

HOUSE BILL NO. HB0174

Wyoming choice electric program.

Sponsored by: Representative(s) Smith and Locke

A BILL

for

1 AN ACT relating to public utilities; requiring the public  
 2 service commission to promulgate rules for electric  
 3 utilities to establish a choice electric program;  
 4 specifying requirements for the program; and providing for  
 5 effective dates.

6

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

8

9 **Section 1.** W.S. 37-3-120 is created to read:

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11 **37-3-120. Choice electric program; requirements.**

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13 (a) As used in this section:

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15 (i) "Electric utility" means any person,  
 16 including cooperative electric utilities that perform any

1 of the functions specified in W.S. 37-1-101(a)(vi)(C), that  
2 is authorized to engage in business in Wyoming and that is  
3 primarily engaged in the generation, transmission or sale  
4 of electric energy. "Electric utility" shall include any  
5 electric utility owned or operated by a city or town;

6

7 (ii) "Resource type" means the fuel for or  
8 source of electricity that an electric utility generates or  
9 purchases for sale to the customers of the electric  
10 utility.

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12 (b) The commission shall promulgate rules that  
13 require each electric utility to establish a choice  
14 electric program. Rules promulgated under this section  
15 shall include, at a minimum:

16

17 (i) Requirements for each electric utility to  
18 offer electricity for sale to its customers by each  
19 resource type that the electric utility offers or by a  
20 combination of resource types;

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22 (ii) Requirements for each electric utility to  
23 determine prices for each resource type to be made

1 available for sale to its customers. As part of the rules  
2 promulgated in accordance with this paragraph, the  
3 commission shall require each electric utility to include:

4

5 (A) Pricing information for the production  
6 cost of the resource type, transmission and delivery costs  
7 and administrative costs;

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9 (B) Pricing information for the purchase of  
10 electricity from the electric utility without regard to or  
11 a percentage allocation of resource types;

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13 (C) If the electric utility offers resource  
14 types that are not reliable as defined by W.S.  
15 37-18-101(a)(iv) or dispatchable as defined by W.S.  
16 37-18-101(a)(ii), information on how the electric utility  
17 purchases other resource types to ensure that demand is met  
18 and the costs that a choice electric customer may incur as  
19 a result of these purchases;

20

21 (D) The actual cost of the resource type  
22 without applying or including any grants, tax exemptions or

1 subsidies received by the electric utility for that  
2 resource type.

3

4 (iii) A requirement for each electric utility to  
5 allow customers to specify different percentages for  
6 resource types in their purchase of electricity;

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8 (iv) A requirement for each electric utility to  
9 list and provide information on an electric cost adjustment  
10 rate or regulated rate to its customers that specifies the  
11 cost of electricity based on the delivery of electricity  
12 using all resource types offered by the electric utility  
13 for customers who do not participate in the choice electric  
14 program created under this section;

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16 (v) Any other requirements, including  
17 administration requirements, that the commission determines  
18 are necessary for each electric utility to offer a choice  
19 electric program to its customers.

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21 (c) Nothing in this section shall be construed to  
22 authorize an electric utility to offer electricity under  
23 the choice electric program to customers outside of the

1 territory specified in the electric utility's certificate  
2 of convenience and necessity.

3

4 (d) The commission shall not grant confidentiality to  
5 any electric utility for any information required to be  
6 provided by an electric utility to its customers in  
7 accordance with subsection (b) of this section.

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9 (e) In determining just and reasonable rates for  
10 electric utilities offering electricity under the choice  
11 electric program required under this section, the  
12 commission may consider and authorize electric utilities to  
13 recover administrative costs associated with implementing  
14 the choice electric program and the resource type  
15 percentages requested or selected by customers from  
16 customers participating in the choice electric program  
17 under this section.

18

19 **Section 2.** The public service commission shall  
20 promulgate all rules necessary to implement this act not  
21 later than January 1, 2027.

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1           **Section 3.**

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3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective immediately upon completion  
5 of all acts necessary for a bill to become law as provided  
6 by Article 4, Section 8 of the Wyoming Constitution.

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8           (b) Section 1 of this act is effective January 1,  
9 2027.

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11

(END)