

House Bill 3666

Sponsored by Representatives MARSH, MANNIX; Representative KROPF

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes a power company apply to the PUC to show that the company carries out wildfire safety. Allows COUs to apply. (Flesch Readability Score: 63.2).

Requires an electric public utility to apply for a wildfire safety certification. Allows a consumer-owned utility to apply for a wildfire safety certification. Directs the Public Utility Commission to issue a certification if the applicant has and implements, as applicable, a wildfire protection plan or wildfire mitigation plan and meets certain requirements.

Establishes a statutory presumption that a utility that has been issued a wildfire safety certification is acting reasonably with regard to wildfire safety practices and materially consistent with the utility's wildfire protection plan or wildfire mitigation plan. Provides that a certification is valid for 12 months.

Declares legislative findings with regard to human-caused wildfires and utilities.

A BILL FOR AN ACT

1
2 Relating to utility wildfire safety practices.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 4 of this 2025 Act are added to and made a part of ORS chapter**
5 **757.**

6 **SECTION 2. (1) The Legislative Assembly finds that:**

7 (a) **Human-caused wildfires are a risk to people, property and the natural environment**
8 **in Oregon;**

9 (b) **Electric utilities play an important role in reducing and mitigating the risks of**
10 **human-caused wildfires;**

11 (c) **Electric utilities are required to have and operate in compliance with a risk-based**
12 **wildfire protection plan under ORS 757.963 or risk-based wildfire mitigation plan under ORS**
13 **757.966;**

14 (d) **Consistent with ORS 756.040, the Public Utility Commission has the jurisdiction and**
15 **powers to supervise and regulate public utilities with regard to wildfire safety; and**

16 (e) **State agencies, through regulations and orders, are allowed to establish standards of**
17 **care that apply to entities that the state agencies regulate.**

18 (2) **It is the intent of the Legislative Assembly:**

19 (a) **To establish wildfire safety standards that apply to public utilities; and**

20 (b) **To vest the Public Utility Commission with the authority to implement and enforce**
21 **the wildfire safety standards in a manner that is consistent with state law.**

22 **SECTION 3. (1) A public utility that provides electricity must file an application with the**
23 **Public Utility Commission for a wildfire safety certification.**

24 (2) **The commission shall issue a wildfire safety certification to an applicant if the appli-**
25 **cant provides documentation that demonstrates that the applicant has a wildfire protection**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 plan approved under ORS 757.963 and the applicant:

2 (a) Is prudently and reasonably implementing the wildfire protection plan and has taken
 3 actions identified in the wildfire protection plan. The documentation must describe and verify
 4 the development and adoption of the wildfire protection plan's components and measures by
 5 documenting the applicant's wildfire mitigation expenditures and physical evidence of the
 6 work taken in the development and adoption of the wildfire protection plan's components and
 7 measures.

8 (b) Has identified any actions identified in the wildfire protection plan that have not been
 9 implemented, provided adequate justification for not taking such actions and established
 10 dates by which such actions will be taken.

11 (c) Has demonstrated a commitment to wildfire safety. An applicant may demonstrate a
 12 commitment to wildfire safety through various means, such as:

13 (A) Participating in workshops convened by the commission under ORS 757.960.

14 (B) Performing an internal wildfire safety culture assessment and adopting a process to
 15 implement the findings of the assessment.

16 (C) Providing wildfire safety training to employees.

17 (D) Conducting annual safety performance reviews establishing processes to facilitate the
 18 reporting of risks and management accountability.

19 (E) Implementing other wildfire mitigation measures.

20 (d) Has taken timely and reasonable actions on matters within the applicant's control,
 21 that are consistent with safety rules adopted by the commission under ORS 757.035, to ad-
 22 dress any outstanding deficiencies reported by the commission during the commission's most
 23 recent audit and safety inspection of the applicant's infrastructure.

24 (e) Has met any other requirements adopted by the commission.

25 (3) The commission may adopt requirements under subsection (2)(e) of this section that
 26 help verify that an applicant is applying risk-based wildfire mitigation standards and proce-
 27 dures to protect the public safety, reduce risks to utility customers and promote electric
 28 system resilience to wildfire damage. To verify that the applicant is meeting requirements
 29 adopted under subsection (2)(e) of this section, an applicant may provide reviews, assess-
 30 ments or evaluations conducted by third parties that demonstrate the applicant's efforts
 31 regarding risk reduction and development of a resilient electric system.

32 (4) The commission shall approve or deny an application for a wildfire safety certification
 33 within 90 days after receipt of the application. If the commission finds that an application
 34 does not include documentation sufficient to approve the application, the commission may
 35 allow the applicant to provide additional documentation or require the applicant to refile.

36 (5) A wildfire safety certification establishes that an applicant is acting reasonably with
 37 regard to wildfire safety practices and materially consistent with the applicant's wildfire
 38 protection plan or wildfire mitigation plan and is valid for a period of 12 months from the
 39 date the wildfire safety certification is issued.

40 (6) Failure of the commission to act in a timely manner on an application for a wildfire
 41 safety certification is not admissible evidence in a civil proceeding relating to allegations that
 42 a utility that provides electricity caused or contributed to a wildfire.

43 (7) The commission, in consultation with the State Forestry Department, the Department
 44 of the State Fire Marshal and academic institutions with expertise in evidence-based wildfire
 45 mitigation strategies, shall adopt rules for the implementation of this section. The rules

1 **must include:**

2 (a) **Reporting and auditing requirements for determining an applicant’s implementation**
3 **of the applicant’s wildfire protection plan approved under ORS 757.963.**

4 (b) **The timing, procedures, reporting requirements and standards for the review of an**
5 **application for a wildfire safety certification.**

6 **SECTION 4. (1) As used in this section, “consumer-owned utility” has the meaning given**
7 **that term in ORS 757.600.**

8 (2) **A consumer-owned utility may file an application for a wildfire safety certification**
9 **under section 3 of this 2025 Act.**

10 (3) **The Public Utility Commission shall approve an application filed by a consumer-owned**
11 **utility if the application meets all requirements for a wildfire safety certification under sec-**
12 **tion 3 of this 2025 Act, except:**

13 (a) **Rather than a wildfire protection plan, the applicant shall be required to have and**
14 **implement a wildfire mitigation plan approved under ORS 757.966; and**

15 (b) **An application filed by a consumer-owned utility is not subject to any requirements**
16 **adopted by the commission under section 3 (2)(e) of this 2025 Act.**

17 (4) **A decision by a consumer-owned utility to not apply for a wildfire safety certification**
18 **is not admissible evidence in a civil proceeding relating to allegations that a consumer-owned**
19 **utility caused or contributed to a wildfire.**

20 **SECTION 5. A public utility that provides electricity shall file the public utility’s first**
21 **application under section 3 of this 2025 Act no later than December 31, 2027.**

22