

SENATE FILE NO. SF0021

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.

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

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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:

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13 **37-2-133. Exemption for purchase of coal fired**
14 **generation facilities that would otherwise have been retired;**

1 public utility purchase requirements; conditions for
2 exemption.

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

9
10 (f) A person purchasing an otherwise retiring coal
11 fired electric generation facility may sell electricity
12 generated by the facility directly to customers within the
13 existing service territory that take service at the
14 transmission level at sixty-nine (69) kilovolts or more.

15
16 (g) Consistent with federal law, transmission providers
17 in Wyoming shall offer unbundled transmission service to any
18 retail customer who purchases electricity generated by an
19 otherwise retiring coal fired electric generation facility.

20
21 **37-3-117. Limitation for recovery of costs associated**
22 **with electric generation built to replace retiring coal fired**
23 **generation facility.**

1

2 (a) Notwithstanding any other provision of this
3 chapter:⁷

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

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10 (ii) The rates charged by an electric public
11 utility, other than a cooperative electric utility, shall not
12 include any recovery of or earnings on the capital costs
13 associated with new electric generation facilities built, in
14 whole or in part, to replace the electricity generated from
15 one (1) or more coal fired electric generating facilities
16 located in Wyoming and retired on or after January 1, 2022,
17 unless the commission has determined that the public utility
18 that owned the retired coal fired electric generation
19 facility made a good faith effort to sell the facility to
20 another person prior to its retirement and that the public
21 utility did not refuse a reasonable offer to purchase the
22 facility or the commission determines that, if a reasonable

1 offer was received, the sale was not completed for a reason
2 beyond the reasonable control of the public utility.

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4 **Section 2.** This act shall apply to coal fired electric
5 generation facilities retiring on or after July 1, 2021.

6

7 **Section 3.** This act is effective July 1, 2021.

8

9

(END)