

HOUSE BILL NO. HB0061

PSC-consumer advocate.

Sponsored by: Representative(s) Esquibel, Jorgensen, Morgan and Reese and Senator(s) Decaria, Mockler, Sessions and Vasey

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

12

ARTICLE 4

13

CONSUMER ADVOCATE

14

15

37-2-401. Definitions.

1

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

4

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

8

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

14

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

17

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

24

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

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

3

4 (c) The office of consumer advocate may appear in
5 proceedings before the commission, and appeals from those
6 proceedings, in matters which involve proposed changes in a
7 public utility's rates and charges, rulemaking, the
8 provision or modification of services or the rates and
9 tariffs to residential and small business consumers, and in
10 matters which involve certificates of public convenience
11 and necessity. The office of consumer advocate shall be
12 subject to the same confidentiality requirements as the
13 public service commission.

14

15 (d) The office of consumer advocate may provide
16 information and other assistance to individual consumers
17 regarding proceedings within the jurisdiction of the
18 commission but shall not advocate for or on behalf of any
19 individual, organization or entity. Notwithstanding any
20 provision of this article to the contrary, the office of
21 consumer advocate shall not be a party to any individual
22 complaint between a public utility and an individual.

23

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

6
7 (f) The office of consumer advocate shall be served
8 with notices of all proposed public utility tariffs when
9 filed with the commission and shall be served with copies
10 of all orders of the commission affecting the charges of
11 residential consumers and small business consumers upon
12 entry of the order.

13

14 **37-2-404. Powers of office of consumer advocate.**

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16 (a) The office of consumer advocate:

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18 (i) Shall be granted, by the commission, leave
19 to intervene in all cases where such request is made in
20 conformance with the rules of the commission; and

21

22 (ii) May contract for the services of
23 technically qualified persons to perform research and to
24 appear as expert witnesses before the commission, such

1 persons to be paid from funds appropriated for the use of
2 the office of consumer advocate.

3

4 (b) The office of consumer advocate may petition for,
5 request, initiate, or seek to intervene in any proceeding
6 before a federal agency which regulates utility rates or
7 service, or federal court when the matter before such
8 agency or court will affect a rate, charge, tariff, or term
9 of service for a utility product or service for a
10 residential or small business utility consumer in the state
11 of Wyoming. The phrase "federal agency which regulates
12 utility rates or service" does not include any federal
13 lending agency.

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

16

17 **Section 3.** For purposes of this act, there are
18 created two (2) full-time assistant attorneys general
19 positions, three (3) full-time rate analyst positions and
20 one (1) full-time administrative or clerical position
21 within the office of attorney general. There is
22 appropriated from the general fund to the office of the
23 attorney general four hundred forty-two thousand eight

1 hundred sixty-one dollars (\$442,861.00) to fund the
2 positions provided in this section.

3

4 **Section 4.** This act is effective July 1, 2003.

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(END)