

HOUSE BILL NO. HB0116

Rate filings of cooperative utilities.

Sponsored by: Representative(s) Stafford

A BILL

for

1 AN ACT relating to public utilities; creating an exemption
 2 to public service commission retail rate regulation for
 3 cooperative electric utilities; providing procedures for
 4 exemption, rate adoption, complaints and return to
 5 commission regulation; providing a legislative declaration;
 6 and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 37-17-101 through 37-17-106 are
 11 created to read:

12

Chapter 17

RATE REGULATION OF COOPERATIVE ELECTRIC UTILITIES

15

37-17-101. Definitions.

17

1 (a) As used in this chapter:

2

3 (i) "Cooperative electric utility" means any
4 nonprofit, member-owned cooperative organized under the
5 laws of the state of Wyoming and engaged in the business of
6 distributing electric energy in the state of Wyoming;

7

8 (ii) "Member consumers" means cooperative
9 electric utility owners that use and pay retail electric
10 rates for electricity distributed by the cooperative
11 electric utility.

12

13 **37-17-102. Retail rate regulation; exemption.**

14

15 (a) Any cooperative electric utility exempt from
16 public service commission retail rate regulation shall
17 remain subject to this chapter, all other provisions of
18 Wyoming public utility law and the authority of the
19 commission.

20

21 (b) Nothing in this chapter shall be construed to
22 alter the certificated service territory of a cooperative
23 electric utility.

24

1 **37-17-103. Procedures for exemption.**

2

3 (a) The board of directors of any cooperative
4 electric utility may adopt a resolution for exemption from
5 the public service commission retail rate regulation and
6 submit the resolution to the member consumers for a vote.
7 The notices, meetings, election and approval provisions
8 shall be pursuant to the terms and conditions set forth in
9 the bylaws of the utility. Upon an affirmative vote of a
10 majority of the members voting on the resolution, the
11 election results shall be filed with the commission. On the
12 date of filing, the exemption shall become effective.

13

14 (b) No cooperative electric utility may vote more
15 than once a year on the exemption.

16

17 **37-17-104. Adoption of retail rates; notice and**
18 **hearing; filing.**

19

20 A cooperative electric utility exempted under W.S.
21 37-17-103 shall give notice, including procedures for
22 member consumers to comment on proposed rates, and hearing
23 to member consumers of any proposed retail rate adjustment.

1 The utility shall adopt all necessary retail rates and file
2 all retail rates with the public service commission.

3

4 **37-17-105. Retail rate adjustment; complaint;**
5 **investigation; resolution.**

6

7 If within six (6) months of final implementation of a
8 retail rate adjustment a complaint signed by not less than
9 ten percent (10%) of all of the member consumers is filed
10 with the commission, the commission shall investigate the
11 rate adjustment. The complaint shall be resolved pursuant
12 to commission hearing and enforcement procedures. The
13 commission is authorized to require the utility to revise
14 its rates if the commission finds, after investigation,
15 that the rates are inadequate or unremunerative, or unjust,
16 or unreasonable, or unjustly discriminatory, or unduly
17 preferential or otherwise in any respect in violation of
18 any provision of this chapter. The existing rates of the
19 utility shall remain in effect while the rates are under
20 investigation.

21

22 **37-17-106. Return to public service commission rate**
23 **regulation.**

24

1 (a) A cooperative electric utility shall return to
2 commission retail rate regulation upon an affirmative vote
3 of a majority of the member consumers voting on the
4 question submitted upon resolution of the board of
5 directors or upon a petition signed by at least ten percent
6 (10%) of the member consumers requesting the return to
7 commission rate regulation. The election shall be conducted
8 according to the provisions of W.S. 37-17-103(a).

9

10 (b) No cooperative electric utility may vote more
11 than once a year on the question of returning to commission
12 retail rate regulation.

13

14 **Section 2.** W.S. 37-1-101(a) (intro) is amended to read:

15

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

17

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

20

21 **Section 3.** Legislative declaration.

22

23 The legislature hereby finds and declares that cooperative
24 electric utilities are owned by the member consumers they

1 serve and are regulated by the member consumers themselves,
2 acting through an elected governing body. It is further
3 declared that the regulation of retail electric rates by
4 the public service commission under this title may be
5 duplicative of the self-regulation by the utilities and may
6 be neither necessary nor cost effective. It is therefore
7 the purpose of this chapter to allow cooperative electric
8 utilities to exempt themselves from regulation of retail
9 rates by the public service commission, subject to the
10 provisions of this chapter. It is further found that with
11 the exception of retail rate regulation, cooperative
12 electric utilities shall continue to be subject to all of
13 the other terms and conditions of title 37 of the Wyoming
14 statutes pertaining to public utilities.

15

16 **Section 4.** This act is effective July 1, 2002.

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18

(END)