

HOUSE BILL NO. HB0160

PSC-consumer advocate.

Sponsored by: Representative(s) Esquibel, Illoway, Morgan and Reese and Senator(s) Decaria, Harris, Job, Massie, Mockler and Sessions

A BILL

for

1 AN ACT relating to the public service commission; providing
2 for an office of consumer advocate as specified; repealing
3 the commission's discretionary consumer advocate
4 authorization; providing positions; providing an
5 appropriation; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 37-2-401 through 37-2-404 are created

10 to read:

11

ARTICLE 4

12

CONSUMER ADVOCATE

13

14

37-2-401. Definitions.

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16

1 (a) As used in this article, unless the context
2 otherwise requires:

3

4 (i) "Residential consumer" means a public
5 utility customer whose utility service is limited to his
6 residence;

7

8 (ii) "Small business consumer" means a public
9 utility customer whose utility service is classified as a
10 small business user or a small commercial user pursuant to
11 a utility tariff established by the commission or a public
12 utility customer who is seeking such tariff status.

13

14 **37-2-402. Office of consumer advocate; creation;**
15 **appointment.**

16

17 There is hereby created within the office of the attorney
18 general the office of consumer advocate. Assistant
19 attorneys general appointed by the attorney general shall
20 serve as legal staff for the office. The attorney general
21 also shall employ rate analysts and administrative and
22 clerical personnel necessary for operation of the office.

23

1 **37-2-403. Representation by office of consumer**
2 **advocate.**

3

4 (a) The office of consumer advocate shall promote the
5 best interest of the citizens of the state, and consistent
6 with that interest, obtain the lowest reasonable public
7 utility rates for residential and small business consumers.

8

9 (b) In exercising discretion whether or not to appear
10 in a proceeding, the office of consumer advocate shall
11 consider the importance and the extent of the interest of
12 the citizens of the state. In evaluating the importance and
13 extent of that interest, the office of consumer advocate
14 shall give due consideration to the short and long-term
15 impact of the proceedings upon the classes of consumers as
16 provided in subsection (a) of this section, so as not to
17 jeopardize the interest of one (1) class in an action by
18 another. If the office of consumer advocate determines that
19 there may be inconsistent interests among the classes of
20 the consumers the office represents in a particular matter,
21 the office may choose to represent one (1) of the interests
22 or to represent no interest. Nothing in this section shall
23 be construed to limit the right of any person, firm, or
24 corporation to petition or make complaint to the commission

1 or otherwise intervene in proceedings or other matters
2 before the commission.

3

4 (c) The office of consumer advocate shall fulfill the
5 duties assigned to it under subsection (a) of this section
6 by appearing in proceedings before the commission, and
7 appeals from those proceedings, in matters which involve
8 proposed changes in a public utility's rates and charges,
9 in matters involving rulemaking which have an impact on the
10 charges, the provision of services, or the rates to
11 residential and small business consumers, and in matters
12 which involve certificates of public convenience and
13 necessity for facilities employed in the provision of
14 utility service, the construction of which would have a
15 material effect on the utility's rates and charges.

16

17 (d) The office of consumer advocate may provide
18 information and other assistance to individual consumers
19 regarding proceedings within the jurisdiction of the
20 commission but shall not advocate for or on behalf of any
21 individual, organization or entity.

22

1 (e) The consumer advocate shall have the same access
2 as the commission to books, maps, contracts, reports and
3 records of every description.

4

5 (f) The office of consumer advocate shall be served
6 with notices of all proposed public utility tariffs, and
7 shall be served with copies of all orders of the commission
8 affecting the charges of residential consumers and small
9 business consumers.

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11 **37-2-404. Powers of office of consumer advocate.**

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13 (a) The office of consumer advocate:

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15 (i) Shall be granted, by the commission, leave
16 to intervene in all cases where such request is made in
17 conformance with the rules of the commission;

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19 (ii) May contract for the services of
20 technically qualified persons to perform research and to
21 appear as expert witnesses before the commission, such
22 persons to be paid from funds appropriated for the use of
23 the office of consumer advocate; and

24

1 (iii) Shall have access to the files of the
2 commission when conducting research.

3

4 (b) The office of consumer advocate may petition for,
5 request, initiate, and appear and intervene as a party in
6 any proceeding before the commission concerning rate
7 changes, rulemaking, charges, tariffs, modifications of
8 service, and matters involving certificates of public
9 convenience and necessity. Notwithstanding any provision of
10 this article to the contrary, the office of consumer
11 advocate shall not be a party to any individual complaint
12 between a public utility and an individual.

13

14 (c) The office of consumer advocate may petition for,
15 request, initiate, or seek to intervene in any proceeding
16 before a federal agency which regulates utility rates or
17 service, or federal court when the matter before such
18 agency or court will affect a rate, charge, tariff, or term
19 of service for a utility product or service for a
20 residential or small business utility consumer in the state
21 of Wyoming. The phrase "federal agency which regulates
22 utility rates or service" does not include any federal
23 lending agency.

24

1 (d) The employees of the office of consumer advocate
2 directly involved in a specific proceeding before the
3 commission shall refrain from ex parte communications with
4 members of the commission. The employees of the office of
5 consumer advocate shall have all rights and be governed by
6 the same ex parte rules as all other intervenors.

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8 **Section 2.** W.S. 37-2-110(b) is repealed.

9

10 **Section 3.** For purposes of this act, there are
11 created two (2) assistant attorneys general positions,
12 three (3) rate analyst positions and one (1) administrative
13 or clerical position within the office of attorney general.
14 There is appropriated from the general fund to the office
15 of the attorney general eight hundred thirty-two thousand
16 five hundred dollars (\$832,500.00) to fund the positions
17 provided in this section.

18

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

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(END)