

HOUSE BILL NO. HB0139

Exempting specified retail electric sales from regulation.

Sponsored by: Representative(s) Filer, Andrew, Davis,
Geringer, Sherwood and Thayer and Senator(s)
Love and Rothfuss

A BILL

for

1 AN ACT relating to public utilities; specifying that the
2 retail sale of electricity by specified persons to
3 specified customers is exempt from regulation by the public
4 service commission; making conforming amendments;
5 specifying applicability; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 37-1-101(a)(vi)(H) by creating a new
11 subdivision (XI) and 39-15-103(a)(i)(E) are amended to
12 read:

13

14 **37-1-101. Definitions.**

15

1 (a) As used in chapters 1, 2, 3, 12, 17 and 18 of
2 this title:

3
4 (vi) "Public utility" means and includes every
5 person that owns, operates, leases, controls or has power
6 to operate, lease or control:

7
8 (H) None of the provisions of this chapter
9 shall apply to:

10
11 (XI) The retail sale of electricity by
12 a person who is not otherwise regulated as a public utility
13 under this title, a cooperative electric utility defined in
14 W.S. 37-17-101(a)(i) or a utility owned and operated by a
15 municipality, to:

16
17 (1) One (1) customer within the
18 certificated service territory of a public utility,
19 excluding a cooperative electric utility as defined by W.S.
20 37-17-101(a)(i) or a utility owned and operated by a
21 municipality;

22

1 (2) Not more than four (4)
2 customers with a total combined electric load of not less
3 than five (5) megawatts within the certificated service
4 territory of a public utility, excluding a cooperative
5 electric utility as defined by W.S. 37-17-101(a)(i) or a
6 utility owned and operated by a municipality; or

7
8 (3) Not more than four (4)
9 customers within the certificated service territory of a
10 public utility, subject to all of the following:

11
12 a. The customers submit an
13 application for new or additional electric service to the
14 certificated public utility;

15
16 b. The public utility does
17 not respond to the customer's request with an evaluation of
18 the request within six (6) months or the public utility
19 determines that the public utility is unable to provide the
20 requested service within one (1) year of the request or
21 within another period as agreed upon by the public utility
22 and the customer;

23

1 c. The public utility and
2 the customer cannot agree to a tariff, agreement or
3 electric service agreement as provided in W.S. 37-3-116.

4
5 **39-15-103. Imposition.**

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7 (a) Taxable event. The following shall apply:

8
9 (i) Except as provided by W.S. 39-15-105, there
10 is levied an excise tax upon:

11
12 (E) The sales price paid to public
13 utilities as defined in W.S. 37-1-101 through 37-3-114 and
14 to persons furnishing gas, electricity or heat for
15 domestic, industrial or commercial consumption, including
16 persons that sell electricity and are not regulated as a
17 public utility as provided in W.S. 37-1-101(a)(vi)(H)(XI);

18
19 **Section 2.** This act shall apply to all tariffs,
20 contracts and other agreements entered into on and after
21 the effective date of this act. Nothing in this act shall
22 be construed to alter, amend or impair any agreement
23 entered into before the effective date of this act,

1 provided that nothing shall prohibit an electric customer
2 or public utility from entering into or renewing an
3 agreement, contract or tariff after the effective date of
4 this act for the agreement, contract or tariff to conform
5 with this act.

6

7 **Section 3.** This act is effective July 1, 2026.

8

9 (END)