

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming energy independence-excess capacity.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to public utilities; providing requirements
2 for specified excess electric generation capacity;
3 specifying applicability; requiring rulemaking; and
4 providing for effective dates.

5

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

7

8 **Section 1.** W.S. 37-2-137 and 37-3-120 are created to
9 read:

10

11 **37-2-137. Acquisition of excess proven dispatchable**
12 **generation capacity.**

1

2 (a) As used in this section:

3

4 (i) "Allocation agreement" means a multi-state
5 agreement that allocates the costs and benefits from energy
6 resources serving multiple states to each participating
7 state;

8

9 (ii) "Dispatchable" means a source of electricity
10 that is available for use on demand and that can be
11 dispatched upon request of a power grid operator or that
12 can have its power output adjusted, according to market
13 needs;

14

15 (iii) "Excess proven dispatchable generation
16 capacity" means electric generation capacity from a proven
17 dispatchable generating resource located in the state that
18 is subject to an allocation agreement where excess capacity
19 becomes available as another state transitions away from or
20 discontinues the use of proven dispatchable generation
21 resources;

22

1 (iv) "Proven dispatchable generation resource"
2 means a significant energy resource that has demonstrated
3 the capability to provide dispatchable energy;

4

5 (v) "Significant energy resource" means a
6 resource that consists of:

7

8 (A) A total of one hundred (100) megawatts
9 or more of new generating capacity that has a dependable
10 life of not less than ten (10) years;

11

12 (B) A contract for purchase for not less
13 than ten (10) years and not less than one hundred (100)
14 megawatts of electricity, electric generating capacity or
15 both;

16

17 (C) The purchase or lease by a public
18 utility from an affiliated company of a generating
19 facility, electricity, electric generating capacity or
20 electricity and electric generating capacity;

21

22 (D) A contract with an option for the public
23 utility or an affiliate to purchase a resource that

1 consists of not less than one hundred (100) megawatts of
2 new generating capacity that has a remaining dependable
3 life of not less than ten (10) years; or

4

5 (E) A type of resource designated by the
6 commission as a significant energy resource.

7

8 (b) If a public utility becomes aware of or determines
9 that the utility will have excess proven dispatchable
10 generation capacity at a dispatchable generation facility
11 in Wyoming, the public utility shall, not later than thirty
12 (30) days after the determination under this subsection,
13 provide notice to the commission. Upon receiving notice
14 under this subsection, the commission shall immediately
15 report the notice to the Wyoming energy authority, the
16 office of consumer advocate, the joint minerals, business
17 and economic development interim committee, the speaker of
18 the house of representatives and the president of the
19 senate. The notice required under this subsection shall be
20 made within the time specified in this subsection for
21 future excess proven dispatchable generation capacity that
22 the public utility anticipates having. For any excess
23 proven dispatchable generation capacity that the public

1 utility is aware of before July 1, 2025, the utility shall
2 provide notice to the entities and persons specified in
3 this subsection not later than September 1, 2025.

4

5 (c) No public utility shall offer excess proven
6 dispatchable generation capacity for sale outside of
7 Wyoming unless the public utility has complied with the
8 notice requirements of subsection (b) of this section and
9 the approval requirements of subsection (e) of this
10 section.

11

12 (d) After receiving the notice required in subsection
13 (b) of this section, the Wyoming energy authority may
14 commence negotiations through an allocation agreement
15 process to purchase excess proven dispatchable generation
16 capacity. The Wyoming energy authority shall provide
17 regular updates on any negotiations or agreements
18 undertaken pursuant to this section to the entities and
19 persons specified in subsection (b) of this section and any
20 other relevant stakeholders as determined by the
21 commission.

22

1 (e) When considering approval of a public utility
2 filing for the allocation of excess proven dispatchable
3 generation capacity, the commission shall consider:

4

5 (i) The Wyoming energy strategy developed under
6 W.S. 37-5-503(a)(vii);

7

8 (ii) Current and forecasted electricity needs
9 within the state and region;

10

11 (iii) The potential impact on long-term
12 electricity costs for customers in the state;

13

14 (iv) The potential to lower costs for customers
15 in the state by reselling excess electricity on interstate
16 energy markets;

17

18 (v) The additional operating costs that may be
19 borne by the purchaser of capacity or energy from the
20 proven dispatchable electric generation facility;

21

22 (vi) Opportunities to coordinate with neighboring
23 states with similar energy policies and goals;

1

2 (vii) That any excess capacity allocated and
3 approved in rates under an agreement described in
4 subsection (d) of this section and under W.S. 37-3-120
5 shall be operated in a manner that prioritizes the
6 interests of ratepayers in Wyoming;

7

8 (viii) That all revenues from the sale of excess
9 proven dispatchable generation capacity that is allocated
10 and approved in rates under an agreement described in
11 subsection (d) of this section and under W.S. 37-3-120
12 shall be credited to ratepayers in Wyoming;

13

14 (ix) Any other factors the commission deems
15 relevant.

16

17 **Section 2.** W.S. 37-5-504 by creating a new subsection
18 (c) is amended to read:

19

20 **37-5-504. Powers of the authority.**

21

22 (c) The authority may purchase excess proven
23 dispatchable generation capacity in accordance with W.S.

1 37-2-137 and may sell any purchased excess proven
2 dispatchable generation capacity subject to any limitations
3 of this article.

4

5 **Section 3.** Nothing in this act shall be construed to
6 impair or alter any agreement, contract or obligation
7 entered into before the effective date of this section.

8

9 **Section 4.** The public service commission shall
10 promulgate all rules necessary to implement this act.

11

12 **Section 5.**

13

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

16

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

21

22 (END)