

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Utilities-regulation exception for electricity generators.

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

A BILL

for

1 AN ACT relating to public utilities; excluding specified
2 electricity generators from regulation as a public utility;
3 requiring rulemaking; and providing for effective dates.

4

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

6

7 **Section 1.** W.S. 37-1-101(a)(vi)(H) by creating a new
8 subdivision (XI) is amended to read:

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10 **37-1-101. Definitions.**

11

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

(vi) "Public utility" means and includes every
person that owns, operates, leases, controls or has power
to operate, lease or control:

(H) None of the provisions of this chapter
shall apply to:

(XI) Any electricity producer that
exclusively serves:

(1) One (1) customer with electric
demand of not less than twenty-five (25) megawatts; or

(2) Not more than four (4)
customers with an aggregate electric demand of not less
than one hundred (100) megawatts.

STAFF COMMENT

Below is an alternate version of this bill draft that includes provisions discussed at the meeting (primarily, limiting this exception to electric generators providing service to customers for new or expanded demand). The Committee may wish to consider whether other limits or requirements should be placed on this exception (for example, clarifying that an electric generator that is already regulated as a public utility is or is not eligible for the exemption under this subdivision).

37-1-101. Definitions.

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

(vi) "Public utility" means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:

(H) None of the provisions of this chapter shall apply to:

(XI) Any electricity producer satisfying the requirements of this subdivision, subject to all of the following:

1 (1) This chapter shall not apply
2 to any electricity producer that exclusively serves:

3
4 a. One (1) customer with
5 electric demand of not less than twenty-five
6 (25) megawatts; or

7
8 b. Not more than four (4)
9 customers with an aggregate electric demand of not less
10 than one hundred (100) megawatts.

11
12 (2) The electricity generation by
13 a generator specified in subdivision (1) of this
14 subdivision shall be for electric demand for a customer
15 that is new demand or has expanded demand on or after July
16 1, 2027;

17
18 (3) The commission may request
19 information from any person seeking to utilize the
20 exemption under this subdivision for the limited purpose of
21 determining whether a person satisfies the requirements of
22 this subdivision.

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5 **Section 2.** The public service commission shall
6 promulgate all rules necessary to implement this act.

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8 **Section 3.**

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

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15 (b) Section 1 of this act is effective July 1, 2027.

16

17 (END)