



# City of Austin

## Recommendation for Action

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File #: 26-2734, Agenda Item #: 4.

1/22/2026

### **Posting Language**

Authorize negotiation and execution of a legal services agreement with McGinnis Lochridge, LLP for representation involving Austin Energy's Wildfire Mitigation Plan submission, review, and application for approval in a proceeding at the Public Utility Commission of Texas, or other proceedings as appropriate, in an amount not to exceed \$350,000. Funding: \$350,000 is available in the Fiscal Year 2025-2026 Operating Budget of Austin Energy.

### **Lead Department**

Law Department.

### **Fiscal Note**

Funding is available in the Fiscal Year 2025-2026 in Austin Energy's Operating Budget.

### **For More Information:**

Division Chief, Don Ballard 512-974-2691; Assistant City Attorney, Ariane Arth (512) 974-3454.

### **Additional Backup Information:**

This representation relates to Austin Energy's submission, review, and application for approval of a Wildfire Mitigation Plan at the Public Utility Commission of Texas (PUC). The 89<sup>th</sup> Legislature enacted H.B 145, establishing a new section 38.080(b) of the Utilities Code. On November 14, 2025, the PUC adopted a new rule, 16 T.A.C. § 25.60, to implement Section 38.080. The recently enacted law requires municipally owned utilities who operate transmission facilities in wildfire risk areas to submit Wildfire Mitigation Plans with certain prescribed content, including an independent expert analysis, to the PUC. The PUC rules require that Austin Energy file a Notice of Intent, an Initial Application, and provide notice of the application. It is anticipated that review by the PUC will be conducted through a contested case hearing. Once a plan is approved, implemented, and followed, in the event of a wildfire, Austin Energy could be provided some liability protection.