

SENATE FILE NO. SF0092

Small customer electrical generation.

Sponsored by: Senator(s) Case

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; requiring
 7 rulemaking; repealing an obsolete provision; and providing
 8 for an effective date.

9

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

11

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

13

14 **37-16-105. Treatment of existing customers; future**
 15 **requirements.**

16

1 (a) Except as provided in subsection (b) of this
2 section, no electric utility shall be obligated under this
3 article to compensate any small customer-generator for any
4 electricity produced on a net metering arrangement under
5 this article. A small customer-generator that is producing
6 electricity on a net metering arrangement under this
7 article that is first operational before July 1, 2024 shall
8 be considered an existing customer and shall be exempt from
9 this section until July 1, 2039.

10

11 (b) The public service commission shall establish an
12 appropriate compensation system to regulate the rates,
13 terms and conditions of small customer-generators by
14 electric utilities for electricity produced by small
15 customer-generators that are first operational on or after
16 July 1, 2024. The compensation system shall prevent rate
17 subsidization of customer-generators by other customers of
18 an electric utility.

19

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

23

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

2

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

5

6 (vii) "Net metering" means measuring the
7 difference between the electricity supplied by an electric
8 utility and the electricity generated by a
9 customer-generator operating before July 1, 2024 that is
10 fed back to the electric utility over the applicable
11 billing period;

12

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

16

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

20

21 **37-16-102. Electric utility requirements.**

22

23 (a) An electric utility:

1

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

6

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

11

12 (iii) Except as otherwise provided in this
13 paragraph, shall not charge a small customer-generator any
14 fee or charge that would increase the small
15 customer-generator's minimum monthly charge to an amount
16 greater than that of other customers of the electric
17 utility in the same rate class as the small
18 customer-generator. This paragraph shall not apply on and
19 after July 1, 2024 for small customer-generators other than
20 existing customers as provided under W.S. 37-16-105(a).
21 This paragraph is repealed on January 1, 2034.

22

23 **37-16-103. Calculation requirements.**

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

7

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

9

10 (a) A ~~net-metering~~ system 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~~ facility from the electric utility's
19 system. Such equipment shall be approved by the electric
20 utility and shall be accessible by the electric utility at
21 all times.

22

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
4 facility, or for acts or omissions of the small
5 customer-generator that cause loss or injury, including
6 death, to any third party.

7

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.

13

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

19

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

21

22 **Section 4.** The public service commission of Wyoming
23 shall conduct public hearings related to the implementation

1 of the compensation system for electricity produced from
2 small customer-generation facilities first operational on
3 or after July 1, 2024 and shall adopt rules necessary to
4 implement the system as provided in W.S. 37-16-105(b) not
5 later than April 1, 2024.

6

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.

11

12

(END)