

HOUSE BILL NO. HB0139

Exempting specified retail electric sales from regulation.

Sponsored by: Representative(s) Filer, Andrew, Davis, Geringer, Sherwood and Thayer and Senator(s) Love and Rothfuss

A BILL

for

1 AN ACT relating to public utilities; specifying that the  
2 retail sale of electricity by specified persons to  
3 specified customers is exempt from regulation by the public  
4 service commission; making conforming amendments;  
5 specifying applicability; and providing for an effective  
6 date.

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

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10 **Section 1.** W.S. 37-1-101(a)(vi)(H) by creating a new  
11 subdivision (XI) and 39-15-103(a)(i)(E) are amended to  
12 read:

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14 **37-1-101. Definitions.**

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1                                   (2) Not more than four (4)  
2 customers with a total combined electric load of not less  
3 than five (5) megawatts within the certificated service  
4 territory of a public utility, excluding a cooperative  
5 electric utility as defined by W.S. 37-17-101(a)(i) or a  
6 utility owned and operated by a municipality; or

7  
8                                   (3) Not more than four (4)  
9 customers within the certificated service territory of a  
10 public utility, subject to all of the following:

11  
12                                   a. The customers submit an  
13 application for new or additional electric service to the  
14 certificated public utility;

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16                                   b. The public utility does  
17 not respond to the customer's request with an evaluation of  
18 the request within six (6) months or the public utility  
19 determines that the public utility is unable to provide the  
20 requested service within one (1) year of the request or  
21 within another period as agreed upon by the public utility  
22 and the customer;

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1 c. The public utility and  
2 the customer cannot agree to a tariff, agreement or  
3 electric service agreement as provided in W.S. 37-3-116.

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5 **39-15-103. Imposition.**

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7 (a) Taxable event. The following shall apply:

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9 (i) Except as provided by W.S. 39-15-105, there  
10 is levied an excise tax upon:

11  
12 (E) The sales price paid to public  
13 utilities as defined in W.S. 37-1-101 through 37-3-114 and  
14 to persons furnishing gas, electricity or heat for  
15 domestic, industrial or commercial consumption, including  
16 persons that sell electricity and are not regulated as a  
17 public utility as provided in W.S. 37-1-101(a)(vi)(H)(XI);

18  
19 **Section 2.** This act shall apply to all tariffs,  
20 contracts and other agreements entered into on and after  
21 the effective date of this act. Nothing in this act shall  
22 be construed to alter, amend or impair any agreement  
23 entered into before the effective date of this act,

1 provided that nothing shall prohibit an electric customer  
2 or public utility from entering into or renewing an  
3 agreement, contract or tariff after the effective date of  
4 this act for the agreement, contract or tariff to conform  
5 with this act.

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7       **Section 3.** This act is effective July 1, 2026.

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9

(END)