

SENATE FILE NO. SF0071

Deregulated industrial power zones.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to public utilities; providing for the
2 creation of deregulated industrial power zones; providing
3 for the exemption of rate regulation and service territory
4 requirements for electrical service as specified; providing
5 a definition; specifying applicability; making conforming
6 amendments; requiring rulemaking; amending obsolete
7 provisions related to public utilities; and providing for
8 effective dates.

9

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

11

12 **Section 1.** W.S. 37-19-101 through 37-19-104 is
13 created to read:

14

15

CHAPTER 19

1 DEREGULATED INDUSTRIAL POWER ZONES

2

3 **37-19-101. Short title.**

4

5 This act shall be known, and may be cited as, the
6 "Deregulated Industrial Power Zones Act."

7

8 **37-19-102. Definitions.**

9

10 (a) As used in this chapter:

11

12 (i) "Deregulated industrial power zone" means an
13 area of designated state lands not less than six hundred
14 forty (640) contiguous acres situated entirely within a
15 single county and within which the statutory and regulatory
16 exemptions in W.S. 37-19-104 are available;

17

18 (ii) "State lands" means as defined in W.S.
19 36-1-101(a)(iv).

20

21 **37-19-103. Designation of land.**

22

1 (a) The board of county commissioners in each county
2 may petition the board of land commissioners to designate
3 not more than one (1) area of unincorporated state land
4 within the county constituting not less than six hundred
5 forty (640) contiguous acres as a deregulated industrial
6 power zone. The designated land shall not include any part
7 of a municipality or land outside the boundaries of the
8 county. A petition may be filed under this subsection to
9 modify as well as create a deregulated industrial power
10 zone.

11

12 (b) Prior to petitioning the board of land
13 commissioners under subsection (a) of this section, the
14 board of county commissioners shall hold at least one (1)
15 public hearing with notice of the time and place of the
16 hearing being given by publication in a newspaper of
17 general circulation in the county not less than one (1)
18 time and not less than fourteen (14) days before the date
19 of the hearing.

20

21 (c) The commission shall provide the board of land
22 commissioners with an analysis of the potential impact the
23 deregulated industrial zone may have on retail customers

1 outside of the zone and nonparticipating retail customers
2 within the zone and any other information required by rule
3 promulgated by the board of land commissioners.

4

5 (d) The board of land commissioners may consider the
6 analysis provided under subsection (c) of this section and
7 any other factors it deems relevant in determining whether
8 to approve a petition submitted pursuant to this section.
9 The board of land commissioners shall not approve a
10 petition that does not meet the requirements of subsection
11 (a) of this section but may otherwise approve or deny a
12 petition at its discretion.

13

14 **37-19-104. Regulation exemptions; limitations.**

15

16 (a) Except as otherwise provided in this section, the
17 provisions of this title with respect to public service
18 commission rate regulation shall not apply to rates charged
19 for the sale of electricity to a customer who:

20

21 (i) Consumes the electricity entirely within a
22 deregulated industrial power zone;

23

1 (ii) Consumes the electricity for commercial or
2 industrial use; and

3

4 (iii) Is not purchasing the electricity to
5 replace electrical service capacity that existed prior to
6 the establishment of the deregulated industrial power zone.

7

8 (b) Except as otherwise provided in this section, the
9 provisions of this title that prohibit the sale of
10 electricity outside a specified service territory shall not
11 apply to sales to a customer within a deregulated
12 industrial power zone who meets the requirements of
13 subsection (a) of this section.

14

15 (c) Nothing in this section shall be construed to
16 reduce, modify, eliminate or otherwise alter any applicable
17 requirements of federal law or any local, state or federal
18 tax that may be imposed.

19

20 (d) Any public utility providing service under this
21 section shall not recover costs associated with that
22 service through rates imposed on retail customers outside

1 of, or not participating in the exemptions provided by, a
2 deregulated industrial power zone.

3

4 (e) Service provided by a public utility under this
5 section shall not adversely affect the service provided to
6 other retail customers not participating in the deregulated
7 industrial power zone.

8

9 (f) The public service commission shall regulate
10 rates charged for the use of transmission lines
11 transmitting electricity generated outside of a deregulated
12 industrial zone to the deregulated industrial zone through
13 transmission lines otherwise regulated by the public
14 service commission by setting a rate that ensures other
15 retail customers not receiving the benefits of any
16 exemption under this section are not disproportionately
17 paying joint and common costs of transmission.

18

19 **Section 2.** W.S. 36-2-101, 37-1-101(a)(intro) and
20 37-2-118 are amended to read:

21

22 **36-2-101. Composition; powers generally.**

23

1 The governor, secretary of state, state treasurer, state
2 auditor, and superintendent of public instruction, being
3 constituted a "board of land commissioners" by the
4 provisions of section 3, article 18, of the constitution of
5 the state of Wyoming, shall as such board, have the
6 direction, control, leasing, care and disposal of all lands
7 heretofore or hereafter granted or acquired by the state
8 for the benefit and support of public schools or for any
9 other purpose whatsoever, subject to the limitations
10 contained in the constitution of the state, and the laws
11 enacted by the legislature. The board shall have the power
12 and authority to take such official action as may be
13 necessary in securing title to land grants, or any other
14 lands acquired by the state. The board shall oversee the
15 compensatory mitigation credit system established under
16 W.S. 9-19-201 through 9-19-204 and shall promulgate rules
17 and regulations in accordance with W.S. 9-19-201 through
18 9-19-204. The board shall consider petitions pursuant to
19 the deregulated industrial power zones act.

20

21 **37-1-101. Definitions.**

22

1 (a) As used in chapters 1, 2, 3, 12, 17, ~~and~~ 18 and
2 19 of this title:

3

4 **37-2-118. Who may make complaint.**

5

6 Any public utility, person, municipality or the attorney
7 general may complain to the commission of anything, actual
8 or proposed, done or omitted to be done in violation of
9 W.S. ~~37-1 through 37-64 [§§ 37-1-101 through 37-3-114] or~~
10 ~~W.S. 37-260 through 37-272 [§§ 37-12-201 through~~
11 ~~37-12-213], 37-1-101 through 37-3-114, 37-12-201 through~~
12 37-12-213, 37-19-101 through 37-19-104 or of an order of
13 the commission.

14

15 **Section 3.** This act shall not apply to contracts for
16 utility services existing prior to July 1, 2022.

17

18 **Section 4.** The state board of land commissioners and
19 the public service commission shall promulgate any rules
20 necessary to implement this act on or before July 1, 2022.

21

1 **Section 5.**

2

3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2022.

5

6 (b) Sections 4 and 5 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)