

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Coal fired electric generation facilities.

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

A BILL

for

1 AN ACT relating to public utilities; amending authority of
2 the public service commission as specified; providing
3 authority to purchasers of retiring coal fired power plants
4 as specified; amending limitations on retiring facilities;
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. 37-2-133(a) and by creating new
11 subsections (f) and (g) and 37-3-117(a) are amended to read:

12

1 37-2-133. Exemption for purchase of coal fired
2 generation facilities that would otherwise have been retired;
3 public utility purchase requirements; conditions for
4 exemption.

5
6 (a) Except as otherwise provided in this section, the
7 provisions of this chapter and chapters 1 and 3 of this title
8 shall not apply to a person who operates a coal fired electric
9 generation facility purchased under an agreement approved by
10 the commission under W.S. 37-3-117.

11
12 (f) A person purchasing an otherwise retiring coal
13 fired electric generation facility may sell electricity
14 generated by the facility directly to customers that take
15 service at the transmission level.

16
17 (g) Consistent with federal law, transmission providers
18 in Wyoming shall offer unbundled transmission service to any
19 retail customer who purchases electricity generated by an
20 otherwise retiring coal fired electric generation facility.

37-3-117. Limitation for recovery of costs associated with electric generation built to replace retiring coal fired generation facility.

(a) Notwithstanding any other provision of this chapter:

(i) Any electric public utility seeking to retire a coal fired electric generation facility shall first make a good faith effort to sell the facility for continued use as a coal fired electric generation facility.

STAFF COMMENT

The Committee may wish to consider whether the requirement that a company offer to sell the facility or set the price at net salvage value may implicate the constitutional provision prohibiting the taking of private property for public or private use without just compensation. Article 1, § 33 of the Wyoming Constitution reads: "Private property shall not be taken or damaged for public or private use without just compensation."

(ii) The rates charged by an electric public utility, other than a cooperative electric utility, shall not include any recovery of or earnings on the capital costs associated with new electric generation facilities built, in

1 whole or in part, to replace the electricity generated from
2 one (1) or more coal fired electric generating facilities
3 located in Wyoming and retired on or after January 1, 2022,
4 unless the commission has determined that the public utility
5 that owned the retired coal fired electric generation
6 facility made a good faith effort to sell the facility to
7 another person prior to its retirement and that the public
8 utility did not refuse a reasonable offer to purchase the
9 facility or the commission determines that, if a reasonable
10 offer was received, the sale was not completed for a reason
11 beyond the reasonable control of the public utility.

12

13 **Section 2.** This act shall apply to coal fired electric
14 generation facilities retiring on or after July 1, 2020.

15

16 **Section 3.** This act is effective July 1, 2020.

17

18 (END)