

Public Service Commission

Mission and philosophy

The mission of the Public Service Commission (PSC) is to protect the public interest of Wyoming utility consumers, while at the same time balancing the financial and operational interests of utility ratepayers, shareholders, member-owners and utility companies. The PSC is dedicated to ensuring safe, reliable utility services to the residents of Wyoming.

To accomplish this mission, the PSC will issue decisions based upon law and factual evidence with consideration given to the public interest and the financial and operational viability of utilities; regulate utility safety, reliability and quality of service pursuant to state and federal law; and resolve complaints and ensure compliance with PSC Rules and applicable laws such that 90 percent of utility complaints are concluded within 60 days.

During FY 04 the enactment of Article 4 of Title 37 of the Wyoming State Statutes, created the Office of Consumer Advocate (OCA) as a separate division within the PSC. Prior to passage of this Act, the PSC provided for the consumer advocate function by assigning members of its staff to serve as consumer advocates in contested proceedings before the PSC. The OCA enjoys the same due process rights, as does any other intervenor in a contested proceeding.

The mission of the OCA is to provide independent and direct representation of Wyoming utility ratepayers before the PSC in utility filings and applications in which the public interest is contested. In furtherance of this mission the OCA will engage in customer education and outreach activities designed 1) to help customers understand the rate setting and regulatory process and 2) to assist OCA staff to gain a greater understanding of customer concerns regarding price and quality of utility service provided to them. The OCA is dedicated to ensuring that safe, adequate and reliable utility services are available to all Wyoming citizens at affordable rates.

Results of outcomes

The number and percentage of written PSC decisions over a three-year period, which, after any allowed rehearing, are not successfully challenged on appeal to state or federal court.

Over the three-year period representing FY02 through FY04, the PSC decided 1,676 cases by final written order. (573 in FY02, 575 in FY03 and 528 in FY04) Four of the 1,676 decisions were appealed. Three of the appeals have been fully decided by the Wyoming Supreme Court in favor of the PSC (1) Tri County Telephone and TCT West

General information

Commission members

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Steve Furtney, Deputy Chair
Kathleen Lewis, Commissioner

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Years established and reorganized

Established 1915, reorganized 1919, 1963, 1968, 1991, 2003

Statutory references

Chapters 1, 2, 3, 6, 12, 15 and 16 of Title 37 of the Wyoming Statutes

Authorized personnel

36 full-time, 6 of these positions are by statute assigned to the OCA

Organizational structure

Deputy Director, Secretary and Chief Counsel, Legal, Financial and Engineering Analysts, Safety and Plant Engineers, Consumer Complaints, and Administrative staff. The Office of Consumer Advocate (OCA) is a separate division of the Public Service Commission. The OCA's organizational structure is Deputy Administrator, Legal and Rate Analysts.

Clients served

Residential, commercial, industrial, agricultural, municipal and governmental customers of public natural gas, electric, telephone and water utilities, and associated regulated utilities.

Budget expenditures

Utility assessment funds	\$2,705,310
Federal funds	\$115,140
Wyoming universal service fund.....	\$2,549,876
Total.....	\$5,370,326

v. PSC, 11 P.3d 938 (Wyo. 2000); (2) Sinclair Oil Corp., v. PSC, 2003 WY 22, 63 P.3d 887 (Wyo. 2003); and (3) RT Communications Inc., v. PSC 2003 WY 145, 79 P.3d 36 (Wyo. 2003).

The fourth decision was appealed by PacificCorp at both the state and federal levels. The PSC's March 6, 2003, denial of PacifiCorp's request to recover approximately \$91 million in "excess purchased power costs", including \$30.7 million related to the failure of its Hunter No. 1 generating plant. The PSC denied rehearing on July 15, 2003; and, on August 8, 2003, PacifiCorp filed an appeal in Laramie County District Court which was certified to the Wyoming Supreme Court [PacifiCorp v. PSC, et al., Wyoming Supreme Court No. 03-211]. Oral arguments were heard on June 16, 2004; and a decision is pending. On April 30, 2004, PacifiCorp filed a complaint in United States District Court in Cheyenne against the Commissioners [PacifiCorp v. Hurless, et al., USDC Wyo. No. 04-CV-0131J]. PacifiCorp's arguments included the concept that denial of excess power cost recovery interferes with interstate commerce and would violate the US Constitution. The PSC and all intervenors joined in a motion to dismiss the case which was heard by the court on September 13, 2004. A decision on the motion is pending.

The average price of electricity per kwh in Wyoming for residential, commercial, and industrial customers as a percentage of the national average price per kwh.

Wyoming residential price as a percentage of the national average: 78 percent

Wyoming commercial price as a percentage of the national average: 73 percent

Wyoming industrial price as a percentage of the national average: 77 percent

The average price of natural gas per mcf in Wyoming for residential, commercial and industrial customers as a percentage of the national average price per mcf.

Wyoming residential price as a percentage of the national average: 84 percent

Wyoming commercial price as a percentage of the national average: 81 percent

Wyoming industrial price as a percentage of the national average: 117 percent

All rate information was taken from the most current data available from the Energy Information Administration (EIA) EIA average price calculations are based on price of industrial gas that is sold via tariff rates by utility only and do not include price of gas acquired via contract between user and gas marketer with utility only providing transportation. Therefore, only 2.1 percent of Wyoming Industrial gas usage is included in the EIA calculations.

The percentage of Wyoming local service telephone lines, which are priced in compliance with the Wyoming Telecommunications Act of 1995 on the basis of TSLRIC provisions or on a valid TSLRIC waiver, W.S. § 37-15-402.

A total of 318,650 local service telephone lines exist in Wyoming as reported to the PSC by the telephone companies in their annual reports. In FY04 100 percent of these lines were in compliance with the Wyoming Telecommunications Act of 1995. A total of 318,352 access lines or 99.9 percent have prices that comply with the TSLRIC provisions and the remaining 0.1 percent have valid TSLRIC waivers in place.

The percentage of eligible local telephone customers (based upon line count) who receive support payments from the Wyoming Universal Service Fund pursuant to provisions in the Wyoming Telecommunications Act of 1995, W.S. § 37-15-501.

In FY04, 100 percent of eligible Wyoming local telephone customers (37,153 lines) received support payments from the Wyoming Universal Service Fund.

The percentage of person-days inspecting natural gas utilities in comparison to the established target.

During FY04, the PSC facility engineers completed 100 percent of their targeted 140 person-days of field inspections of natural gas distribution systems, intrastate pipelines and other natural gas utility facilities. As a result of these inspections, the PSC issued 69 citations for violations of rules, codes and standards adopted by the commission including natural gas safety code violations.

The percentage of person-days inspecting electric utilities in comparison to the established target.

During FY04, the PSC facility engineers completed 100 percent of their targeted 60 person-days of field inspections of electric distribution systems, electric transmission lines, substation facilities and other electric utility facilities. As a result of these inspections, the PSC issued 268 citations for noncompliance with rules, codes and standards adopted by the PSC including electrical safety code violations.

The percentage of customer complaints resolved through an informal complaint resolution process.

In FY04, the PSC received and processed a total of 1,247 utility complaints. Of these complaints 99.5 percent were resolved through an informal complaint resolution process.

Of the cases in which the OCA entered an appearance, the total savings, expressed both as a percentage and a dollar amount, between the amount of revenue increase requested by jurisdictional utilities and the amount of revenue increase granted by the Commission in its final order.

During FY04 the OCA entered an appearance in forty-seven utility filings that were formally resolved by the PSC. Six of these cases involved requested utility revenue increases in the aggregate amount of \$42,499,194. After hearings, and the opportunity for affected parties, including OCA and other intervenors, to present evidence before the PSC, the PSC granted total aggregate utility revenue increases of \$23,330,860. This represents a consumer savings of 45.1 percent of the full amounts requested by the utilities.

The percentage of customer meetings, educational forums and presentations made by the OCA outside of OCA offices in comparison to the established target.

The OCA participated in nineteen customer meetings, educational forums or presentations in comparison to a target of six, resulting in 316 percent achievement of the established target.

Strategic plan changes

The PSC may make revisions and refinements to its Strategic Plan in FY05 to more accurately measure the accomplishments of the PSC and the OCA.

Public Service Commission organization chart

