

## 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:*

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

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

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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) If a public utility files a lawsuit that  
13 challenges or seeks judicial review under this section by  
14 challenging the constitutionality or legality of a  
15 provision of this act or of a rule, regulation or procedure  
16 of the commission, or that raises an argument under W.S.  
17 16-3-114(c)(ii)(A) through (D), the commission shall stay  
18 each request, application, rate case and any other matter  
19 that requires application or consideration of the  
20 challenged statute, rule, regulation or procedure until the  
21 lawsuit or judicial review is fully resolved and closed.  
22 This subsection shall apply to all requests, applications,  
23 rate cases and other matters before the commission impacted

1 by the challenged statute, rule, regulation or procedure or  
2 that requires the application of the challenged statute,  
3 rule, regulation or procedure, regardless of the party  
4 involved in the request, application, rate case or matter.

5  
6 (c) Subsection (b) of this section shall not apply  
7 to:

8  
9 (i) Any lawsuit or judicial review based on the  
10 commission's application of facts or evidence or resolution  
11 of disputed facts or evidence or based on an argument  
12 raised under W.S. 16-3-114(c)(ii)(E);

13  
14 (ii) Any action that the commission begins and  
15 prosecutes for violations under W.S. 37-2-215.

16  
17 **37-2-214. Rehearing.**

18  
19 Subject to W.S. 37-2-130(b) and (c), at any time after  
20 an order has been made by the commission any person  
21 interested therein may apply for a rehearing in respect to  
22 any matter determined therein and the commission shall  
23 grant and hold a rehearing if in its judgment sufficient

1 reason therefor be made to appear, which rehearing shall be  
2 subject to rules as the commission may prescribe.  
3 Applications for rehearing shall stay the effect of any  
4 order or decision of the commission only as to the portion  
5 of the order addressed in the rehearing application until  
6 the commission denies the application or enters an order  
7 following rehearing, whichever last occurs, provided,  
8 however, that upon the request of any party and a showing  
9 of good cause therefor, the commission may vacate the stay  
10 and allow the order or decision to remain in effect. An  
11 order or decision made after the rehearing vacating,  
12 amending or modifying the original order or decision shall  
13 not, as to the matter considered on rehearing, be open to a  
14 further application for rehearing, and shall have the same  
15 force and effect as the original order or decision.

16

17 **Section 2.** This act shall apply to all requests,  
18 applications, rate cases and other matters filed with the  
19 public service commission for which litigation specified in  
20 this act has been filed before, on and after the effective  
21 date of this act.

22

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

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(END)