

SENATE FILE NO. SF0095

Public utilities-service in other territory.

Sponsored by: Senator(s) Driskill and Representative(s)
Eklund, Eyre, Flitner, Paxton, Simpson and
Williams

A BILL

for

1 AN ACT relating to public utilities; specifying that a
2 certificate of convenience and necessity or an extension of
3 territory shall not be authorized for service provided to a
4 customer in another public utility's territory; requiring
5 the public service commission to order a public utility to
6 cease and desist the provision of service; authorizing the
7 commission to order just compensation; and providing for an
8 effective date.

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

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12 **Section 1.** W.S. 37-2-205(a) is amended to read:

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14 **37-2-205. Certificate of convenience and necessity;**
15 **hearings.**

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2 (a) Except as provided in this subsection, no public
3 utility shall begin construction or complete the purchase
4 of a line or plant, or of any extension of a line or
5 material addition to a plant, without having first obtained
6 from the commission a certificate that the present or
7 future public convenience and necessity require or will
8 require such construction or purchase. This act shall not
9 be construed to require any public utility operating
10 outside of a city or town to secure a certificate for an
11 extension into an area within which it has lawfully
12 commenced operation, or for an extension into territory
13 contiguous to its line or plant for which no certificate is
14 in force and is not served by a public utility of like
15 character or for any extension within or to territory
16 already served by it, necessary in the ordinary course of
17 its business. If any public utility, in constructing or
18 extending its line or plant interferes or is about to
19 interfere with the operation of the line or plant of any
20 other public utility already authorized or constructed, the
21 commission on complaint of the public utility claiming to
22 be injuriously affected, may after hearing make such order
23 and prescribe the terms and conditions for the location of

1 the lines or plants affected, as to it are just and
2 reasonable. The power companies may, without the
3 certificate, increase capacity of existing plants. For
4 purposes of this subsection, "material addition" shall not
5 include an addition to a plant that is necessary to serve
6 load growth, provided that the capital investment in the
7 addition shall not exceed one percent (1%) of the total
8 capital investment in the plant on which return is earned,
9 that is assigned or allocated to Wyoming customers, based
10 on the public utility's most recent rate case
11 determination. No extension of territory or certificate of
12 convenience and necessity shall be authorized under this
13 subsection for a public utility to provide service directly
14 or indirectly to a customer in another utility's
15 certificated territory. Service is provided indirectly in
16 the other utility's certificated territory if service is
17 provided to a point of delivery outside of the certificated
18 territory of the other utility for consumption within the
19 certificated territory of the other utility and where the
20 consumption within that certificated territory is known or
21 could reasonably be known. The commission shall order any
22 utility providing unauthorized service in the certificated
23 territory of another public utility to cease and desist and

1 may order just compensation to the public utility whose
2 certificated territory is violated by that direct or
3 indirect service.

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5 **Section 2.** This act is effective July 1, 2022.

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(END)