

## HOUSE BILL NO. HB0325

Industrial power consumption freedom act.

Sponsored by: Representative(s) Filer, Brown, L, Johnson,  
Singh, Wasserburger and Wylie and Senator(s)  
Rothfuss

A BILL

for

1 AN ACT relating to public utilities; authorizing large-  
2 scale industrial power users to procure electricity from  
3 any person or utility; specifying requirements for the  
4 procurement of electricity; providing exemptions from rate  
5 regulation and service territory requirements for electric  
6 service as specified; making conforming amendments;  
7 providing definitions; requiring rulemaking; and providing  
8 for effective dates.

9

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

11

12 **Section 1.** W.S. 37-2-205.2 is created to read:

13

14 **37-2-205.2. Large-scale industrial power users;**  
15 **procurement of electricity; requirements.**

1

2 (a) As used in this section:

3

4 (i) "Large-scale industrial power user" means an  
5 electric customer located in Wyoming with annual demand of  
6 not less than one (1) megawatt hour;

7

8 (ii) "Person" includes an electric public  
9 utility or other person performing the functions specified  
10 in W.S. 37-1-101(a)(vi)(C), an electric utility operated by  
11 a city or town, a cooperative electric utility as defined  
12 in W.S. 37-17-101(a)(i) and a power district organized  
13 under chapter 7 of this title.

14

15 (b) Notwithstanding the requirements of W.S.  
16 37-2-205, 37-2-205.1 and any other provision of this act  
17 establishing or regulating certificated service  
18 territories, each large-scale industrial power user may  
19 procure electric power from any person, subject to all of  
20 the following:

21

22 (i) Nothing in this section shall be construed  
23 to require the person providing electricity to a

1 large-scale industrial power user under this section to  
2 compensate the public utility that has a certificate of  
3 convenience and necessity for the location of the  
4 large-scale industrial power user;

5

6 (ii) Electricity purchased by a large-scale  
7 industrial power user under this section shall:

8

9 (A) Be received and consumed by the  
10 large-scale industrial power user on the site where the  
11 electricity is received by the large-scale industrial power  
12 user;

13

14 (B) Be consumed only for commercial or  
15 industrial use;

16

17 (C) Not be sold or otherwise transferred to  
18 another customer or electricity user.

19

20 (iii) Before providing electricity to a  
21 large-scale industrial power user under this section, the  
22 person shall file a notice with the commission informing  
23 the commission of the agreement to provide electric service

1 to a large-scale industrial power user and the estimated  
2 amount of electricity to be provided on an annual basis.  
3 The notice required under this paragraph shall be served on  
4 the public utility holding the certificate of convenience  
5 and necessity for the location of the large-scale  
6 industrial power user. The commission shall not charge a  
7 fee or require a hearing, and no decision of the commission  
8 shall be required, before the person providing notice may  
9 proceed with providing electric service to the large-scale  
10 industrial user under this section;

11

12 (iv) The person providing electricity to the  
13 large-scale industrial power user may:

14

15 (A) Enter into an agreement with a public  
16 utility or other entity to utilize the transmission and  
17 storage infrastructure of the public utility or other  
18 entity. Nothing in this subparagraph shall be construed to  
19 require a public utility or other entity to enter into an  
20 agreement with a person for the use of existing  
21 transmission or storage infrastructure;

22

1                   (B) Develop and construct its own  
2 transmission or storage infrastructure. The construction of  
3 transmission or storage infrastructure under this  
4 subparagraph shall be subject to this act, except that a  
5 certificate of convenience and necessity under W.S.  
6 37-2-205 and 37-2-205.1 shall not be required for  
7 infrastructure constructed under this subparagraph.

8  
9                   (v) Rates charged by a person providing electric  
10 service to a large-scale industrial power user under this  
11 section and rates charged by a person that develops and  
12 constructs its own transmission or storage infrastructure  
13 under subparagraph (iv)(B) of this subsection shall not be  
14 subject to regulation of rates under this act;

15  
16                   (vi) Rates charged by an electric utility to a  
17 person providing electric service to a large-scale  
18 industrial power user under this section for the use of  
19 transmission lines regulated by the commission shall be  
20 regulated by the commission, provided that the commission  
21 shall establish rates that ensure that other retail  
22 customers not receiving the benefits of electric service  
23 under this section are not disproportionately paying joint

1 and common costs of electricity transmission to a  
2 large-scale industrial power user;

3  
4 (vii) Electric service provided by a person to a  
5 large-scale industrial power user under this section shall  
6 not reduce or otherwise adversely affect the service  
7 provided to other customers located in the same  
8 certificated service territory as the large-scale  
9 industrial power user.

10  
11 (c) Nothing in this section shall be construed to  
12 relieve a person providing electric service to a  
13 large-scale industrial power user under this section from  
14 complying with applicable federal laws governing the  
15 generation and transmission of electricity.

16  
17 **Section 2.** W.S. 37-2-205(a), (b) and by creating a  
18 new subsection (k), 37-2-205.1 by creating a new subsection  
19 (f), 37-7-101 by creating a new subsection (c) and  
20 37-17-102(b) and by creating new subsections (c) and (d)  
21 are amended to read:

22

1           **37-2-205. Certificate of convenience and necessity;**  
2 **hearings.**

3  
4           (a) Except as provided in this subsection and W.S.  
5 37-2-205.2, no public utility shall begin construction or  
6 complete the purchase of a line or plant, or of any  
7 extension of a line or material addition to a plant,  
8 without having first obtained from the commission a  
9 certificate that the present or future public convenience  
10 and necessity require or will require such construction or  
11 purchase. This act shall not be construed to require any  
12 public utility operating outside of a city or town to  
13 secure a certificate for an extension into an area within  
14 which it has lawfully commenced operation, or for an  
15 extension into territory contiguous to its line or plant  
16 for which no certificate is in force and is not served by a  
17 public utility of like character or for any extension  
18 within or to territory already served by it, necessary in  
19 the ordinary course of its business. If any public  
20 utility, in constructing or extending its line or plant  
21 interferes or is about to interfere with the operation of  
22 the line or plant of any other public utility already  
23 authorized or constructed, the commission on complaint of

1 the public utility claiming to be injuriously affected, may  
2 after hearing make such order and prescribe the terms and  
3 conditions for the location of the lines or plants  
4 affected, as to it are just and reasonable. The power  
5 companies may, without the certificate, increase capacity  
6 of existing plants. For purposes of this subsection,  
7 "material addition" shall not include an addition to a  
8 plant that is necessary to serve load growth, provided that  
9 the capital investment in the addition shall not exceed one  
10 percent (1%) of the total capital investment in the plant  
11 on which return is earned, that is assigned or allocated to  
12 Wyoming customers, based on the public utility's most  
13 recent rate case determination.

14

15 (b) Except as provided by W.S. 37-2-205.2, no public  
16 utility shall henceforth exercise any right or privilege or  
17 obtain a franchise or permit to exercise such right or  
18 privilege from a municipality or county, without having  
19 first obtained from the commission a certificate that  
20 public convenience and necessity require the exercise of  
21 such right and privilege; provided, that when the  
22 commission shall find, after hearing, that a public utility  
23 has heretofore begun actual construction work and is



1 prosecuting such work in good faith, uninterruptedly and  
2 with reasonable diligence in proportion to the magnitude of  
3 the undertaking, under any franchise or permit heretofore  
4 granted but not heretofore actually exercised, such public  
5 utility may proceed to the completion of such work, and  
6 may, after such completion exercise such right or  
7 privilege; and provided, further, that this section shall  
8 not be construed to validate any right or privilege now  
9 invalid or hereafter becoming invalid under any law of this  
10 state, nor impair any vested right in any franchise or  
11 permit heretofore granted.

12

13 (k) This section shall not apply to persons defined  
14 in W.S. 37-2-205.2(a)(ii) that provide electric service to  
15 large-scale industrial power users under W.S. 37-2-205.2.

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17 **37-2-205.1. Nonsitus certificate of public**  
18 **convenience and necessity.**

19

20 (f) This section shall not apply to persons defined  
21 in W.S. 37-2-205.2(a)(ii) that provide electric service to  
22 large-scale industrial power users under W.S. 37-2-205.2.

23

1           **37-7-101. Formation; petition for organization.**

2

3           (c) A certificate of necessity specified in  
4 subsection (a) of this section shall not be required for a  
5 power district that provides electric service to  
6 large-scale industrial power users in accordance with W.S.  
7 37-2-205.2.

8

9           **37-17-102. Retail rate regulation; exemption.**

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11           (b) Nothing in this article shall be construed to  
12 alter the certificated service territory of a cooperative  
13 electric utility, except as provided in subsections (c) and  
14 (d) of this section.

15

16           (c) Electric service may be provided by a person  
17 defined under W.S. 37-2-205.2(a)(ii) to a large-scale  
18 industrial power user in accordance with W.S. 37-2-205.2  
19 regardless of the certificated service territory of the  
20 cooperative electric utility where the large-scale  
21 industrial power user is located.

22

(d) A certificate of necessity shall not be required for a cooperative electric utility that provides electric service to large-scale industrial power users in accordance with W.S. 37-2-205.2.

**Section 3.** The public service commission shall promulgate all rules necessary to implement this act.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2025.

(b) Sections 3 and 4 of this act are 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 )