plan or plan update within 30 days of approval from its governing body.

Statutory/Other Authority: ORS 183, ORS 654, ORS 756, ORS 757, ORS 759

Statutes/Other Implemented: 2021 Senate Bill 762, ORS 757.035