

ARTICLE 1 - NET METERING

**37-16-101. Definitions.**

(a) As used in this chapter unless the context or a specific article otherwise requires:

(i) "Commission" means public service commission of Wyoming;

~~(ii) "Customer-generator" means a user of a net metering system;~~

(iii) "Electrical company" means any person, corporation or governmental subdivision, excluding municipalities, authorized and operating under the constitution and laws of the state of Wyoming which is primarily engaged in the generation or sale of electric energy;

(iv) "Electric cooperative" means any nonprofit, member-owned cooperative organized under the laws of the state of Wyoming and engaged in the business of distributing electric energy in the state of Wyoming;

(v) "Electric utility" means any electrical company, irrigation district or electric cooperative that is engaged in the business of distributing electricity to retail electric customers in the state;

(vi) "Irrigation district" means an irrigation district under W.S. 41-7-201;

(vii) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator operating before July 1, 2024 that is fed back to the electric utility over the applicable billing period;

(viii) ~~"Net metering system"~~ "Small customer-generator" means a person operating a facility for the production of electrical energy that:

(A) Uses as its fuel either solar, wind, biomass or hydropower;

(B) Has a generating capacity of not more than twenty-five (25) kilowatts;

(C) Is located on the customer-generator's premises;

(D) Operates in parallel with the electric utility's transmission and distribution facilities; and

(E) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(b) A person acting as a small customer-generator under this act shall not be considered a "public utility" as defined by W.S. 37-1-101.

### **37-16-102. Electric utility requirements.**

(a) An electric utility:

(i) Shall offer to make available to each of its eligible small customer-generators ~~that has installed a net metering system~~ an energy meter that is capable of registering the flow of electricity in two (2) directions;

(ii) May, ~~at its own expense and with the written consent of the customer-generator,~~ install one (1) or more additional meters to monitor the flow of electricity in each direction;

(iii) Except as otherwise provided in this paragraph, ~~S~~shall not charge a small customer-generator any fee or charge that would increase the small customer-generator's minimum monthly charge to an amount greater than that of other customers of the electric utility in the same rate class as the small customer-generator. This paragraph shall not apply on and after July 1, 2024 for small customer-generators other than existing customers as provided under W.S. 37-16-105(a). This paragraph is repealed on January 1, 2034 2039.

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### **37-16-103. Calculation requirements.**

(a) Consistent with other provisions of this chapter ~~and except as provided in subsection (c) of this section~~, the net energy measurement ~~for existing small customer-generators as provided in W.S. 37-16-105(a)~~ shall be calculated in the following manner:

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(i) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices;

(ii) If the electricity supplied by the electric utility exceeds the electricity generated by the customer generator, the customer-generator shall be billed for the appropriate customer charges for that month, in accordance with W.S. 37-16-102;

(iii) If the electricity supplied by the customer-generator exceeds that supplied by the electric utility, the customer-generator shall be credited or compensated for the excess kilowatt-hours generated during the month with the kilowatt-hour credit or compensation appearing on the bill for the following month for all metered locations of customer-generators supplied by the electric utility.

(b) At the beginning of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be sold to the electric utility, at the electric utility's filed avoided cost.

### **37-16-104. Safety and performance requirements.**

(a) A ~~net metering~~-system used by a small customer-generator shall meet all applicable safety and performance standards established by the national electrical code, the institute of electrical and electronics engineers and underwriters laboratories.

(b) The small customer-generator shall at its expense provide lockable, switching equipment capable of isolating ~~the net metering~~ facility from the electric utility's system. Such equipment shall be approved by the electric utility and shall be accessible by the electric utility at all times.

(c) The electric utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a ~~net metering-small customer-generator~~ facility, or for acts or

omissions of the small customer-generator that cause loss or injury, including death, to any third party.

(d) The small customer-generator is responsible for all costs associated with its facility and is also responsible for all costs related to any modifications to the facility that may be required by the electric utility for purposes of safety and reliability.

(e) The commission, after appropriate notice and opportunity for comment, may adopt by regulation additional control and testing requirements for small customer-generators that the commission determines are necessary to protect public safety and system reliability.

**37-16-105. Treatment of existing customers; future requirements.**

(a) Except as provided in subsection (b) and (c) of this section, no electric utility shall be obligated under this article to compensate any small customer-generator for any electricity produced on a net metering arrangement under this article. A small customer-generator that is producing electricity on a net metering arrangement under this article that is first operational before July 1, 2024 shall be considered an existing customer and shall be exempt from this section until July 1, 2039.

(b) The public service commission shall establish an appropriate compensation system to regulate the rates, terms and conditions of small customer-generators by electric utilities for electricity produced by small customer-generators that are first operational on or after July 1, 2024. The compensation system shall ~~prevent rate subsidization of customer-generators by other customers of an electric utility.~~ provide for just and reasonable rates, terms and conditions.

(c) Any cooperative electric utility that is exempt from retail rate regulation by the public service commission under chapter 17, title 37 of the Wyoming statutes shall not be subject to subsection (b) of this section and the board of directors of a cooperative electric utility shall, not later than April 1, 2024, adopt rates, terms and conditions to compensate small customer-generators that are first operational on or after July 1, 2024 and any cooperative electric utility shall comply with the following:

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(i) Give written notice to all of its member owners, not less than thirty (30) days prior to the effective date of the cooperative's initial rates, terms and conditions regarding compensation of small customer-generators and of the effective date of any subsequent change to the rates, terms and conditions, including procedures for the cooperative's member owners to comment on proposed rates;

(ii) Rates, terms and conditions adopted by a cooperative electric utility in accordance with this subsection shall be filed with the commission; and

(iii) Be subject to the complaint, investigation and resolution process pursuant to W.S. 37-17-104(d) and (e) regarding the rates, terms and conditions adopted by the board to compensate small customer-generators.

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