

ENROLLED ACT NO. 13, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

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

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

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

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

Monies derived from ~~a uniform~~^{an} assessment of persons subject to assessment under W.S. 37-2-107, except motor carriers as defined in W.S. 31-18-101(a)(x), shall be credited to the public service commission account for the purpose of defraying administrative expenses of the commission with respect to the persons assessed. At each regular session, the state legislature shall, under the budget provisions of Wyoming budget law, determine the amount to be collected. It shall be the duty of the director of the revenue department to ascertain and collect the proportional amount of the approved biennial budget to be paid by each person assessed and to remit the funds immediately to the state treasurer for deposit in the public service commission account. All expenditures therefrom shall be subject to the warrant of the state auditor, upon submission of properly executed vouchers authorized by the commission in the same manner as other funds are disbursed.

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

(a) On or before the first day of July of each year the director of revenue shall, by requiring special reports or otherwise, determine the total aggregate amount of the gross Wyoming intrastate retail revenues of all public utilities, entities utilizing public utility facilities in the state to furnish retail utility commodities or services to the public, and providers of telecommunication services, except motor carriers, and those utilities exempted under W.S. 37-2-108, for the preceding calendar year. ~~He—The~~ director shall then determine the ratio that one-half (1/2) of the total authorized budgeted amount for the biennium is to the total aggregate gross retail Wyoming intrastate operating revenues. The resulting percentage factor shall then be applied to the annual intrastate gross retail operating revenues of each of such persons for the preceding calendar year and the result shall be the assessment of each such person for the ensuing budget fiscal year. However, the assessment rate against the persons for any one (1) year shall not exceed ~~.0030~~ three-thousandths (.003) of the gross Wyoming intrastate retail revenues of the persons unless the assessment of three-thousandths (.003) is insufficient to produce the amount to be collected. If the amount to be collected exceeds the amount produced by the application of the percentage factor to the gross Wyoming intrastate retail revenue of the persons, an additional assessment sufficient to produce the amount to be collected but not to exceed two-thousandths (.002) shall be made against those persons defined as public utilities in W.S. 37-1-101(a)(vi)(C), (D) or (G) but not cooperative utilities that are eligible for exemption and that choose to opt out from retail rate

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regulation. By the first day of August the director ~~of the revenue department~~ shall assess the persons, and one-half (1/2) of the assessed fees shall be paid to ~~him—the director~~ by the persons on or before the first day of October and one-half (1/2) of the fees shall be paid to ~~him~~ the director by the persons on or before the first day of April in the ensuing year. The director, ~~of the revenue department,~~ in computing the percentage upon which fees for the first fiscal year of the ensuing biennium shall be based, shall deduct any unexpended balance in the commission's account, less an amount equal to the total of all properly authorized outstanding accounts payable, from one-half (1/2) the total authorized budgeted amount for the biennium, and the resultant figure shall be used instead of the one-half (1/2) of the total authorized budgeted amount for the biennium, as above provided. Any unexpended balance in the commission's account shall not lapse at the end of the fiscal period. "Intrastate gross retail operating revenues" as used in this section shall mean intrastate gross revenues derived from the provision of telecommunications, gas, electric, water and pipeline service offered for final consumption and not for resale.

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

(g) If an electric utility purchases electricity from the owner of an otherwise retiring coal fired electric generation facility for the benefit of an eligible retail customer, the utility serving that eligible retail customer shall purchase the electricity at a cost and under terms and conditions that are acceptable to and negotiated between the customer and the owner of the otherwise

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retiring coal fired electric generation facility. The electric public utility shall pass that cost through to the customer without markup or modification except:

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

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

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

ORIGINAL HOUSE
BILL NO. HB0030

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk