

HOUSE BILL NO. HB0143

Public service commission-consumer advocate.

Sponsored by: Representative(s) Ross and Illoyay and
Senator(s) Burns and Case

A BILL

for

1 AN ACT relating to public utilities; creating an office of
2 consumer advocate within the public service commission;
3 providing powers and duties; providing for the transfer of
4 personnel; providing for funding; repealing discretionary
5 consumer advocate provision; making an appropriation; and
6 providing for an effective date.

7

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

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10 **Section 1.** W.S. 37-2-401 through 37-2-404 are created
11 to read:

12

13

ARTICLE 4

14

CONSUMER ADVOCATE

15

1 **37-2-401. Office of consumer advocate created;**
2 **purpose.**

3
4 The office of consumer advocate is created as a separate
5 division within the public service commission. The office
6 of consumer advocate shall represent the interests of
7 Wyoming citizens or broad classes of Wyoming citizens in
8 matters involving public utilities. In the exercise of its
9 powers the office of the consumer advocate shall balance
10 the interests of those it represents with the interests of
11 the public utilities, considering all relevant factors,
12 including, but not limited to, the provision of safe,
13 efficient and reliable utility services at reasonable
14 prices.

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16 **37-2-402. Consumer advocate; powers and duties.**

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18 (a) The consumer advocate shall have the power to:

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20 (i) Act as a party in any proceeding before the
21 commission, with the same rights and subject to the same
22 obligations and requirements, including confidentiality
23 requirements, as other parties to the proceeding;

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1 (ii) Appeal any final action or other action or
2 inaction of the commission in proceedings in which the
3 consumer advocate is a party before the commission;

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5 (iii) Seek permission to appear as amicus curiae
6 in any court proceeding in order to accomplish the purposes
7 specified in this article;

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9 (iv) Provide information and assistance to
10 individual consumers regarding proceedings within the
11 jurisdiction of the commission.

12
13 (b) In any commission docketed case initiated by the
14 regulated company in which the consumer advocate is a
15 party, the consumer advocate shall have the same access to
16 books, maps, contracts, reports and records of every
17 description as the commission. For all other instances, the
18 consumer advocate shall have the same access as other
19 parties.

20
21 (c) The consumer advocate shall not advocate for or
22 on behalf of any individual, organization or entity.

23
24 **37-2-403. Consumer advocate; administrator and staff.**

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2 The administrative head of the division shall be an
3 administrator appointed by the governor not later than July
4 1, 2003. The administrator shall employ and supervise
5 personnel as authorized by legislative appropriation.
6 Except as provided in W.S. 37-2-404 the employees of the
7 office of consumer advocate shall not be supervised or
8 directed by the commission.

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10 **37-2-404. Consumer advocate; funding and expenses.**

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12 Funding for the office of consumer advocate shall be
13 included in the commission's budget and collected through
14 the uniform utility assessment. Incidental administrative
15 and clerical services for the office of consumer advocate
16 shall be provided by the commission. The commission shall
17 decide all matters of shared administrative and clerical
18 personnel.

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20 **Section 2.** W.S. 37-2-110(b) is repealed.

21

22 **Section 3.**

23

1 (a) Four hundred eighteen thousand five hundred
2 dollars (\$418,500.00) is appropriated from the special
3 revenue fund under W.S. 37-2-106 to the public service
4 commission to fund the administrator's position, additional
5 positions authorized by this act, consulting assistance,
6 travel expenses, computer facilities and office space for
7 the office of consumer advocate.

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9 (b) Six (6) full-time positions are authorized for
10 the office of the consumer advocate. The administrator
11 shall employ two (2) rate analysts and one (1) attorney
12 from personnel currently employed by the commission. The
13 commission shall make a one (1) time designation of which
14 existing positions may become full-time consumer advocate
15 positions. Thereafter personnel within the office of
16 consumer advocate shall be employed and supervised as
17 provided by W.S. 37-2-403. In addition to the administrator
18 position and the transfer of three (3) existing positions,
19 two (2) additional full-time positions are authorized for
20 the office of consumer advocate. The administrator of the
21 office shall be subject to the provisions of W.S. 9-1-202.
22 All other positions of the office shall be employed in
23 accordance with personnel rules adopted by the personnel
24 division of the department of administration and

1 information. Nothing in this act shall be deemed to affect
2 the property interests of current permanent employees
3 transferred to the office of consumer advocate pursuant to
4 this act.

5

6 **Section 4.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

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(END)