

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO.

Small customer electricity generation.

Sponsored by: SDraft Committee

A BILL

for

1 AN ACT relating to net metering; revising how net metering  
2 compensation applies to small customer-generators that are  
3 first operational after a specified date; authorizing the  
4 public service commission to authorize a different  
5 calculation of net energy if energy is being subsidized by  
6 other customers; making conforming changes; repealing  
7 obsolete provisions; requiring rulemaking; and providing  
8 for an effective date.

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

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12 **Section 1.** W.S. 37-16-105 is created to read:

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5 (b) The commission shall establish an appropriate  
6 compensation system to regulate the rates, terms and  
7 conditions of small customer-generators by electric  
8 utilities for electricity produced by small customer-  
9 generators that are first operational on or after July 1,  
10 2025. The compensation system shall provide for just and  
11 reasonable rates, terms and conditions.

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13 (c) Any electric cooperative that is exempt from  
14 retail rate regulation by the commission under title 37,  
15 chapter 17 of the Wyoming statutes shall not be subject to  
16 subsection (b) of this section. The board of directors for  
17 an electric cooperative shall, not later than April 1,  
18 2025, adopt rates, terms and conditions to compensate small  
19 customer-generators that are first operational on or after  
20 July 1, 2025. Rates, terms and conditions developed under  
21 this subsection shall be subject to all of the following:

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23 (i) An electric cooperative shall give written  
24 notice to all of the electric cooperative's member owners

1 not less than thirty (30) days before the effective date of  
2 the electric cooperative's initial rates, terms and  
3 conditions developed under this subsection for the  
4 compensation of small customer-generators and of the  
5 effective date of any subsequent change to the rates, terms  
6 and conditions, including procedures for the electric  
7 cooperative's member owners to comment on proposed rates;

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9 (ii) Rates, terms and conditions adopted by an  
10 electric cooperative under this subsection shall be filed  
11 with the commission;

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13 (iii) Each electric cooperative shall be subject  
14 to the complaint, investigation and resolution process  
15 pursuant to W.S. 37-17-104(d) and (e) regarding the rates,  
16 terms and conditions adopted by the electric cooperative to  
17 compensate small customer-generators.

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19 **Section 2.** W.S. 37-16-101(a)(vii), (viii)(intro) and  
20 (b), 37-16-102(a)(i) through (iii), 37-16-103(a)(intro) and  
21 by creating a new subsection (c) and 37-16-104 are amended  
22 to read:

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1           **37-16-101. Definitions.**

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3           (a) As used in this chapter unless the context or a  
4 specific article otherwise requires:

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6           (vii) "Net metering" means measuring the  
7 difference between the electricity supplied by an electric  
8 utility and the electricity generated by a small customer-  
9 generator operating before July 1, 2025 that is fed back to  
10 the electric utility over the applicable billing period;

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12           (viii) ~~"Net metering system"~~ "Small customer-  
13 generator" means a person operating a facility for the  
14 production of electrical energy that:

15

16           (b) A person acting as a small customer-generator  
17 under this act shall not be considered a "public utility"  
18 as defined by W.S. 37-1-101.

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20           **37-16-102. Electric utility requirements.**

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22           (a) An electric utility:

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1           (i) Shall offer to make available to each of its  
2 eligible small customer-generators ~~that has installed a net~~  
3 ~~metering system~~ an energy meter that is capable of  
4 registering the flow of electricity in two (2) directions;

5  
6           (ii) May, ~~at its own expense and with the~~  
7 ~~written consent of the customer-generator,~~ install one (1)  
8 or more additional meters to monitor the flow of  
9 electricity in each direction;

10  
11           (iii) Except as otherwise provided in this  
12 paragraph, shall not charge a small customer-generator any  
13 fee or charge that would increase the small customer-  
14 generator's minimum monthly charge to an amount greater  
15 than that of other customers of the electric utility in the  
16 same rate class as the small customer-generator. This  
17 paragraph shall not apply on and after July 1, 2025 for  
18 small customer-generators other than existing small  
19 customer-generators as provided under W.S. 37-16-105(a).  
20 This paragraph is repealed on July 1, 2030.

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22           **37-16-103. Calculation requirements; sunset.**

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1 (a) Consistent with other provisions of this chapter,  
2 the net energy measurement for existing small customer-  
3 generators as provided in W.S. 37-16-105(a) shall be  
4 calculated in the following manner:

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6 (c) This section is repealed on July 1, 2030.

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8 **37-16-104. Safety and performance requirements.**

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10 (a) A ~~net metering system~~ facility used by a small  
11 customer-generator shall meet all applicable safety and  
12 performance standards established by the national  
13 electrical code, the institute of electrical and  
14 electronics engineers and underwriters laboratories.

15  
16 (b) The small customer-generator shall at its expense  
17 provide lockable, switching equipment capable of isolating  
18 the ~~net metering~~ small customer-generator's facility from  
19 the electric utility's system. Such equipment shall be  
20 approved by the electric utility and shall be accessible by  
21 the electric utility at all times.

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1           (c) The electric utility shall not be liable directly  
 2 or indirectly for permitting or continuing to allow an  
 3 attachment of a ~~net-metering~~ small customer-generator's  
 4 facility, or for acts or omissions of the small customer-  
 5 generator that cause loss or injury, including death, to  
 6 any third party.

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8           (d) The small customer-generator is responsible for  
 9 all costs associated with its facility and is also  
 10 responsible for all costs related to any modifications to  
 11 the facility that may be required by the electric utility  
 12 for purposes of safety and reliability.

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14           (e) The commission, after appropriate notice and  
 15 opportunity for comment, may adopt by regulation additional  
 16 control and testing requirements for small customer-  
 17 generators that the commission determines are necessary to  
 18 protect public safety and system reliability.

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20           **Section 3.** W.S. 37-16-101(a)(ii) is repealed.

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**STAFF COMMENT**



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W.S. 37-16-101(a)(ii) provides a definition for a "customer-generator." With the changes in this bill draft to make the net metering laws apply to small customer-generators, this definition is rendered obsolete.

37-16-101. Definitions.

(a) As used in this chapter unless the context or a specific article otherwise requires:

~~(ii) "Customer-generator" means a user of a net metering system;~~

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Section 4.

(a) The public service commission shall conduct public hearings related to the implementation of the compensation system for electricity produced from small customer-generator facilities first operational on and after July 1, 2025.

(b) Not later than April 1, 2025:

(i) The commission shall adopt rules necessary to implement the compensation system provided by W.S. 37-16-105(b);

1           (ii) Any electric cooperative that is exempt from  
2 retail rate regulation by the public service commission  
3 under title 37, chapter 17 of the Wyoming statutes shall  
4 adopt rates, terms and conditions to compensate small  
5 customer-generators as provided in W.S. 37-16-105(c).

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7           **Section 5.** This act is effective immediately upon  
8 completion of all acts necessary for a bill to become law  
9 as provided by Article 4, Section 8 of the Wyoming  
10 Constitution.

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(END)