

Public Service Commission

Mission and philosophy

The mission of the Public Service Commission 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.

During FY03, the PSC received and docketed a total of 839 Utility filings and applications, (a 1 percent decrease in filings from the previous year). Of the 839 filings and applications, final Commission Orders were used to process 575 applications, and 230 were processed through administrative action. The PSC received: 87 certificates for authority to serve; 15 general rate case applications; 51 commodity cost changes (pass-on of deregulated wholesale costs); 224 tariff filings; 8 security issuances and other financial matters; 10 formal complaints resulting in orders; 82 PSC investigations; one general order; 90 contract cases; 230 rate schedule revisions of interexchange telecommunications resellers, and 41 new registrations to do business in Wyoming. Each of the PSC Orders was issued on or before the applicable statutory deadline.

The PSC initiated one General Order proceeding in Docket No. 90072-XO-03-22, where the commission established the funding requirement and assessment factor for the Wyoming Universal Service Fund for the time period 07/03 – 06/04. The commission set the assessment factor at one percent of gross intrastate retail revenues, which constitutes a decrease of three percent from the previous assessment factor of four percent. In this docket, the commission specifically established the statewide average local exchange telecommunications rate at \$27.24 per month. The statutory benchmark support level (130 percent of the statewide average rate) was established at \$35.42 per month. A protest filed with regard to this matter is currently pending before the commission.

The goal of the PSC is to regulate public utilities as directed by state and federal law. To accomplish this goal, the PSC has two objectives: A) 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; and B) The PSC will regulate utility safety, reliability and quality of service pursuant to state and federal law; and will resolve complaints and ensure compliance with PSC Rules and applicable laws such that 90 percent of utility complaints are concluded within 60 days.

General information

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Other locations

Does not apply

Year established or reorganized

Established 1915, reorganized 1919, 1963, 1968, 1991

Statutory references

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

Number of authorized personnel

33 full-time

Organization structure

Administration, Legal, Rates & Pricing,
Consumer Complaints, Facilities Engineering,
Universal Service Fund.

Clients served

Residential, commercial, industrial, agricultural, municipal and governmental customers of public natural gas, electric, telephone and water utilities, and the regulated utilities themselves who provide service to citizens of Wyoming.

Budget expenditures

Utility assessment funds	\$2,649,241
Federal funds	\$102,410
Total	\$2,751,651

Result 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 FY01, FY02 and FY03, the PSC decided by final written order a total of 1,752 cases (604 cases in FY01, 573 in FY02 and 575 in FY03). None of the 1,752 PSC decisions issued by the PSC in this time period were successfully challenged in the state courts. For the time period July 2000 through June 2003, four PSC decisions were appealed in which two were decided in favor of the PSC (1) *Sinclair v. PSC* and (2) *Tri County Telephone and TCT West v. PSC*, 11 P.3d 938 (October 5, 2002); and two decisions are pending.

Sinclair v PSC

The Wyoming Supreme Court, in *Sinclair Oil Corp. v. Wyoming PSC*, 63 P.3d 887 (Wyo. 2003), "affirmed the action of the PSC in granting Amoco's authority to abandon its crude oil gathering system."

Tri County Telephone and TCT West v. PSC

The Wyoming Supreme Court, in *Tri County Telephone and TCT West v. Wyoming PSC*, 11 P.3d 938 (October 5, 2002) "affirmed the action of the PSC in removing unlawfully filed price sheets from the Company's tariffs and price schedules."

DECISIONS CHALLENGED BUT NOT YET DECIDED
RT Communications v. PSC. The case was argued March 17, 2003, and the Supreme Court took it under advisement, but has not yet rendered an opinion.

PacifiCorp v. PSC. On August 8, 2003, PacifiCorp filed a Petition in 1st Judicial District Court Docket No 162-349, for review of a Commission Order issued July 15, 2003.

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.

Average Wyoming residential price of electricity:

7.04 cents/kwh

Average national residential price of electricity:

8.41 cents/kwh

Wyoming residential price as a percentage of the national average:

84 percent

Average Wyoming commercial price of electricity:

5.73 cents/kwh

Average national commercial price of electricity:

7.94 cents/kwh

Wyoming commercial price as a percentage of the national average:

72 percent

Average Wyoming industrial price of electricity:

3.57 cents/kwh

Average national industrial price of electricity:

4.83 cents/kwh

Wyoming industrial price as a percentage of the national average:

74 percent

Source: Rate information is obtained from the Energy Information Administration and may include missing state or rate class data that could skew the comparisons illustrated above.

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.

Average Wyoming residential price of natural gas:

\$6.09 /mcf

Average national residential price of natural gas:

\$8.69 /mcf

Wyoming residential price as a percentage of the national average:

70 percent

Average Wyoming commercial price of natural gas:

\$4.69 /mcf

Average national commercial price of natural gas:

\$6.73 /mcf

Wyoming commercial price as a percentage of the national average:

70 percent

Average Wyoming industrial price of natural gas:

\$4.44 /mcf

Average national industrial price of natural gas:

\$4.31 /mcf

Wyoming industrial price as a percentage of the national average:

103 percent

Source: Rate information is obtained from the Energy Information Administration and may include missing state or rate class data that could skew the comparisons illustrated above.

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.

A total of 326,444 local exchange access lines for incumbent telephone companies exist in Wyoming as reported to the PSC by the telephone companies in their annual reports. In Fiscal Year 2003, a total of 321,786 access lines or 98.6 percent have prices that comply with the TSLRIC provisions; 4,384 access lines or 1.3 percent have been approved for TSLRIC pricing and are awaiting future implementation dates, and; 274 access lines or 0.1 percent have TSLRIC waivers in place as provided for in the Wyoming Telecommunications Act. The 274 access lines under waiver belong to Golden West Telephone and Project Telephone. Both of these telephone companies have the vast majority of their operations and customers in other states besides Wyoming. Therefore, 99.9 percent of the access lines in

Wyoming are priced in accordance with the TSLRIC pricing requirements of the Wyoming Telecommunications Act.

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.

In FY03, 100 percent of eligible Wyoming local telephone customers received support payments from the Wyoming Universal Service Fund. To be eligible, local service rates must exceed 130 percent of the statewide average local service rate after taking into consideration support from the federal Universal Service Fund. In FY03, the statewide average monthly rate for residential and business service was \$27.24. Therefore, to be eligible for support from the Wyoming Universal Service Fund, the local service rate must exceed \$35.42 after all other forms of support are considered. There are 270,634 local service access lines in Wyoming subject to the Wyoming Universal Service Fund (note that local service access lines used in the administration of the WUSF are fewer than the total access lines reported in A.4 above because the WUSF supports essential services as defined in W.S. § 37-15-103(a)(iv) whereas total access lines may include competitive or non-essential services). A total of 43,027 access lines or 15.9 percent of the access lines in Wyoming had a local service rate greater than 130 percent of the statewide average rate. After taking into consideration support from the federal Universal Service Fund, 27,843 local service access lines were eligible under Wyoming law and PSC rules to receive support from the Wyoming Universal Service Fund.

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

During FY03, the PSC facility engineers accomplished 147.1 person-days of field inspections of natural gas distribution systems, intrastate pipelines and other natural gas utility facilities. This was 102 percent of the established target of 144.3 person-days of field inspection of natural gas facilities. As a result of these inspections, the PSC issued 19 citations for natural gas safety code violations.

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

During FY03, the PSC facility engineers accomplished 75.6 person-days of field inspections of electric distribution systems, electric transmission lines, substation facilities and other electric utility facilities. This was 121 percent of the established target of 62.6 person-days of field inspection of electric utility facilities. As a result of these inspections, the PSC issued 230 citations for electrical safety code violations.

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

In FY03, the PSC received and processed a total of 1,629 utility complaints. Seven customer complaints were formally docketed and two went to hearing before the Commission. Of the complaints received by the PSC, 238 concerned service issues; 519 involved billing and payment matters; 171 related to rates and tariffs; 129 pertained to slamming, cramming and held orders; 109 involved disconnection of service; 13 were related to construction problems; 23 concerned deposits; 1 involved safety violations; and 426 fell into "other" categories. There were 94 requests for information that were not adversarial in nature. On average, the Consumer Complaint Section handled 407 telephone calls from utility customers each month.

The type of utility complaint received and processed by the PSC under customer complaint output measure one is as follows:

Customer Responsibility	333	22 %
Utility Error	779	47%
Informational	470	29%
Unresolved Complaints	<u>47</u>	<u>2%</u>
Total	1,629	100%

Customer complaint output measure two relates to the efficiency and productivity of the PSC in responding to consumer complaints. In FY03, the Consumer Complaint Section closed 1,363 complaints or 84 percent within 30 days of receipt. The number of complaints closed within 60 days of receipt was 1,491 or 92 percent and the number of complaints closed within 90 days was 1,582 or 97 percent.

Strategic Plan changes

The PSC may make minor revisions and refinements to its Strategic Plan in FY04 to more accurately measure the accomplishments of the Office of Consumer Advocate if the outcome measures in this Plan for the OCA indicate a need for revision.

Public Service Commission organization chart

