

SENATE FILE NO. SF0092

Small customer electrical generation.

Sponsored by: Senator(s) Case

A BILL

for

1 AN ACT relating to net metering; revising how net metering  
 2 compensation applies to small customer-generators that are  
 3 first operational after a specified date; authorizing the  
 4 public service commission to authorize a different  
 5 calculation of net energy if energy is being subsidized by  
 6 other customers; making conforming changes; requiring  
 7 rulemaking; repealing an obsolete provision; and providing  
 8 for an effective date.

9

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

11

12 **Section 1.** W.S. 37-16-105 is created to read:

13

14 **37-16-105. Treatment of existing customers; future**  
 15 **requirements.**

16

1           (a) Except as provided in subsections (b) and (c) of  
2 this section, no electric utility shall be obligated under  
3 this article to compensate any small customer-generator for  
4 any electricity produced on a net metering arrangement  
5 under this article. A small customer-generator that is  
6 producing electricity on a net metering arrangement under  
7 this article that is first operational before July 1, 2024  
8 shall be considered an existing customer and shall be  
9 exempt from this section until July 1, 2039.

10

11           (b) The public service commission shall establish an  
12 appropriate compensation system to regulate the rates,  
13 terms and conditions of small customer-generators by  
14 electric utilities for electricity produced by small  
15 customer-generators that are first operational on or after  
16 July 1, 2024. The compensation system shall provide for  
17 just and reasonable rates, terms and conditions.

18

19           (c) Any cooperative electric utility that is exempt  
20 from retail rate regulation by the public service  
21 commission under chapter 17, title 37 of the Wyoming  
22 statutes shall not be subject to subsection (b) of this  
23 section and the board of directors of a cooperative

1 electric utility shall, not later than April 1, 2024, adopt  
2 rates, terms and conditions to compensate small  
3 customer-generators that are first operational on or after  
4 July 1, 2024 and any cooperative electric utility shall  
5 comply with the following:

6

7 (i) Give written notice to all of its member  
8 owners, not less than thirty (30) days prior to the  
9 effective date of the cooperative's initial rates, terms  
10 and conditions regarding compensation of small  
11 customer-generators and of the effective date of any  
12 subsequent change to the rates, terms and conditions,  
13 including procedures for the cooperative's member owners to  
14 comment on proposed rates;

15

16 (ii) Rates, terms and conditions adopted by a  
17 cooperative electric utility in accordance with this  
18 subsection shall be filed with the commission; and

19

20 (iii) Be subject to the complaint, investigation  
21 and resolution process pursuant to W.S. 37-17-104(d) and  
22 (e) regarding the rates, terms and conditions adopted by  
23 the board to compensate small customer-generators.

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3       **Section 2.** W.S. 37-16-101(a)(vii), (viii)(intro) and  
4 (b), 37-16-102(a)(i) through (iii), 37-16-103(a)(intro) and  
5 37-16-104 are amended to read:

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7       **37-16-101. Definitions.**

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9       (a) As used in this chapter unless the context or a  
10 specific article otherwise requires:

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12               (vii) "Net metering" means measuring the  
13 difference between the electricity supplied by an electric  
14 utility and the electricity generated by a  
15 customer-generator operating before July 1, 2024 that is  
16 fed back to the electric utility over the applicable  
17 billing period;

18

19               (viii) ~~"Net metering system"~~ "Small  
20 customer-generator" means a person operating a facility for  
21 the production of electrical energy that:

22

1 (b) A person acting as a small customer-generator  
2 under this act shall not be considered a "public utility"  
3 as defined by W.S. 37-1-101.  
4

5 **37-16-102. Electric utility requirements.**  
6

7 (a) An electric utility:  
8

9 (i) Shall offer to make available to each of its  
10 eligible small customer-generators ~~that has installed a net~~  
11 ~~metering system~~ an energy meter that is capable of  
12 registering the flow of electricity in two (2) directions;  
13

14 (ii) ~~May, at its own expense and with the~~  
15 ~~written consent of the customer-generator,~~ install one (1)  
16 or more additional meters to monitor the flow of  
17 electricity in each direction;  
18

19 (iii) Except as otherwise provided in this  
20 paragraph, shall not charge a small customer-generator any  
21 fee or charge that would increase the small  
22 customer-generator's minimum monthly charge to an amount  
23 greater than that of other customers of the electric

1 utility in the same rate class as the small  
2 customer-generator. This paragraph shall not apply on and  
3 after July 1, 2024 for small customer-generators other than  
4 existing customers as provided under W.S. 37-16-105(a).  
5 This paragraph is repealed on July 1, 2039.

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7 **37-16-103. Calculation requirements.**

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9 (a) Consistent with other provisions of this chapter,  
10 the net energy measurement for existing small  
11 customer-generators as provided in W.S. 37-16-105(a) shall  
12 be calculated in the following manner:

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14 **37-16-104. Safety and performance requirements.**

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16 (a) A ~~net metering~~ system used by a small  
17 customer-generator shall meet all applicable safety and  
18 performance standards established by the national  
19 electrical code, the institute of electrical and  
20 electronics engineers and underwriters laboratories.

21

22 (b) The small customer-generator shall at its expense  
23 provide lockable, switching equipment capable of isolating

1 the ~~net metering~~ facility from the electric utility's  
2 system. Such equipment shall be approved by the electric  
3 utility and shall be accessible by the electric utility at  
4 all times.

5

6 (c) The electric utility shall not be liable directly  
7 or indirectly for permitting or continuing to allow an  
8 attachment of a ~~net metering~~ small customer-generator  
9 facility, or for acts or omissions of the small  
10 customer-generator that cause loss or injury, including  
11 death, to any third party.

12

13 (d) The small customer-generator is responsible for  
14 all costs associated with its facility and is also  
15 responsible for all costs related to any modifications to  
16 the facility that may be required by the electric utility  
17 for purposes of safety and reliability.

18

19 (e) The commission, after appropriate notice and  
20 opportunity for comment, may adopt by regulation additional  
21 control and testing requirements for small  
22 customer-generators that the commission determines are  
23 necessary to protect public safety and system reliability.

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2           **Section 3.** W.S. 37-16-101(a)(ii) is repealed.

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4           **Section 4.** The public service commission of Wyoming  
5 shall conduct public hearings related to the implementation  
6 of the compensation system for electricity produced from  
7 small customer-generation facilities first operational on  
8 or after July 1, 2024 and shall adopt rules necessary to  
9 implement the system as provided in W.S. 37-16-105(b) not  
10 later than April 1, 2024. Any cooperative electric utility  
11 that is exempt from retail rate regulation by the public  
12 service commission under chapter 17, title 37 of the  
13 Wyoming statutes shall adopt rates, terms and conditions to  
14 compensate small customer-generators as provided in W.S.  
15 37-16-105(c) not later than April 1, 2024.

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17           **Section 5.** This act is effective immediately upon  
18 completion of all acts necessary for a bill to become law  
19 as provided by Article 4, Section 8 of the Wyoming  
20 Constitution.

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(END)