

Wyoming

Water and wastewater utilities in Wyoming fall under several rate setting regulatory systems.

Commission-Regulated Utilities

The **Wyoming Public Service Commission (WPSC)** currently regulates the rates and services of private water companies. The WPSC does not regulate wastewater utilities, municipal-owned utilities,³⁹² or water and wastewater districts.³⁹³

With respect to commission-regulated utilities, **Wyo. Stat. Ann. § 37-3-101** requires WPSC to establish rates that are “just and reasonable.” **Wyo. Stat. Ann. § 37-2-121** further maintains that rates cannot be “inadequate or unremunerative,³⁹⁴ or . . . unjustly discriminatory, or unduly preferential.” However, this statute also allows commission-regulated utilities to “apply to the commission for its consent to use innovative, incentive or nontraditional rate making methods” and further states that “the commission may consider and approve proposals which include any rate, service regulation, rate setting concept, economic development rate, [or] service concept . . . which can be shown by substantial evidence to support and be consistent with the public interest.”³⁹⁵ Additionally, **Wyo. Stat. Ann. §37-3-101** prohibits public utilities from charging different rates for the same service except that the commission may determine that rates may vary depending on “the need for universally available and affordable service.”³⁹⁶

Thus, commission-regulated utilities could potentially implement low-income customer assistance programs (CAPs) funded by rate revenues, if such programs are approved by WPSC as meeting “the need for universally available and affordable service.”

392. **Wyo. Stat. Ann. § 37-1-101** defines municipality as any “town, city, county, or other political subdivision of the state.”

393. **Wyo. Stat. Ann. § 37-1-101(a)(vi)(H)**.

394. Unremunerative means bringing little or no profit or income.

395. **Wyo. Stat. Ann. § 37-2-121**.

396. **Great Western Sugar Co. v. Johnson**, 624 P.2d 1184, 1187 (Wyo. 1981)(finding that for commission-regulated utilities, “rates for all classes need not be the same, and mere fact that rates are different does not of itself reflect unfair discrimination or preferential treatment”). However, the rate difference in question was charged to cover additional cost of service attributable to a specific customer class.

Commission-regulated utilities



Noncommission-regulated utilities



State Population (2016):	585,501
Median Annual Household Income (2015):	\$58,840
Poverty Rate (2015):	11.5%
Typical Annual Household Water and Wastewater Expenditures (2016):	\$864
Wyoming has 316 community water systems (CWS), of which 195 are privately owned and 307 serve populations of 10,000 or fewer people.	
Wyoming has 96 publicly owned treatment works facilities (POTWs), of which 83 treat 1 MGD or less.	
64,769 people are served by privately owned CWS; 402,845 are served by government-owned CWS; and 398,244 are served by POTWs.	
Estimated Long-Term Water and Wastewater Infrastructure Needs:	\$0.5 billion

Sources: U.S. Census Bureau, 2016 Population Estimate & 2011–2015 American Community Survey 5-Year Estimates; 2016 EFC Rates Survey; U.S. Environmental Protection Agency, 2016 Safe Drinking Water Information System, 2011 Drinking Water Infrastructure Needs Survey, and 2012 Clean Watersheds Needs Survey. See Appendix C for more details.

Noncommission-Regulated Utilities

Wyoming cities, towns, and counties largely operate under general law, meaning that their powers are limited to those expressly provided by the state legislature. Pursuant to **Wyo. Stat. Ann. § 15-7-401**, cities and towns that operate water or wastewater utilities may establish a board of commissioners, and **Wyo. Stat. Ann. § 15-7-407** and **§ 15-7-508** expressly provide the board with authority to fix rates for water and wastewater services. **Wyo. Stat. Ann. §15-7-509** states that charges by cities and towns for wastewater services “shall be fixed at a rate which equitably distributes cost among users.” However, **Wyo. Stat. Ann. § 15-7-407** states that boards of municipal-owned water and

wastewater utilities are allowed to fix special rates for “the governing body of the city or town for public purposes, or to organized institutions of charity, or to any person who is eligible for assistance under [W.S. 39-11-109\(c\)\(ii\) through \(vii\)](#),” which includes elderly and disabled customers meeting income and asset eligibility requirements, but not all low-income customers.

Thus, municipal-owned utilities have express authority to provide low-income CAPs for elderly and disabled customers who meet asset and income eligibility requirements.³⁹⁷ State statutes do not expressly authorize water and wastewater districts and utilities operated by counties in Wyoming to provide low-income CAPs funded by customer revenues. Because these utilities operate under general law, they may not be able to provide such programs.

397. Currently, the City of Evanston, which operates under general law, offers a bill discount program to any principal resident who is 65 years and older, with no income or asset requirements. (This appears to contradict the asset eligibility requirements put forth in [Wyo. Stat. Ann. § 39-11-109\(c\)\(ii\)–\(vii\)](#)).