

respect to the power and jurisdiction of the public service commission. Phillips Petroleum Co. v. Public Serv. Comm'n, 545 P.2d 1167 (Wyo. 1976).

Applied in *In re Hamilton Pipe Line Co.*, 65 Wyo 350, 202 P.2d 184 (1949).

Quoted in *State ex rel. Badley v. City of Sheridan*, 513 P.2d 647 (Wyo. 1973).

Cited in *Weaver v. Public Serv. Comm'n*, 40 Wyo. 462, 278 P. 542 (1929); *Tri-County Elec. Ass'n v. City of Gillette*, 525 P.2d 3 (Wyo. 1974).

Law review. — See comment, "State Level Transportation Management," 6 *Land & Water L. Rev.* 701 (1971).

ALR and C.J.S. references. — Irrigation company as a public utility, 8 ALR 268; 15 ALR 1227.

What are "public utilities" within provisions relating to municipal purchase, construction or repair of public utility, 9 ALR 1033; 35 ALR 592.

Sewer as public utility within constitutional or statutory provision relating to purchase,

construction or repair of public utility by municipal corporation, 9 ALR 1034.

Incidental service to members of the public as making individual or corporation whose principal business is of a different nature a public utility, 18 ALR 764; 93 ALR 248.

What telephone companies are within public utilities acts, 21 ALR 1162.

Cotton industry as affected with a public interest, 23 ALR 1478; 74 ALR 1079.

Airport as public utility for which municipality may incur debt, 83 ALR 347.

Conclusiveness of charter as regards character of corporation as a public utility corporation, 119 ALR 1019.

Mutual association, nonprofit organization, or cooperative as under duty to furnish utilities services, 56 ALR2d 413.

Community antenna television systems (CATV) as subject to jurisdiction of state public utility or service commission, 61 ALR3d 1150.

73 C.J.S. Public Utilities §§ 1 to 3.

§ 37-1-102. "Rate" and "service regulation" defined.

(a) The term "rate," when used in this act, shall mean and include, in the plural number, as well as in the singular, every individual or joint rate, classification, fare, toll, charge or other compensation for service rendered or to be rendered by any public utility, and every rule, regulation, practice, act, requirement or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff or part of a schedule or tariff thereof.

(b) The term "service regulation" shall mean and include every rule, regulation, practice, act or requirement in any way relating to the service or facilities of a public utility. (Laws 1915, ch. 146, § 2; 1917, ch. 74, § 2; C.S. 1920, § 5454; R.S. 1931, § 94-102; C.S. 1945, § 64-102; W.S. 1957, § 37-2.)

Meaning of "this act". — The words "this act" apparently refer to ch. 146, Laws 1915. For disposition of ch. 146, Laws 1915, in this compilation, see Table of Disposition of Acts.

§ 37-1-103. Assessment of interstate public utilities generally.

(a) The public service commission of Wyoming is hereby authorized and empowered to collect for the actual costs incurred by the commission for necessary and reasonable services, investigations and other actions concerning the construction, operation, maintenance, safety and environment of interstate utilities and their facilities within Wyoming. This act [This section] shall not apply to motor carriers or any services, investigations or other actions authorized by the statutes for intrastate utilities.

(b) The billing by the commission shall be directed to the involved interstate utility or utilities at intervals of no less than thirty (30) days as determined by

ARTICLE 1. IN GENERAL**§ 37-2-101. Creation; composition; appointment, compensation, terms and oaths of members; chairman and deputy chairman; vacancies.**

(a) There is hereby created and established a commission separate and apart from the state board of equalization to which it has heretofore been joined and combined which shall be known as the "public service commission of Wyoming," which shall consist of three (3) members who shall be appointed by the governor, by and with the advice and consent of the senate, provided however, that not more than two (2) members of said commission shall at any time be members of one and the same political party. Each member of said commission shall receive an annual salary as provided by law, to be paid in equal monthly installments in the same manner that other state salaries are paid.

(b) Biennially the members shall elect from among their number a chairman and a deputy chairman who shall serve in these offices for a period of two (2) years. The chairman shall receive an additional annual salary as provided by law during his term or terms as chairman to be paid in equal monthly installments, in the same manner as other state salaries are paid.

(c) The present elected chairman and two (2) designated members now comprising the public service commission, or their respective successors, shall comprise the public service commission, for purposes of this act [this section].

(d) In order that the members' terms shall not coincide it is hereby provided that the member presently elected as chairman shall continue to serve out the remainder of his term designated as ending March 1, 1969, and that of the remaining two (2) members' terms, both designated to end March 1, 1967, one succeeding term shall be designated as ending March 1, 1971, and one designated as ending March 1, 1973. Upon the expiration of the term of any member he shall be reappointed or a successor shall be appointed for a term of six (6) years, except in case of a vacancy as hereinafter provided, and each member shall hold office until his successor shall have been appointed and qualified. The governor shall have the power to remove a member for inefficiency, neglect of duty or malfeasance in office.

(e) In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs, said appointment to be concurred in by the senate. If such appointment is made when the legislature is not in session, the appointee shall hold office until his appointment is considered and acted upon by the senate at the next succeeding session of the legislature, when if such appointment is not confirmed, the office shall become vacant and the governor shall thereupon, by and with the advice of the senate, appoint a suitable person to fill such vacancy for the remainder of such term.

(f) Each member shall within thirty (30) days after notice of his appointment and before entering upon the discharge of his duties, take, subscribe and file

with the secretary of state the oath of office prescribed by the constitution of this state. (Laws 1935, ch. 93, § 1; 1945, ch. 142, § 5; C.S. 1945, § 64-103; Laws 1949, ch. 66, § 1; 1951, ch. 44, § 25; 1953, ch. 139, § 24; 1957, ch. 157, § 37; W.S. 1957, § 37-3; Laws 1961, ch. 148, § 47; 1963, ch. 23, § 1; 1965, ch. 115, § 47; 1967, ch. 91, § 1; ch. 181, § 31; 1969, ch. 168, § 33; 1971, ch. 190, § 22; 1973, ch. 162, § 1.)

Cross references. — As to constitutional oath of office, see art. 6, §§ 20, 21, Wyo. Const. For constitutional provision that stated salaries are to be paid, see art. 14, § 1, Wyo. Const. For amount of salary, see § 9-1-105.

Editor's note. — The powers, duties and functions of the board of equalization were transferred to the department of revenue and taxation by ch. 248, Laws 1973. For present provisions as to the powers and purpose of the state board of equalization, see § 39-1-304.

The words "heretofore" in subsection (a) and "present" in subsection (c) first appeared in this section as amended by § 1, ch. 91, Laws 1967, which was made effective from and after passage and approved February 16, 1967.

Appropriations. — Section 23, ch. 190, Laws 1971, reads: "There is hereby appropriated, to be distributed by the state auditor, out of the funds in the treasury of the state of Wyoming not otherwise appropriated the sum of two hundred forty-two thousand five hundred dollars (\$242,500.00) or so much thereof as may be necessary, as determined by the assistant budget officer, to pay the salaries fixed by this act, and such appropriation is in addition to any funds heretofore appropriated for such purposes for the biennium ending June 30, 1971, and in addition to any funds appropriated for such purposes for the ensuing biennium ending June 30, 1973."

Section 24, ch. 190, Laws 1971, reads: "The state highway department, game and fish commission, public service commission, tax commission, employment security commission and workmen's compensation department, are hereby authorized to use an increased allotment of nongeneral fund income revenues in the amounts approved by the assistant budget officer to meet the additional expenses of salaries specified herein."

Section 2, ch. 162, Laws 1973, provides: "There is hereby appropriated, to be distributed by the state auditor, out of the funds in the treasury of Wyoming, not otherwise appropriated, the sum of \$284,670, or so much thereof as may be necessary, as determined by the department of administration and fiscal control, to pay the salaries fixed by this act, and such appropriation

is in addition to any funds heretofore appropriated for such purposes for the biennium ending June 30, 1973, and in addition to any funds appropriated for such purposes for the ensuing biennium ending June 30, 1975."

Section 3, ch. 162, Laws 1973, provides: "The state highway department, game and fish commission, public service commission, tax commission, employment security commission and workmen's compensation department, are hereby authorized to use an increased allotment of nongeneral fund income revenues in the amounts approved by the department of administration and fiscal control to meet the additional expenses of salaries specified herein."

Repeal of earlier provisions. — Laws 1933, Sp. Sess., ch. 37, § 2, repealed R.S. 1931, § 94-103 (§ 3, ch. 146, Laws 1915) and § 2, ch. 93, Laws 1935, repealed ch. 37, Laws 1933, Sp. Sess. All of these laws provided for the creation of a public service commission.

Repealing clause. — Section 2, ch. 93, Laws 1935, repealed ch. 37, Laws 1933, Sp. Sess.

Effective dates. — Section 3, ch. 93, Laws 1935, makes the act effective from and after passage. Approved February 19, 1935.

Section 3, ch. 66, Laws 1949, makes the act effective from and after passage and approval. Approved February 19, 1949.

Section 30, ch. 44, Laws 1951, as amended by ch. 101, Laws 1951, makes ch. 44 effective from and after passage and approval. Chapter 44 was approved February 12, 1951, and ch. 101 was approved February 17, 1951.

Section 33, ch. 139, Laws 1953, makes the act effective from and after April 1, 1953.

Section 41, ch. 157, Laws 1957, makes the act effective from and after passage and approval. Approved February 15, 1957.

Section 52, ch. 148, Laws 1961, makes the act effective from and after passage. Approved February 18, 1961.

Section 54, ch. 115, Laws 1965, makes the act effective on and after July 1, 1965.

Section 18, ch. 91, Laws 1967, makes the act effective from and after passage. Approved February 16, 1967.

Section 37, ch. 181, Laws 1967, makes this section of the act effective on and after March 1, 1967.

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Section 25, ch. 190, Laws 1971, reads: "For all those public officials serving specific terms, this act shall be in force and effect as of the date of its passage. The balance of this act relating to the salaries provided for herein shall be in force and effect on July 1, 1971." Approved February 27, 1971.

Section 4, ch. 162, Laws 1973, provides: "For all those public officials serving specific terms, the salaries authorized herein shall be in force and effect as of the beginning of the next term to which the official is elected or appointed. The balance of this act relating to the salaries provided for herein shall be in force and effect on July 1, 1973." Section 5, ch. 162, Laws 1973, makes the act effective upon passage. Approved March 3, 1973.

Strict construction. — Statutes creating and

empowering the commission must be strictly construed and any reasonable doubt of existence of any power must be resolved against the exercise thereof. *Tri-County Elec. Ass'n v. City of Gillette*, 525 P.2d 3 (Wyo. 1974).

Law review. — See "The State of Specific Commodity Haulers and the Motor Carrier Act," 5 Wyo. L.J. 197.

Am. Jur. 2d, ALR and C.J.S. references. — 64 Am. Jur. 2d Public Utilities §§ 230 to 330.

Per diem compensation of railroad commissioners, 1 ALR 296.

Prohibition to control action of commission, 115 ALR 34; 159 ALR 633.

Representation of another before state public utilities or service commission as involving practice of law, 13 ALR3d 812.

73 C.J.S. Public Utilities §§ 31 to 36.

§ 37-2-102. Quorum; meetings; investigations and hearings by single commissioner.

A majority of the commission shall constitute a quorum to transact business and for the performance of any duty or for the exercise of any powers of the commission and may hold meetings of the commission at any time or place within the state. A majority of the commission shall consist of two (2) of the three (3) members, including the chairman, that constitute the commission in the normal course of business. Any investigation, inquiry or hearing which the commission has power to hold may be held by or before any commissioner, or an employee of the commission acting in the capacity of a hearing officer, when an order is entered in the records of the office of the commission to that effect, and such an investigation, inquiry or hearing when approved and confirmed by the commission shall be the investigation, inquiry or hearing of the commission, but no finding or order of the commission shall be effective without the concurrence of a majority of the commission. (Laws 1915, ch. 146, § 4; 1917, ch. 74, § 3; C.S. 1920, § 5456; R.S. 1931, § 94-104; C.S. 1945, § 64-104; W.S. 1957, § 37-4; Laws 1963, ch. 23, § 2; 1967, ch. 91, § 2; 1977, ch. 115, § 1.)

Cross reference. — As to investigations and hearings, see §§ 37-2-201 to 37-2-221.

The 1977 amendment, in the last sentence, inserted "or an employee of the commission acting in the capacity of a hearing officer" and deleted "undertake, or to" preceding "hold," "undertaken or" preceding "held" and "and be deemed to be" preceding "the investigation."

Effective dates. — Section 18, ch. 91, Laws 1967, makes the act effective from and after passage. Approved February 16, 1967.

Section 2, ch. 115, Laws 1977, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 28, 1977.

§ 37-2-103. Seal; may sue and be sued.

The commission shall have an official seal bearing the words "Public Service Commission of Wyoming," of which the courts shall take judicial notice, and may sue and be sued by its official name. (Laws 1915, ch. 146, § 5; C.S. 1920, § 5457; R.S. 1931, § 94-105; C.S. 1945, § 64-105; W.S. 1957, § 37-5.)

Cross reference. — As to actions by or against state agencies, see §§ 1-35-101 to 1-35-107.
Law review. — See article, "Governmental

Immunity from Damage Actions in Wyoming — Part II," 7 Land & Water L. Rev. 617 (1972).

§ 37-2-104. Gratuities, etc., prohibited.

No commissioner or person appointed and regularly employed and receiving a salary from the commission shall accept any gift, gratuity, emolument or employment from any public utility under the jurisdiction of the commission, or any officer, agent or employee thereof, nor shall any commissioner or person appointed or regularly employed by and receiving a salary from the commission solicit, request from, or recommend, directly or indirectly, to any such public utility or any officer or agent or employee thereof, the appointment of any person to any place or position. (Laws 1915, ch. 146, § 6; C.S. 1920, § 5458; R.S. 1931, § 94-106; C.S. 1945, § 64-106; W.S. 1957, § 37-6.)

C.J.S. reference. — 73 C.J.S. Public Utilities § 37.

§ 37-2-105. Offices, equipment and facilities.

The principal office of the commission shall be at the state capitol, and the commission shall be provided by the state with such offices, equipment and facilities as may be necessary for the performance of its duties. (Laws 1915, ch. 146, § 7; C.S. 1920, § 5459; R.S. 1931, § 94-107; C.S. 1945, § 64-107; W.S. 1957, § 37-7.)

C.J.S. reference. — 73 C.J.S. Public Utilities §§ 34 to 36.

§ 37-2-106. Uniform assessment of certain public utilities; disposition of revenue.

Monies derived from a uniform assessment of the public utilities operating under the jurisdiction of the public service commission of Wyoming, except motor carriers as defined in sections 37-131 through 37-195, inclusive, Wyoming Statutes 1957 [§§ 37-8-101 to 37-8-518], as amended, shall be credited to the earmarked revenue fund for the purpose of defraying administrative expenses of the commission in supervising and regulating such utilities. At each regular

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§ 37-2-112. Powers.

The commission shall have general and exclusive power to regulate and supervise every public utility within the state in accordance with the provisions of this act. (Laws 1915, ch. 146, § 11; C.S. 1920, § 5463; R.S. 1931, § 94-111; C.S. 1945, § 64-111; W.S. 1957, § 37-11.)

Cross reference. — As to rates, interchange of services and safety regulations generally, see ch. 3 of this title.

Meaning of "this act". — The words "this act" apparently refer to ch. 146, Laws 1915. For disposition of ch. 146, Laws 1915, in this compilation, see Table of Disposition of Acts.

Strict construction. — Statutes creating and empowering the commission must be strictly construed and any reasonable doubt of existence of any power must be resolved against the exercise thereof. *Tri-County Elec. Ass'n v. City of Gillette*, 525 P.2d 3 (Wyo. 1974).

The commission has no inherent or common-law powers, but has only the power and authority granted by the constitution or statutes creating the same. *Tri-County Elec. Ass'n v. City of Gillette*, 525 P.2d 3 (Wyo. 1974).

The public service commission has no inherent or common-law power, having only the power granted to it by the constitution or statutes, and these must be strictly construed. *Phillips Petroleum Co. v. Public Serv. Comm'n*, 545 P.2d 1167 (Wyo. 1976).

Limited power to regulate interstate commerce. — Once established that proposed commerce is exclusively interstate, the Wyoming public service commission cannot regulate it in such a manner as to unduly or substantially burden the free flow thereof. *Continental Pipe Line Co. v. Belle Fourche Pipeline Co.*, 372 F. Supp. 1333 (D. Wyo. 1974).

No jurisdiction to adjudicate rights between city and utility. — Courts, rather than the public service commission, have jurisdiction to adjudicate rights between city and public utility in contract dispute between them. *Tri-County Elec. Ass'n v. City of Gillette*, 525 P.2d 3 (Wyo. 1974).

Quoted in *In re Northern Util. Co.*, 70 Wyo. 225, 247 P.2d 767 (1952).

Cited in *Weaver v. Public Serv. Comm'n*, 40 Wyo. 462, 278 P. 542 (1929).

ALR and C.J.S. references. — Authority from public official as affecting responsibility of public service corporation infringing property rights, 1 ALR 403.

Jurisdiction over carriers transporting by motor trucks or busses, 1 ALR 1460; 9 ALR 1011; 51 ALR 820; 103 ALR 268.

Perpetual franchise, 2 ALR 1105.

Federal control as affecting power of public service commission, 4 ALR 1703, 1718, 1719; 8 ALR 981, 982; 10 ALR 969.

Power of public service commission to regulate street railways, 5 ALR 36; 39 ALR 1517.

Street railways, jurisdiction of public service commission in respect to particular matters affecting, 5 ALR 50; 39 ALR 1529.

Bank which has acquired a public service plant is bound to continue its operation, 8 ALR 248.

Irrigation company as a public utility, 8 ALR 268; 15 ALR 1227.

Municipal purchase, construction or repair of public utility, that are "public utilities" within provisions relating to, 9 ALR 1033; 35 ALR 592.

Municipal corporations owning or operating a public utility as within public utility acts, 10 ALR 1432; 18 ALR 946.

Right of public utility company to discontinue its entire service, 11 ALR 252.

Contract for service by public utility in consideration of conveyance of property as affected by public utility acts, 11 ALR 460; 14 ALR 252; 41 ALR 257.

Pullman and sleeping car service, regulation of, 11 ALR 996.

Incidental service to members of the public as making individual or corporation whose principal business is of a different nature a public utility, 18 ALR 764; 93 ALR 248.

Cotton industry as affected with a public interest so that compulsory service may be exacted, 23 ALR 1479.

Regaining of its private status by a corporation after having become subject to the duties and obligations of a public utility, 34 ALR 175.

Switching service, company furnishing switching service as a common carrier, 54 ALR 620.

Contract of public service corporation which tends to impair ability or, to serve public validity of, 58 ALR 804.

Airport as public utility for which municipality may incur debt, 83 ALR 347; 99 ALR 173.

Competition by grantor of nonexclusive franchise as violation of constitutional rights of franchise holder, 114 ALR 192.

Federal Public Utility Holding Company Act, constitutionality, construction, and application of, 115 ALR 116.

Right of public utility not having an exclusive

franchise to protection against, or damages for, interference with its operations, property, or plant by a competitor, 119 ALR 432.

Charter, conclusiveness of, as regards character of corporation as a public utility corporation, 119 ALR 1019.

Telephone company's right to change subscriber's telephone number, 75 ALR3d 700.
73 C.J.S. Public Utilities §§ 38 to 45.

§ 37-2-113. Arbitration of controversies.

Whenever any Wyoming public utility has a controversy with any other person and all the parties to such controversy agree in writing to submit such controversy to the commission as arbitrators, the commission may act as such arbitrators, and after due notice to all parties interested may proceed to hear such controversy, and their award shall be final. (Laws 1915, ch. 146, § 12; C.S. 1920, § 5464; R.S. 1931, § 94-112; C.S. 1945, § 64-112; W.S. 1957, § 37-12.)

Cross reference. — For provisions of the Uniform Arbitration Act, see §§ 1-36-101 to 1-36-119.

Arbitration long embedded in public policy of state. — Arbitration as a mode for voluntary final settlement of disputes in an inexpensive and expeditious manner without resort to a tribunal, conducted with rigid formality under strict rules of law, has long been embedded in the public policy of this state. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

It may be applied to statutory, contractual or common-law rights. — The legislature provided a procedure for arbitration of disputes in utility matters, and it is generally accepted that parties may voluntarily agree to submit to arbitration rights created by statute as well as those arising by contract or common law. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

Amendments to certificates of convenience and necessity may be effected by arbitration.

— The commission, keeping in mind the paramount public interest, may effect amendments to certificates of convenience and necessity upon agreement of the parties involved, and there is nothing inherently wrong in solving the matter by arbitration. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

This section anticipates a proceeding in the nature of a judicial inquiry in that it requires a submission in writing, notice, and a hearing affording the parties an opportunity to present evidence and to cross-examine witnesses. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

But arbitrators' standards of conduct and efficiency differ from judicial officers'. — The standards of judicial conduct and efficiency to which a panel of arbitrators will be held are markedly different from those resting by law and tradition upon judicial officers. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

In an arbitration proceeding the commission will not be held to the same high standards of judicial conduct required in an adversary proceeding since any such approach would frustrate the very purpose of the submission. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

Special fitness and knowledge of commission members may supplement evidence. — The legislature, in providing that members of the commission would preside in arbitrations under this section, no doubt intended that they make use of their special fitness and knowledge in this field in a manner supplementary to such facts as are established by evidence. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

Weight and sufficiency of evidence is for commission. — Under a submission and absent a mistake upon the evidence tantamount to fraud or willful and intentional failure to consider it, the weight and sufficiency of the evidence is for the commission. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

Words such as "final," "finality," "conclusive," and "binding" are of common usage in the field of arbitration. In re Riverton Valley Elec. Ass'n, 391 P.2d 489 (Wyo. 1964).

And they are directed to the requirements of the proceeding and the nature of the award to

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PUBLIC UTILITIES

TITLE 37

Public Utilities

Chap.

1. **General Provisions, §§ 37-1-101 through 37-1-107.**
2. **Public Service Commission, §§ 37-2-101 through 37-2-306.**
3. **Rates, Interchange of Services and Safety Regulations, §§ 37-3-101 through 37-3-306.**
4. **Transmitting Utility Act, §§ 37-4-101 through 37-4-104.**
5. **Wyoming Natural Gas Pipeline Authority, §§ 37-5-101 through 37-5-208.**
7. **Power Districts, §§ 37-7-101 through 37-7-311.**
8. **Motor Carriers [Renumbered and Repealed.]**
9. **Railroads, §§ 37-9-101 through 37-9-1301.**
10. **Railroad and Public Highway Crossings, §§ 37-10-101 through 37-10-105.**
11. **Common Carriers by Air, §§ 37-11-101 through 37-11-103.**
12. **Crimes, Offenses and Civil Liabilities, §§ 37-12-101 through 37-12-403.**
13. **Local Improvement Districts, §§ 37-13-101 through 37-13-137.**
14. **Radioactive Materials Transportation Management, §§ 37-14-101 through 37-14-103.**

Am. Jur. 2d, ALR and C.J.S. references.
— Liability of power company for injury or death resulting from contact of radio or television antenna with electrical line, 82 ALR3d 113.

Applicability of rule of strict liability to injury from electrical current escaping from powerline, 82 ALR3d 218; 60 ALR4th 732.

Liability of telephone company for injury resulting from condition or location of telephone booth, 17 ALR4th 1308.

Carrier's "public duty" exception to absolute or strict liability arising out of carriage of hazardous substances, 31 ALR4th 658.

Liability of land carrier to passenger who becomes victim of third party's assault on or about carrier's vehicle or premises, 34 ALR4th 1054.

State civil actions by subscription television business for use, or providing technical means of use, of transmissions by nonsubscribers, 46 ALR4th 811.

Placement, maintenance or design of standing utility pole as affecting private utility's liability for personal injury resulting from vehicle's collision with pole within or beside highway, 51 ALR4th 602.

CHAPTER 1

General Provisions

<p>Sec. 37-1-101. Definitions generally. 37-1-104. Reorganization of public utility; definition; approval. 37-1-105. Application for reorganization; fees; reimbursement of costs and ex-</p>	<p>Sec. penses to state; expenses not to be included in rates. 37-1-106. Rulemaking authority. 37-1-107. Department of transportation; appeals.</p>
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§ 37-1-101. Definitions generally.

- (a) As used in chapters 1, 2, 3 and 12 of this title:
- (i) "Commission" means public service commission of Wyoming, which is created and established by this chapter;
 - (ii) "Commissioner" means any one of the members of the Wyoming public service commission;
 - (iii) "Municipality" when used in this chapter shall mean and include any town, village, city, county or other political subdivision of this state;
 - (iv) "Municipal council" means and includes the city council, common council, board of aldermen, the board of selectmen, the board of trustees, the city commission or any other governing body of any political subdivision of the state;
 - (v) "Person" means and includes individuals, associations of individuals, firms, partnerships, companies, corporations, their lessees, trustees, or receivers, appointed by any court whatsoever in the singular number, as well as the plural;
 - (vi) "Public utility" means and includes every person that owns, operates, leases, controls or has power to operate, lease or control:
 - (A) Any plant, property or facility for the transportation or conveyance to or for the public of passengers or property for hire, except taxicabs operating solely in cities and towns;
 - (B) Any plant, property or facility for the transmission to or for the public of telephone messages, for the conveyance or transmission to or for the public of telegraph messages, or for the furnishing of facilities to or for the public for the transmission of intelligence by electricity;
 - (C) Any plant, property or facility for the generation, transmission, distribution, sale or furnishing to or for the public of electricity for light, heat or power, including any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power;
 - (D) Any plant, property or facility for the manufacture, distribution, sale or furnishing to or for the public of natural or manufactured gas for lights, heat or power;

(E) Any plant, property or facility for the supply, storage, distribution or furnishing to or for the public of water for manufacturing, municipal, agriculture or domestic uses, except and excluding any such plant, property or facility owned by a municipality;

(F) Any plant, property or facility for the production, transmission, conveyance, delivery or furnishing to or for the public of steam or any other substance for heat or power;

(G) Any plant, property or equipment for the transportation or conveyance to or for the public of oil or gas by pipeline, or any plant, property, or equipment, used for the purpose of transporting, selling or furnishing natural gas to any consumer or consumers within the state of Wyoming for industrial, commercial or residential use, except any such plant, property or equipment used for any of the following purposes is exempted from this and all other provisions of this chapter to the extent of such use:

(I) For the transportation or sale of natural gas within or between oil and gas fields or potential oil and gas fields for residential, commercial, industrial or other use reasonably necessary in the exploration, development or operation of the field;

(II) For drilling, producing, repressuring, or other oil or gas field operations;

(III) For operation of natural gas processing plants;

(IV) For the sale of natural gas by the producer to a consumer for use in industrial or commercial plants or establishments of any kind or nature.

(H) None of the provisions of this chapter shall apply to interstate commerce except when a regulatory field has not been preempted by the United States government, nor to public utilities owned and operated by a municipality of the state of Wyoming, except as to that portion of a municipality owned and operated public utility, if any, as may extend services outside the corporate limits of a municipality and except that if any municipal utility owns an undivided interest in a facility for the production of electricity which is also partly owned by an agency subject to the jurisdiction of the public service commission, the sale of electricity in excess of the participating municipalities' need is subject to this act; nor to farmers' mutual telephone associations having no capital stock and furnishing service to members of associations only and without tolls, except as provided in W.S. 37-2-205, nor to mutual water companies or associations having no capital stock and furnishing water service to members of companies or associations only, and without charges other than assessments of members to reimburse companies or associations for expenses incurred in their establishment or operation; nor to any person who is not otherwise affiliated with a utility, that owns, leases, controls or has power to lease or control any plant, property or

facility which, in a transaction approved or authorized by the commission, is leased to one (1) or more public utilities, and is to be operated by the lessee or lessees for the generation, transmission, distribution, sale or furnishing to or for the public of electricity for light, heat, power or other utility purposes; nor to the generation, transmission or distribution of electricity, or to the manufacture or distribution of gas, or to the furnishing or distribution of water, nor to the production, delivery or furnishing of steam or any other substance, by a producer or other person, for the sole use of a producer or other person, or for the use of tenants of a producer or other person and not for sale to others. Such exemptions shall not apply to metered or other direct sales of a utility commodity by a producer or other person to his tenants. The provisions of W.S. 37-6-101 through 37-6-106, relating to the issuance and sale of securities shall not apply to any gas pipeline corporation making direct sales to Wyoming consumers in interstate commerce and not for resale;

(J) The term "public utility" shall mean and include two (2) or more public utilities rendering joint service;

(K) Any person furnishing coal, water or other raw materials to an electric power company shall not by this fact alone be designated as a public utility. (Laws 1915, ch. 146, § 1; 1917, ch. 74, § 1; C.S. 1920, § 5453; Laws 1925, ch. 150, § 1; R.S. 1931, § 94-101; C.S. 1945, § 64-101; Laws 1955, ch. 154, § 1; W.S. 1957, § 37-1; Laws 1961, ch. 88, § 1; ch. 157, §§ 1, 2; ch. 230, § 1; 1971, ch. 44, §§ 2, 3; ch. 202, § 1; 1973, ch. 243, § 1; 1976, ch. 28, § 2; 1978, ch. 9, § 1; 1989, ch. 127, § 2; 1990, ch. 7, § 1.)

The 1989 amendment, effective June 8, 1989, substituted "title" for "chapter" in the introductory language of subsection (a).

The 1990 amendment inserted "chapters 1, 2, 3 and 12 of" in the introductory language of subsection (a).

Laws 1990, ch. 7, § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 13, 1990.

Editor's notes. — There is no subsection (a)(vi)(I) or (b) in this section as it appears in the printed acts.

Meaning of "this act". — The term "this act," referred to near the beginning of the first sentence in subsection (a)(vi)(H), means Laws 1976, ch. 28, which appears as §§ 15-7-202, 16-1-105 through 16-1-108 and this section.

Commission cannot order interstate carrier to file tariff based on total billings. — Since interstate telecommunications service is normally outside the reach of state commissions and within the exclusive jurisdiction of the federal communications commission, the

Wyoming public service commission could not lawfully order an interstate carrier to file a tariff based on its total billings, which included interstate calls. *AT & T Communications of Mt. States, Inc. v. Public Serv. Comm'n*, 625 F. Supp. 1204 (D. Wyo. 1985).

Authority over utilities outside corporate limits. — At no time in the statutory history of municipal ownership and operation of an electric utility has a Wyoming city or town had authority to grant or deny the right to any utility to serve areas outside its corporate limits, as that jurisdiction has been and still is solely vested in the public service commission. *Tri-County Elec. Ass'n v. City of Gillette*, 584 P.2d 995 (Wyo. 1978).

Radio common carriers are public utilities as defined by this section. *Williams v. Public Serv. Comm'n*, 626 P.2d 564 (Wyo.), cert. denied, 454 U.S. 896, 102 S. Ct. 394, 70 L. Ed. 2d 211 (1981).

Private sewage disposal companies are not within definition of "public utility" provided by subsection (a)(vi)(E) and are not

therefore subject to the commission's regulatory authority under § 37-2-112. Public Serv. Comm'n v. Formal Complaint of WWZ Co., 641 P.2d 183 (Wyo. 1982).

Pass-through rate increase properly granted to rural cooperative following increase in federal rates. — A pass-through rate increase was properly granted to a rural electric distribution cooperative following an increase in the wholesale electric rates of a federal power marketing agency from which the rural cooperative purchased the majority of its power, as the public service commission is preempted by the federal government from reviewing the reasonableness of the components of interstate wholesale electric rates, but the commission can accept the federally ap-

proved rate as given and decline to require Wyoming distribution utilities to prove that such rates are just and reasonable under Wyoming ratemaking law and standards. Spence v. Smyth, 686 P.2d 597 (Wyo. 1984).

Applied in Frank v. City of Cody, 572 P.2d 1106 (Wyo. 1977); Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n, 745 P.2d 563 (Wyo. 1987).

Law reviews. — For article, "State Jurisdiction over the Regulation of Energy Distribution and Other Public Utility Services," see XV Land & Water L. Rev. 535 (1980).

Am. Jur. 2d, ALR and C.J.S. references. — State regulation of radio paging services, 44 ALR4th 216.

§ 37-1-102. "Rate" and "service regulation" defined.

Applied in Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n, 745 P.2d 563 (Wyo. 1987).

Quoted in Pacific Power & Light Co. v. Public Serv. Comm'n, 677 P.2d 799 (Wyo. 1984); MGTC, Inc. v. Public Serv. Comm'n, 735 P.2d 103 (Wyo. 1987); Tri-State Generation &

Transmission Ass'n v. Wyoming Pub. Serv. Comm'n, 735 P.2d 718 (Wyo. 1987).

Law reviews. — For article, "State Jurisdiction over the Regulation of Energy Distribution and Other Public Utility Services," see XV Land & Water L. Rev. 535 (1980).

§ 37-1-104. Reorganization of public utility; definition; approval.

(a) No reorganization of a public utility shall take place without prior approval by the public service commission. The commission shall not approve any proposed reorganization if the commission finds, after public notice and opportunity for public hearing, that the reorganization will adversely affect the utility's ability to serve the public.

(b) For purposes of this section, "reorganization" means any transaction which, regardless of the means by which it is accomplished, results in a change in the ownership of a majority of the voting capital stock of a public utility, or the ownership or control of any entity which owns or controls a majority of the voting capital stock of a public utility. "Reorganization" as used in this section shall not include a mortgage or pledge transaction entered into to secure a bona fide borrowing by the party granting the mortgage or making the pledge. (Laws 1986, ch. 121, § 1.)

§ 37-1-105. Application for reorganization; fees; reimbursement of costs and expenses to state; expenses not to be included in rates.

(a) Every applicant for approval of a reorganization by the public service commission under this act [§§ 37-1-104 through 37-1-106] shall pay a filing fee of one hundred dollars (\$100.00) for each application and ten dollars (\$10.00) plus ten cents (\$.10) per page for every amendment to any application. These fees shall be deposited in the general fund. In addition the applicant shall reimburse the state for the expenses of the state in reviewing and acting upon each application and defending any public service commission decision in case of legal appeal. The expenses of the state shall not be deemed to include the normal salary and benefits of the public service commissioners but shall include substantially all other actual expenses of the state in connection with the application. The public service commission may require the applicant to post a bond or make a prepayment to assure the required reimbursement. No charge for expenses in connection with any application under this act may be included in the rates charged to Wyoming customers. The reimbursements collected pursuant to this section shall be deposited in a trust and agency account and may be expended by the public service commission following appropriations by the legislature.

(b) No charge for any expenses of any reorganization shall be included in the rate base of any Wyoming public utility. (Laws 1986, ch. 121, § 1.)

§ 37-1-106. Rulemaking authority.

The public service commission shall adopt rules and regulations to implement the provisions of W.S. 37-1-104 and 37-1-105. (Laws 1986, ch. 121, § 1.)

Law reviews. — For article, "Indian Reserved Water Rights, Federalism and the Trust Responsibility," see XXVII Land & Water L. Rev. 1 (1992).

§ 37-1-107. Department of transportation; appeals.

Any party in interest or any person or party authorized under chapters 9 through 11 of title 37 to file for an original hearing before the department of transportation may appeal to a hearing panel appointed by the transportation commission in the same manner, and to the same extent, as provided in the Wyoming Administrative Procedure Act. (Laws 1991, ch. 241, § 2; 1993, ch. 68, § 2.)

The 1993 amendment, effective July 1, 1993, substituted "chapters 9 through 11" for "chapters 8 through 11" near the beginning of the section.

Wyoming Administrative Procedure Act. — See § 16-3-101(a), (b)(xi).

CHAPTER 2**Public Service Commission****Article 1. In General**

- Sec.
 37-2-101. Creation; composition; appointment; compensation; terms and oaths of members; removal; chairman and deputy chairman; vacancies.
 37-2-126. Report to the governor.
 37-2-128. Civil penalty for violation of federal Natural Gas Pipeline Safety Act of 1968; generally.
 37-2-130. Right of review.

Article 2. Reports, Investigations and Hearings

- 37-2-203. Separate hearings; hearings to be

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- open; representation by attorney; reports, investigations.
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Article 3. Telephone Assistance Program

- 37-2-301. Telephone assistance program creation; discount.
 37-2-302. Eligibility; certification.
 37-2-303. Reimbursement for discounts.
 37-2-304. Administration; rules.
 37-2-305. Federal requirements.
 37-2-306. Applicability; voluntary participation or withdrawal.

ARTICLE 1. IN GENERAL

§ 37-2-101. Creation; composition; appointment; compensation; terms and oaths of members; removal; chairman and deputy chairman; vacancies.

(a) There is created a commission separate from the state board of equalization to which it has been joined which is known as the "public service commission of Wyoming". The commission shall consist of three (3) members appointed by the governor, by and with the advice and consent of the senate. Not more than two (2) members of the commission shall at any time be members of the same political party. Each member of the commission shall receive an annual salary as provided by law, to be paid in equal monthly installments in the same manner that other state salaries are paid.

(b) Biennially the members shall elect from among their number a chairman and a deputy chairman who shall serve in these offices for a period of two (2) years. The chairman shall receive an additional annual salary as provided by law during his tenure as chairman to be paid in equal monthly installments, in the same manner as other state salaries are paid.

(c) The present elected chairman and two (2) designated members now comprising the public service commission, or their successors, comprise the public service commission for purposes of this section.

(d) Upon the expiration of the term of any member he shall be reappointed or a successor shall be appointed for a term of six (6) years or except in case of a vacancy. Each member shall hold office until his successor is appointed and qualified. The governor may remove any member as provided in W.S. 9-1-202.

(e) In case of a vacancy, it shall be filled by appointment by the governor in accordance with W.S. 28-12-101.

(f) Each member, within thirty (30) days after notice of his appointment and before entering upon the discharge of his duties, shall take, subscribe and file with the secretary of state the oath of office prescribed by the constitution of this state. Effective July 1, 1979, appointments and terms under this act shall be in accordance with W.S. 28-12-101 through 28-12-103. (Laws 1935, ch. 93, § 1; 1945, ch. 142, § 5; C.S. 1945, § 64-103; Laws 1949, ch. 66, § 1; 1951, ch. 44, § 25; 1953, ch. 139, § 24; 1957, ch. 157, § 37; W.S. 1957, § 37-3; Laws 1961, ch. 148, § 47; 1963, ch. 23, § 1; 1965, ch. 115, § 47; 1967, ch. 91, § 1; ch. 181, § 31; 1969, ch. 168, § 33; 1971, ch. 190, § 22; 1973, ch. 162, § 1; 1979, ch. 17, § 2; 1987, ch. 175, § 1.)

The 1987 amendment, in subsection (d), deleted the former first sentence, relating to the ending of terms, and substituted all of the language following "governor" in the last sentence for "has the power to remove a member for inefficiency, neglect of duty or malfeasance in office."

Laws 1987, ch. 175, § 2, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 9, 1987.

Meaning of "this act". — The term "this act," referred to in the second sentence in subsection (f), means Laws 1979, ch. 17, which appears as various sections throughout titles 9 through 11, 13, 21, 23, 24, 26 through 28, 30, 33, 34 through 36 and 37. See the table of disposition of acts in volume 1.

Stated in *Spence v. Smyth*, 686 P.2d 597 (Wyo. 1984); *County Court Judges Ass'n v. Sidi*, 752 P.2d 960 (Wyo. 1988).

§ 37-2-112. Powers.

Strict construction.

In accord with original. See *Public Serv. Comm'n v. Formal Complaint of WWZ Co.*, 641 P.2d 183 (Wyo. 1982).

County does not have power to regulate public utilities. *Vandehi Developers v. Public Serv. Comm'n*, 790 P.2d 1282 (Wyo. 1990).

The commission has no inherent, etc.

In accord with first paragraph in original. See *Public Serv. Comm'n v. Formal Complaint of WWZ Co.*, 641 P.2d 183 (Wyo. 1982).

Commission's role in case of sale of power company's assets was to ensure that the sale did not result in unjust or unreasonable utility rates for affected consumers, and that determination was not altered by an assertion that the effectuation of the sale was in breach of a contract. *Tri-State Generation & Transmission Ass'n v. Wyoming Pub. Serv. Comm'n*, 784 P.2d 627 (Wyo. 1989).

Commission empowered to reduce incentive award. — In line with its continuing jurisdiction and the statutory duty to maintain rates which are just and reasonable, the commission necessarily has the "implied or incidental" authority to reduce an incentive award previously granted under § 37-3-115. The commission's continuing jurisdiction gives it the authority to adjust an incentive award, either up or down, after the original grant, so long as

the incentive award remains between zero and 10 percent of the savings and it is just and reasonable. *Montana-Dakota Util. Co. v. Wyoming Pub. Serv. Comm'n*, 746 P.2d 1272 (Wyo. 1987).

Jurisdiction of commission does not extend to publication of yellow pages directory which is not a service furnished to or for the public. *Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n*, 745 P.2d 563 (Wyo. 1987).

Commission without authority to enter money judgment. — The Wyoming statutes do not provide authority for the commission to enter a money judgment in behalf of a certificated freight carrier against its customer for contended under-collection of tariff-scheduled minimum charges. *White v. Exeter Drilling Co.*, 731 P.2d 1193 (Wyo. 1987).

Commission to give public interest paramount consideration. — The public service commission, in exercising its statutory powers to regulate and supervise public utilities in the state of Wyoming, as provided in this section, is required to give paramount consideration to the public interest, the desires of the utility being secondary. *Mountain Fuel Supply Co. v. Public Serv. Comm'n*, 662 P.2d 878 (Wyo. 1983).

Commission cannot order interstate car-

rier to file tariff based on total billings. — Since interstate telecommunications service is normally outside the reach of state commissions and within the exclusive jurisdiction of the federal communications commission, the Wyoming public service commission could not lawfully order an interstate carrier to file a tariff based on its total billings, which included interstate calls. *AT & T Communications of Mt. States, Inc. v. Public Serv. Comm'n*, 625 F. Supp. 1204 (D. Wyo. 1985).

Quoted in *K N Energy, Inc. v. City of Casper*, 755 P.2d 207 (Wyo. 1988).

Stated in *Spence v. Smyth*, 686 P.2d 597

(Wyo. 1984); *Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n*, 698 P.2d 627 (Wyo. 1985).

Cited in *Union Tel. Co. v. Wyoming Pub. Serv. Comm'n*, 821 P.2d 550 (Wyo. 1991).

Am. Jur. 2d, ALR and C.J.S. references. — Incidental provision of utility services, by party not in that business, as subject to regulation by state regulatory authority, 85 ALR4th 894.

Incidental provision of transportation services, by party not primarily in that business, as common carriage subject to state regulatory control, 87 ALR4th 638.

§ 37-2-113. Arbitration of controversies.

Commission without authority to enter money judgment. — The Wyoming statutes do not provide authority for the commission to enter a money judgment in behalf of a certifi-

cated freight carrier against its customer for contended under-collection of tariff-scheduled minimum charges. *White v. Exeter Drilling Co.*, 731 P.2d 1193 (Wyo. 1987).

§ 37-2-117. Commission may initiate investigation.

Applied in *Pacific Power & Light Co. v. Public Serv. Comm'n*, 677 P.2d 799 (Wyo. 1984).

Cited in *Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n*, 745 P.2d 563 (Wyo. 1987).

Law reviews. — For article, "State Jurisdiction over the Regulation of Energy Distribution and Other Public Utility Services," see XV *Land & Water L. Rev.* 535 (1980).

§ 37-2-118. Who may make complaint.

Cited in *Union Tel. Co. v. Wyoming Pub. Serv. Comm'n*, 821 P.2d 550 (Wyo. 1991).

Law reviews. — For article, "State Juris-

diction over the Regulation of Energy Distribution and Other Public Utility Services," see XV *Land & Water L. Rev.* 535 (1980).

§ 37-2-119. Matters to be considered and determined in investigation.

"Used and useful" requirement, which must be met by any business of a public utility before the utility may consider the value of that business in fixing the rate base for its operation, must be as of the time of rate consideration. *Pacific Power & Light Co. v.*

Public Serv. Comm'n, 677 P.2d 799 (Wyo.), cert. denied, 469 U.S. 831, 105 S. Ct. 120, 83 L. Ed. 2d 62 (1984).

Cited in *Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n*, 745 P.2d 563 (Wyo. 1987).

§ 37-2-120. Order in case of violation; public hearing required for change in rate or service.

Trial-type, not argumentative-type, hearing required. — A public hearing held pursuant to this section requires a determination of adjudicative facts. The statute contemplates a trial-type hearing and not a legislative argumentative-type hearing. *Tri-State Generation & Transmission Ass'n v. Wyoming Pub. Serv. Comm'n*, 735 P.2d 718 (Wyo. 1987).

Requirement of "public hearing" fulfilled. — Hearings on a long distance telephone company's complaint fulfilled the requirement of a public hearing, where extensive hearings were held, notice was given of the hearings, and the requisite opportunity to cross-examine and to produce witnesses was provided. *Union Tel. Co. v. Wyoming Pub. Serv. Comm'n*, 821 P.2d 550 (Wyo. 1991).

§ 37-2-121. When rate to be changed by commission.

Commission may use adjudicative proceedings to set and adjust rates. Such proceedings do not constitute the promulgation of "rules." *Montana-Dakota Util. Co. v. Wyoming Pub. Serv. Comm'n*, 746 P.2d 1272 (Wyo. 1987).

Commission empowered to reduce incentive award. — In line with its continuing jurisdiction and the statutory duty to maintain rates which are just and reasonable, the commission necessarily has the "implied or incidental" authority to reduce an incentive award previously granted under § 37-3-115. The commission's continuing jurisdiction gives it the authority to adjust an incentive award, either up or down, after the original grant, so long as the incentive award remains between zero and

10 percent of the savings and it is just and reasonable. *Montana-Dakota Util. Co. v. Wyoming Pub. Serv. Comm'n*, 746 P.2d 1272 (Wyo. 1987).

Refunds not prohibited. — The rule against retroactive ratemaking did not prohibit refunds ordered by the commission in connection with a gas balancing account set up to provide an automatic rate adjustment. *MGTC, Inc. v. Public Serv. Comm'n*, 735 P.2d 103 (Wyo. 1987).

Quoted in *Great W. Sugar Co. v. Johnson*, 624 P.2d 1184 (Wyo. 1981); *Pacific Power & Light Co. v. Public Serv. Comm'n*, 677 P.2d 799 (Wyo. 1984).

Cited in *Union Tel. Co. v. Wyoming Pub. Serv. Comm'n*, 821 P.2d 550 (Wyo. 1991).

§ 37-2-122. Matters considered in fixing rates; order changing services or facilities.

Utility cannot, as "operation expenses," pass loss of failed project along to consumers. — Where a public utility suffers financial loss due to the failure of a project intended to become "used and useful" property under § 37-2-119, it may not pass the loss along to consumers as an "expense of operation." *Pacific Power & Light Co. v. Public Serv. Comm'n*, 677 P.2d 799 (Wyo.), cert. denied, 469 U.S. 831, 105 S. Ct. 120, 83 L. Ed. 2d 62 (1984).

But may do so only where prior approval acquired from commission. — A regulated public utility need not seek approval of the commission before acquiring an interest in a nuclear power construction project; however, before the utility may have the consumers bear the costs of such a failed investment, prior approval must have been acquired from the

commission, in accord with its broad regulatory powers derived from this section and chapter 6. *Pacific Power & Light Co. v. Public Serv. Comm'n*, 677 P.2d 799 (Wyo.), cert. denied, 469 U.S. 831, 105 S. Ct. 120, 83 L. Ed. 2d 62 (1984).

Cited in *Mountain States Tel. & Tel. Co. v. Public Serv. Comm'n*, 745 P.2d 563 (Wyo. 1987); *Union Tel. Co. v. Wyoming Pub. Serv. Comm'n*, 821 P.2d 550 (Wyo. 1991).

Law reviews. — For article, "State Jurisdiction over the Regulation of Energy Distribution and Other Public Utility Services," see *XV Land & Water L. Rev.* 535 (1980).

Am. Jur. 2d, ALR and C.J.S. references. — Public utility's right to recover cost of nuclear power plants abandoned before completion, 83 ALR4th 183.

WYOMING PUBLIC SERVICE COMMISSION

FCC GENERAL DOCKET 93-252

**OMNIBUS BUDGET RECONCILIATION ACT OF 1993
AMENDMENTS TO THE COMMUNICATIONS ACT OF
1934**

**PETITION TO MAINTAIN EXISTING
RECEIVED REGULATORY OVERSIGHT**

AUG 10 1994

FCC MAIL ROOM

EXHIBIT #12

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