

SENATE FILE NO. SF0124

Contracts for self-generated electricity.

Sponsored by: Senator(s) Bebout

A BILL

for

1 AN ACT relating to public utilities; exempting contracts for
2 self-generation of electricity from statutory provisions as
3 specified; amending definitions; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 37-2-133 is created to read:

9

10 **37-2-133. Exemption for contracts for self-generation**
11 **of electricity.**

12

13 (a) The provisions of this chapter and chapters 1 and
14 3 of this title shall not apply to a person who is not a
15 public utility and contracts to sell electric generation and

1 associated transmission or distribution services to a
2 customer of a public utility, provided that:

3

4 (i) The purchaser of the electric generation and
5 associated transmission or distribution services is a
6 customer of a public utility that is not exempt from the
7 provisions of W.S. 37-17-103;

8

9 (ii) The generation, transmission or distribution
10 of electricity under a contract entered into in accordance
11 with this section does not utilize a public utility's electric
12 facilities; and

13

14 (iii) The purchaser of the electric generation and
15 associated transmission or distribution services remains a
16 customer of a public utility for purposes of taking backup
17 service at the same location specified in the contract.

18

19 (b) The person who is selling electric generation and
20 associated transmission or distribution services through a
21 contract entered into under this section shall not be subject
22 to regulation as a public utility under this chapter and
23 chapters 1 and 3 of this title, except that:

1

2 (i) The person who is selling electric generation
3 and associated transmission or distribution services through
4 a contract entered into under this section shall file a copy
5 of the contract with the commission as required under W.S.
6 37-3-111;

7

8 (ii) The intrastate retail revenues received by
9 any person who is selling electric generation and associated
10 transmission or distribution services through a contract
11 entered into under this section shall be subject to the
12 uniform assessment provisions of W.S. 37-2-106 through
13 37-2-109.

14

15 (c) As used in this section, "backup service" means a
16 regulated electric service provided by a public utility to a
17 person who self-provides electric generation or enters into
18 a contract to purchase electric generation and associated
19 transmission or distribution services under this section. The
20 backup service provided under this section shall be pursuant
21 to rates, terms and conditions approved by the commission.

22

1 **Section 2.** W.S. 37-1-101(a)(vi)(H) by creating a new
2 subdivision (IX) is amended to read:

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4 **37-1-101. Definitions.**

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6 (a) As used in chapters 1, 2, 3, 12 and 17 of this
7 title:

8

9 (vi) "Public utility" means and includes every
10 person that owns, operates, leases, controls or has power to
11 operate, lease or control:

12

13 (H) None of the provisions of this chapter
14 shall apply to:

15

16 (IX) A contract entered into in
17 accordance with W.S. 37-2-133, to the extent provided by W.S.
18 37-2-133(b).

19

20 **Section 3.** This act is effective July 1, 2019.

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22

(END)