

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) through (h) and 37-3-117(a) are amended to  
12 read:

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

1 public utility purchase requirements; conditions for  
2 exemption.

3  
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 to the electric public utility  
13 selling the otherwise retiring coal fired electric generation  
14 facility, except for a cooperative or municipal public  
15 utility, for the benefit of a retail customer located in the  
16 existing service territory of that electric public utility  
17 provided that the customer has more than one (1) megawatt  
18 average demand and takes service at a primary or transmission  
19 voltage level.

20  
21 (g) If an electric utility purchases electricity from  
22 the owner of an otherwise retiring coal fired electric  
23 generation facility for the benefit of an eligible retail

1 customer, the utility serving that eligible retail customer  
2 shall purchase the electricity at a cost and under terms and  
3 conditions that are acceptable to and negotiated between the  
4 customer and the owner of the otherwise retiring coal fired  
5 electric generation facility. The electric public utility  
6 shall pass that cost through to the customer without markup  
7 or modification except:

8  
9 (i) For the collection of applicable taxes and the  
10 appropriate uniform assessment, which shall be collected  
11 pursuant to W.S. 37-2-106 through 37-2-109;

12  
13 (ii) To ensure other Wyoming customers are not  
14 negatively impacted by the arrangement provided for in this  
15 subsection and subsection (f) of this section, the commission  
16 shall also authorize the utility to impose additional charges  
17 on participating retail customers to the extent the  
18 commission determines that a sale of electricity under this  
19 subsection and subsection (f) of this section will result in  
20 the utility experiencing incremental stranded generation  
21 capacity costs or other incremental costs except for the cost  
22 of any undepreciated investments associated with the  
23 otherwise retiring coal fired electric generation facility.

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2       (h) An eligible retail customer under subsection (g) of  
3 this section shall only receive electricity as provided in  
4 subsection (g) of this section from the owner of an otherwise  
5 retiring coal fired electric generation facility if the  
6 customer also purchases partial requirements or equivalent  
7 service from the electric public utility under rates, terms  
8 and conditions set by the commission to compensate the public  
9 utility for its costs.

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11       **37-3-117. Limitation for recovery of costs associated**  
12 **with electric generation built to replace retiring coal fired**  
13 **generation facility.**

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15       (a) Notwithstanding any other provision of this  
16 chapter:7

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

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1           (ii) The rates charged by an electric public  
2 utility, other than a cooperative electric utility, shall not  
3 include any recovery of or earnings on the capital costs  
4 associated with new electric generation facilities built, in  
5 whole or in part, to replace the electricity generated from  
6 one (1) or more coal fired electric generating facilities  
7 located in Wyoming and retired on or after January 1, 2022,  
8 unless the commission has determined that the public utility  
9 that owned the retired coal fired electric generation  
10 facility made a good faith effort to sell the facility to  
11 another person prior to its retirement and that the public  
12 utility did not refuse a reasonable offer to purchase the  
13 facility or the commission determines that, if a reasonable  
14 offer was received, the sale was not completed for a reason  
15 beyond the reasonable control of the public utility.

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

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

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(END)