

ENROLLED ACT NO. 120, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

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

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

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

ARTICLE 4  
CONSUMER ADVOCATE

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

The office of consumer advocate is created as a separate division within the public service commission. The office of consumer advocate shall represent the interests of Wyoming citizens and all classes of utility customers in matters involving public utilities. In the exercise of its powers the office of the consumer advocate shall consider all relevant factors, including, but not limited to, the provision of safe, efficient and reliable utility services at just and reasonable prices.

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

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

(i) Act as a party in any proceeding before the commission, with the same rights and subject to the same obligations and requirements and limitations on ex parte

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communications, including confidentiality requirements, as other parties to the proceeding;

(ii) Appeal actions of the commission in accordance with W.S. 37-2-219;

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

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

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

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

(d) The consumer advocate may enter into stipulations with other parties in any proceeding to balance the interests of those it represents with the interests of the public utilities as means of minimizing the weaknesses of the adversarial process, improving the quality of resulting decisions in a highly technical environment and minimizing the cost of regulation.

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

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

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

(a) Funding for the office of consumer advocate shall be included in the commission's budget and collected through the uniform utility assessment. Incidental administrative and clerical services for the office of consumer advocate shall be provided by the commission. The commission shall decide all matters of shared administrative and clerical personnel.

(b) This article is repealed effective July 1, 2009.

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

**Section 3.**

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

(b) Six (6) full-time positions are authorized for the office of the consumer advocate. The administrator shall employ two (2) rate analysts and one (1) attorney from personnel currently employed by the commission. The

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commission shall make a one (1) time designation of which existing positions may become full-time consumer advocate positions. Thereafter personnel within the office of consumer advocate shall be employed and supervised as provided by W.S. 37-2-403. In addition to the administrator position and the transfer of three (3) existing positions, two (2) additional full-time positions are authorized for the office of consumer advocate. The administrator of the office shall be subject to the provisions of W.S. 9-1-202. All other positions of the office shall be employed in accordance with personnel rules adopted by the personnel division of the department of administration and information. Nothing in this act shall be deemed to affect the employment rights of current permanent employees transferred to the office of consumer advocate pursuant to this act.

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk