

HOUSE BILL NO. HB0030

Public utility assessment.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to utilities; increasing the maximum
2 utility assessment as specified; conforming provisions; and
3 providing for an effective date.

4

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

6

7 **Section 1.** W.S. 37-2-106, 37-2-107(a), 37-2-133(g)(i)
8 and 37-2-404(a) are amended to read:

9

10 **37-2-106. Assessment regarding telecommunications,**
11 **gas, electric, water and pipeline service; disposition of**
12 **revenue.**

13

14 Monies derived from ~~a uniform~~an assessment of persons
15 subject to assessment under W.S. 37-2-107, except motor
16 carriers as defined in W.S. 31-18-101(a)(x), shall be

1 credited to the public service commission account for the
2 purpose of defraying administrative expenses of the
3 commission with respect to the persons assessed. At each
4 regular session, the state legislature shall, under the
5 budget provisions of Wyoming budget law, determine the
6 amount to be collected. It shall be the duty of the
7 director of the revenue department to ascertain and collect
8 the proportional amount of the approved biennial budget to
9 be paid by each person assessed and to remit the funds
10 immediately to the state treasurer for deposit in the
11 public service commission account. All expenditures
12 therefrom shall be subject to the warrant of the state
13 auditor, upon submission of properly executed vouchers
14 authorized by the commission in the same manner as other
15 funds are disbursed.

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17 **37-2-107. Assessment regarding telecommunications,**
18 **gas, electric, water and pipeline service; assessment**
19 **generally.**

20

21 (a) On or before the first day of July of each year
22 the director of revenue shall, by requiring special reports
23 or otherwise, determine the total aggregate amount of the

1 gross Wyoming intrastate retail revenues of all public
2 utilities, entities utilizing public utility facilities in
3 the state to furnish retail utility commodities or services
4 to the public, and providers of telecommunication services,
5 except motor carriers, and those utilities exempted under
6 W.S. 37-2-108, for the preceding calendar year. ~~He—The~~
7 director shall then determine the ratio that one-half (1/2)
8 of the total authorized budgeted amount for the biennium is
9 to the total aggregate gross retail Wyoming intrastate
10 operating revenues. The resulting percentage factor shall
11 then be applied to the annual intrastate gross retail
12 operating revenues of each of such persons for the
13 preceding calendar year and the result shall be the
14 assessment of each such person for the ensuing budget
15 fiscal year. However, the assessment rate against the
16 persons for any one (1) year shall not exceed ~~.0030~~
17 three-thousandths (.003) of the gross Wyoming intrastate
18 retail revenues of the persons unless the assessment of
19 three-thousandths (.003) is insufficient to produce the
20 amount to be collected. If the amount to be collected
21 exceeds the amount produced by the application of the
22 percentage factor to the gross Wyoming intrastate retail
23 revenue of the persons, an additional assessment sufficient

1 to produce the amount to be collected but not to exceed
2 one-thousandth (.001) shall be made against those persons
3 defined as public utilities in W.S. 37-1-101(a)(vi)(C), (D)
4 or (G) but not cooperative utilities that are eligible for
5 exemption and that choose to opt out from retail rate
6 regulation. By the first day of August the director ~~of the~~
7 ~~revenue department~~ shall assess the persons, and one-half
8 (1/2) of the assessed fees shall be paid to ~~him the~~
9 director by the persons on or before the first day of
10 October and one-half (1/2) of the fees shall be paid to ~~him~~
11 the director by the persons on or before the first day of
12 April in the ensuing year. The director, ~~of the revenue~~
13 ~~department,~~ in computing the percentage upon which fees for
14 the first fiscal year of the ensuing biennium shall be
15 based, shall deduct any unexpended balance in the
16 commission's account, less an amount equal to the total of
17 all properly authorized outstanding accounts payable, from
18 one-half (1/2) the total authorized budgeted amount for the
19 biennium, and the resultant figure shall be used instead of
20 the one-half (1/2) of the total authorized budgeted amount
21 for the biennium, as above provided. Any unexpended balance
22 in the commission's account shall not lapse at the end of
23 the fiscal period. "Intrastate gross retail operating

1 revenues" as used in this section shall mean intrastate
2 gross revenues derived from the provision of
3 telecommunications, gas, electric, water and pipeline
4 service offered for final consumption and not for resale.

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6 **37-2-133. Exemption for purchase of coal fired**
7 **generation facilities that would otherwise have been**
8 **retired; public utility purchase requirements; conditions**
9 **for exemption.**

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11 (g) If an electric utility purchases electricity from
12 the owner of an otherwise retiring coal fired electric
13 generation facility for the benefit of an eligible retail
14 customer, the utility serving that eligible retail customer
15 shall purchase the electricity at a cost and under terms
16 and conditions that are acceptable to and negotiated
17 between the customer and the owner of the otherwise
18 retiring coal fired electric generation facility. The
19 electric public utility shall pass that cost through to the
20 customer without markup or modification except:

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1 (i) For the collection of applicable taxes and
2 the appropriate ~~uniform~~ assessment, which shall be
3 collected pursuant to W.S. 37-2-106 through 37-2-109;

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5 **37-2-404. Consumer advocate; funding and expenses.**

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7 (a) Funding for the office of consumer advocate shall
8 be included in the commission's budget and collected
9 through the ~~uniform~~ utility assessment. Incidental
10 administrative and clerical services for the office of
11 consumer advocate shall be provided by the commission. The
12 commission shall decide all matters of shared
13 administrative and clerical personnel.

14

15 **Section 2.** This act is effective July 1, 2021.

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(END)