

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Office of consumer advocate-authority.

Sponsored by: Joint Corporations, Elections and Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the office of consumer advocate;  
2 authorizing the office of consumer advocate to make  
3 complaints and file motions for rehearing in contested case  
4 hearings before the public service commission; and  
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 37-2-118, 37-2-214, 37-2-402(a)(iv)  
10 and by creating new paragraphs (v) and (vi), 37-15-202(b),  
11 37-15-405 and 37-15-408 are amended to read:

12

13 **37-2-118. Who may make complaint.**

14

1 Any public utility, person, municipality, the office of  
2 consumer advocate or the attorney general may complain to  
3 the commission of anything, actual or proposed, done or  
4 omitted to be done in violation of W.S. ~~37-1 through 37-64~~  
5 37-1-101 through 37-3-114 or W.S. ~~37-260 through 37-272~~ 37-  
6 12-201 through 37-12-213, or of an order of the commission.

7

8 **37-2-214. Rehearing.**

9

10 At any time after an order has been made by the commission,  
11 the office of consumer advocate or any person interested  
12 therein may apply for a rehearing in respect to any matter  
13 determined therein and the commission shall grant and hold  
14 a rehearing if in its judgment sufficient reason therefor  
15 be made to appear, which rehearing shall be subject to  
16 rules as the commission may prescribe. Applications for  
17 rehearing shall stay the effect of any order or decision of  
18 the commission only as to the portion of the order  
19 addressed in the rehearing application until the commission  
20 denies the application or enters an order following  
21 rehearing, whichever last occurs, provided, however, that  
22 upon the request of any party and a showing of good cause  
23 therefor, the commission may vacate the stay and allow the  
24 order or decision to remain in effect. An order or

1 decision made after the rehearing vacating, amending or  
2 modifying the original order or decision shall not, as to  
3 the matter considered on rehearing, be open to a further  
4 application for rehearing, and shall have the same force  
5 and effect as the original order or decision.

6  
7 **37-2-402. Consumer advocate; powers and duties.**

8  
9 (a) The consumer advocate shall have the power to:

10  
11 (iv) Provide information and assistance to  
12 individual consumers regarding proceedings within the  
13 jurisdiction of the commission. ~~;~~

14  
15 (v) File complaints with the commission pursuant  
16 to W.S. 37-2-118; and

17  
18 (vi) File petitions for rehearing pursuant to  
19 W.S. 37-2-214.

20  
21 **37-15-202. Competitive services.**

22  
23 (b) Upon the commission's own motion or the petition  
24 of any person or the office of consumer advocate, the

1 commission may, after notice and the opportunity for a  
2 hearing in accordance with the Wyoming Administrative  
3 Procedure Act, find and conclude that a telecommunications  
4 service found to be competitive under subsection (a) of  
5 this section is no longer subject to competition, and  
6 therefore not subject to treatment as a competitive service  
7 under this chapter. All hearings conducted pursuant to this  
8 subsection shall place the burden of proof upon the  
9 commission or the petitioner of establishing that a  
10 telecommunications service is no longer subject to  
11 competition.

12

13 **37-15-405. Complaint against prices.**

14

15 Any person, ~~and~~ the office of consumer advocate, or the  
16 commission on its own motion, may complain to the  
17 commission concerning the reasonableness of the price of  
18 any noncompetitive telecommunications service. Any notice  
19 and hearing of any complaint shall be in accordance with  
20 the Wyoming Administrative Procedure Act and this chapter.  
21 The commission shall only set aside any price it finds  
22 after notice and hearing to be unreasonable or unreasonably  
23 discriminatory. If the commission sets aside a price as  
24 unreasonable or unreasonably discriminatory, the

1 telecommunications company shall have sixty (60) days to  
2 file a new price which is reasonable. The company shall  
3 refund any charges found to be unreasonable as ordered by  
4 the commission. Any price set in compliance with the  
5 provisions of W.S. 37-15-402 is presumed to be fair and  
6 reasonable, subject to rebuttal by the commission or any  
7 party to the hearing.

8

9

**37-15-408. Applicability of existing law.**

10

11 W.S. 37-1-104 through 37-1-106, 37-2-102, 37-2-104, 37-2-  
12 106 through 37-2-109, 37-2-113, 37-2-115 through 37-2-118,  
13 37-2-124, 37-2-125, 37-2-130, 37-2-203, 37-2-205(a), 37-2-  
14 209, 37-2-214 through 37-2-216, 37-2-218, 37-2-301 through  
15 37-2-306, 37-2-401 through 37-2-404, 37-3-114, 37-4-101  
16 through 37-4-104, 37-12-120 through 37-12-130, 37-12-201,  
17 37-12-202, 37-12-204 through 37-12-209, 37-12-211 through  
18 37-12-213, 37-12-301 through 37-12-304 and 37-13-101  
19 through 37-13-137, inclusive, unless in conflict with other  
20 provisions of this chapter, are applicable to  
21 telecommunications companies and telecommunication  
22 companies shall be considered public utilities for the  
23 purposes of those provisions. For purposes of this chapter

1 W.S. 37-3-106(b) and (c) shall apply to telecommunications  
2 companies which are rate of return regulated.

3

4 **Section 2.** This act is effective July 1, 2006.

5

6

(END)