

HOUSE BILL NO. HB0218

Public utilities-stays during resolution of lawsuits.

Sponsored by: Representative(s) Locke, Allemand, Banks,
Brown, G, Campbell, K, Heiner, Knapp, Lien,
Riggins, Rodriguez-Williams, Strock and
Styvar and Senator(s) Pearson and Steinmetz

A BILL

for

1 AN ACT relating to public utilities; requiring stays of
2 proceedings of the public service commission pending the
3 resolution of lawsuits as specified; providing exemptions;
4 making conforming amendments; specifying applicability; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 37-2-130 and 37-2-214 are amended to
10 read:

11

12 **37-2-130. Right of review; stay of proceedings.**

13

1 (a) Subject to subsections (b) and (c) of this
2 section, a person adversely affected or aggrieved by any
3 action, findings, conclusions or decision of the public
4 service commission is entitled to judicial review thereof
5 according to the procedures established by the Wyoming
6 Administrative Procedure Act and the Wyoming Rules of
7 Appellate Procedure. The standards to be applied, to
8 judicial review proceedings, including scope of review,
9 shall be those standards established in the Wyoming
10 Administrative Procedure Act.

11

12 (b) Notwithstanding the requirements of W.S.
13 37-3-106(b) and (c), if a public utility seeks judicial
14 review of a general rate case decision under this section
15 that raises an argument under W.S. 16-3-114(c)(ii)(A)
16 through (D), the commission may stay each part of any
17 subsequent general rate case related to the issue under
18 judicial review until resolution of the judicial review
19 including any appeal.

20

21 (c) Subsection (b) of this section shall not apply to
22 any lawsuit or judicial review based on the commission's
23 application of facts or evidence or resolution of disputed

1 facts or evidence or based on an argument raised under W.S.
2 16-3-114(c)(ii)(E).

3

4 **37-2-214. Rehearing.**

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6 Subject to W.S. 37-2-130(b) and (c), at any time after an
7 order has been made by the commission any person interested
8 therein may apply for a rehearing in respect to any matter
9 determined therein and the commission shall grant and hold
10 a rehearing if in its judgment sufficient reason therefor
11 be made to appear, which rehearing shall be subject to
12 rules as the commission may prescribe. Applications for
13 rehearing shall stay the effect of any order or decision of
14 the commission only as to the portion of the order
15 addressed in the rehearing application until the commission
16 denies the application or enters an order following
17 rehearing, whichever last occurs, provided, however, that
18 upon the request of any party and a showing of good cause
19 therefor, the commission may vacate the stay and allow the
20 order or decision to remain in effect. An order or decision
21 made after the rehearing vacating, amending or modifying
22 the original order or decision shall not, as to the matter
23 considered on rehearing, be open to a further application

1 for rehearing, and shall have the same force and effect as
2 the original order or decision.

3

4 **Section 2.** This act shall apply to all requests,
5 applications, rate cases and other matters filed with the
6 public service commission for which litigation specified in
7 this act has been filed before, on and after the effective
8 date of this act.

9

10 **Section 3.** This act is effective immediately upon
11 completion of all acts necessary for a bill to become law
12 as provided by Article 4, Section 8 of the Wyoming
13 Constitution.

14

15

(END)