



221 MAIN STREET  
P.O. BOX 930  
SUNDANCE, WY 82729-0930  
FAX: (307) 283-3527

200 GARNER LAKE ROAD  
GILLETTE, WY 82718-0937  
FAX: (307) 682-0733

1095 BRUNDAGE LANE  
SHERIDAN, WY 82801-1387  
FAX: (307) 674-9018

1-800-442-3630

---

December 7, 2018

Mr. Chris Petrie  
Chief Counsel  
Wyoming Public Service Commission  
Hansen Building, Suite 300  
2515 Warren Avenue  
Cheyenne, WY 82002

Re: Docket No. 10014-195-CT-18

Dear Mr. Petrie:

Please find enclosed one original and four (4) copies of Powder River Energy Corporation's Application and Supporting Documentations requesting to revise its Rules and Regulations. Also enclosed is a check in the amount of \$5.00 for the filing fee.

Powder River Energy Corporation respectfully requests approval of this Application from the Commission.

Sincerely,

A handwritten signature in blue ink that reads "Michael E. Easley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael E. Easley  
CEO

Enclosures

**BEFORE THE WYOMING PUBLIC SERVICE COMMISSION**

IN THE MATTER OF THE APPLICATION OF	)	
POWDER RIVER ENERGY CORPORATION	)	DOCKET No. 10014-195-CT-18
SUNDANCE, WYOMING, TO REVISE	)	
ITS RULES AND REGULATIONS	)	

APPLICATION

Powder River Energy Corporation, “the Applicant” named herein and sometimes herein called “the Cooperative”, hereby respectfully requests an order from the Wyoming Public Service Commission, sometimes herein called “the Commission“, approving the proposed Rules and Regulations incorporated herein as Wyoming PSC Tariff No. 9, Section I, Original Sheet 1R, and Section III Original Sheets 9R, 11R-12R, and 15R.

In support of its application, the Applicant sets forth the following:

1. The Applicant is a non-profit Cooperative electric utility organized and existing under, and by virtue of, the laws of the State of Wyoming. The Cooperative, pursuant to the laws of the State of Wyoming, is qualified to do business as a corporation within the State of Wyoming.
  
2. The Applicant has existing Rules and Regulations in effect and on file with the Commission. The proposed changes to the Applicant’s Rules and Regulations, specifically, to Section I – General Statement on Modification of Rules and Regulations of Service, and Section III - Discontinuation of Service and Member Requests for Tests of Meter Accuracy, is provided herein in both legislative and proposed formats. A detailed catalog of proposed changes, and explanation for each change, is included herein as Exhibit 1 - Catalog of Changes to Rules and Regulations.

3. The Applicant is proposing these changes in order to: 1) bring its Rules and Regulations in Sections I and III into alignment with the Commission's proposed Rule changes approved on November 20, 2018, in Docket No. 90000-137-XO-18, Record No. 15078; and, 2) better manage financial risks during the winter months.
4. The Applicant has posted on its website, [www.precorp.coop](http://www.precorp.coop), these proposed changes to its Rules and Regulations within this Application in a form that highlights each change. In addition, the Applicant will notify its members by referring them to its website by notice in the Cooperative's February 2019, member newsletter.
5. Communications in regard to this Application are to be addressed to Mr. Michael E. Easley, Chief Executive Officer for the Applicant, Post Office Box 930, Sundance, Wyoming 82729 and Mr. Mark L. Hughes, Attorney for the Applicant, Post Office Box 456, Sundance, Wyoming 82729.
6. The Applicant respectfully requests approval of the proposed changes in this Application as early as practical after the Commission's approved changes to Rules in Chapters 1 and 3 become effective, pursuant to the attached revised version of the Tariffs and exhibit.

Dated at Sundance, Wyoming, the 7<sup>th</sup> day of December, 2018.

POWDER RIVER ENERGY CORPORATION



Michael E. Easley  
Chief Executive Officer

**Exhibit 1 - Catalog of Changes to Rules and Regulations**

<b>Tariff Sheet #</b>	<b>Proposed change</b>	<b>Reason for change</b>
1R	Add under "Modification of Rules and Regulations of Service" Commission's language regarding the time a utility has to file a conforming tariff from the effective date of a change to the Commission Rules and Regulations.	Adding Commission language to the Corporation's Rules and Regulations completing the Corporation's information on origin of Rule and Regulation changes and timing.
9R	Under "Discontinuation of Service to Members" (d) and (e) inserted the word "identify" in front "verification" to read "member identify verification,"	Align the Corporation's language with that of the Commission's Rules and Regulations.
11R	Under "Discontinuation of Service to Members" (x) added after "health" the language "and the member is:"	Administrative to make the section read correctly.
11R	Under "Discontinuation of Service to Members" (x) added a new (a) that reads "A residential member;"	To align with the amended wording and intent of the Commission's Rules and Regulations.
11R	Under "Discontinuation of Service to Members" (x) added a new (b) that reads "A non-residential member providing service essential for the protection of public health, safety or welfare;"	To align with the amended wording and intent of the Commission's Rules and Regulations.
11R	Under "Discontinuation of Service to Members" re-lettered original (a) and (b) to (c) and (d), respectfully.	To accommodate the addition of language in (a) and (b) to the amended Commission Rules and Regulations.
11R	Under "Discontinuation of Service to Members" (x) old (a) new (c) deleted the language "If the member is" and capitalized the word "Unable"	Administrative to make the section read correctly.
12R	Under "Meter Reading and Billing" changed language in paragraphs 3 and 4 from "Delinquent After" to "Due Date"	To align with the language used on the Corporation's revised billing statement to be implemented in January, 2019.

Tariff Sheet #	Proposed change	Reason for change
15R	Under "Member Requests for Tests of Meter Accuracy", (a)(i) and (a)(ii) removed the language "so the member or the member's representative may be present."	To remove the presumption as to why notification was made and to align with the amended language in the Commission's Rules and Regulations.

**General Statement**

**Section I**

RULES AND REGULATIONS OF SERVICE  
Section I  
GENERAL STATEMENT

PURPOSE OF RULES AND REGULATIONS OF SERVICE

These rules and regulations of service shall govern the supplying and taking of electric service consistent with sound business practices and a high regard for safety for the public, current and prospective members, and the Corporation.

APPLICATION OF RULES AND REGULATIONS OF SERVICE

These rules and regulations of service, and any modifications thereof, and additions thereto lawfully made, are applicable to all current and prospective members receiving electric service from the Corporation and to all standard service agreements and contracts now existing or which may be entered into by the Corporation and to all rate schedules which from time to time may be lawfully established.

The Corporation may refuse or discontinue service to any prospective member or member for noncompliance with these rules and regulations of service where they specifically so provide.

INTERPRETATION OF RULES AND REGULATIONS OF SERVICE

Whenever the Corporation and a member or prospective member are unable to agree as to the interpretation or application of any of the Corporation's rules and regulations of service, the matter may be referred to the Commission upon application by either party.

MODIFICATION OF RULES AND REGULATIONS OF SERVICE

The Corporation shall have the right to amend these Rules and Regulations of Service or to make additional rules and regulations of service, as it may deem necessary from time to time, subject to approval by the Commission.

If a change to the Commission's Rules and Regulations renders the Corporation's tariff non-conforming, the Corporation shall file a conforming tariff within 90 days of the effective date of the change to the Commission Rules and Regulations unless otherwise ordered by the Commission.

NO PREJUDICE OF RIGHTS

The failure of the Corporation to enforce any of the terms of these rules and regulations shall not be deemed as a waiver of the right to do so.

Issued by  
Michael E. Easley, Chief Executive Officer

Issued: ~~November 14, 2017~~ December 7, 2018

Effective: \_\_\_\_\_ July 27,

Dkt. No. 10014-~~176-CT-16~~ 195-CT-18

**General Information**

**Section III**

DISCONTINUATION OF SERVICE TO MEMBERS

- (a.) Unless otherwise ordered by the Commission, the Corporation shall not terminate service to any member for violating the Corporation's rules and regulations or for nonpayment of bills for service until the Corporation has given at least seven (7) calendar days' notice to residential members or three (3) calendar days to commercial or industrial members.
- (b.) Notice shall be effective when a copy is provided to the member in person, by telephone after member verification, or received by U.S. Mail at the member's last known mailing address. Additional notice may be provided electronically. The notice shall contain:
- i. The name of the person whose account is delinquent and the service address to be discontinued;
  - ii. The rule or regulation that was violated or the amount of the delinquent bill;
  - iii. The effective date of the notice and the date on or after which service is to be discontinued;
  - iv. The Corporation's specific address and telephone number for information regarding how to avoid service discontinuation;
  - v. The names of agencies or organizations that have notified the Corporation that they render assistance to eligible persons who are unable to pay their utility bills; and
  - vi. A statement advising the member how to contact the Commission if discontinuation is disputed.
- (c.) For residential members, the notice shall inform the member that, if prior to the initial date for the discontinuation, the member provides the Corporation with written verification from a health care provider responsible for the care of a member or his/her co-habitants stating that their health or safety would be seriously endangered if service were discontinued, the Corporation shall extend the date for discontinuation set forth in the notice by fifteen (15) days (twenty-two (22) days total) to allow for bill payment.
- (d.) The Corporation shall attempt to make actual contact with the member either in person or by telephone, after member identity verification, before discontinuing service during the cold weather period of November 1 through April 30.
- (e.) The Corporation shall also provide notice of discontinuation or account delinquency to a third party if a member or person acting for the member, has requested ~~that~~ the Corporation do so after member identityfeation verification. The Corporation shall establish reasonable procedures to advise members, particularly any incapacitated member, that the right to request third party notification does not create third-party liability for payment.

---

Issued by  
Michael E. Easley, Chief Executive Officer

Issued: ~~November 14, 2017~~ December 7, 2018

Effective: \_\_\_\_\_ July 27, 2017

Dkt. No. 10014-~~176~~195-CT-~~16~~18

**General Information**

**Section III**

DISCONTINUATION OF SERVICE TO MEMBERS (cont'd)

- (i) If the temperature is forecasted by the National Weather Service or other reputable source to be below 32° F in the impending 48 hours, or if conditions are otherwise especially dangerous to health and the member is; ~~and~~
- a. A residential member;
  - b. A non-residential member providing service essential for the protection of public health, safety or welfare;
  - ~~a.c. If the member is u~~Unable to pay for service in accordance with the Corporation's billing requirements and is actively seeking government assistance or has exhausted such assistance; or
  - ~~b.d.~~ Able to pay for service in installments only.
- (a.) The Corporation shall assist elderly and handicapped persons who are unable to pay their Corporation bills with determining available government assistance.
- (b.) The Corporation may discontinue service to a member without advance notice for reasons of safety, health, cooperation with civil authorities, fraudulent use, tampering with or destroying Corporation service facilities or member's failure to comply with Corporation curtailment procedures during supply shortage.
- (c.) Upon a member's or legally authorized person's request, the Corporation shall make reasonable efforts to terminate the member's service as requested. Before terminating service, the Corporation shall inform the member of any additional charges for after-hours service discontinuation. The business hours and after-hours disconnection charge amount are shown in Section VII – Rate Schedule.

---

Issued by  
Michael E. Easley, Chief Executive Officer

Issued: ~~November 14, 2017~~ December 7, 2018

Effective: \_\_\_\_\_ July 27, 2017

Dkt. No. 10014-~~176195~~-CT-~~1618~~



**General Information**

**Section III**

METER READING AND BILLING

When a new electric service is constructed, the first billing period will commence on the initial date the construction is completed. For an existing electric service, the first billing period will commence on the initial date the electrical meter is installed or the existing meter is read transferring service to a new member. Each account will be assessed a Credit Check/Transfer charge per Section VII – Rate Schedule.

Each meter will be read by the Corporation or Corporation authorized personnel at a minimum of monthly intervals, as nearly as possible on the corresponding day of each month. Bills shall show the meter readings at the beginning and end of the billing period, the date of the meter readings, the units consumed, the class of service and other information necessary to enable the member to readily re-compute the amount of the bill. Each bill shall bear upon its face the date of the bill and the late date it may be paid without penalty.

All bills will be considered due and payable upon receipt. All bills must be paid in full by or before the “~~Due Date~~~~delinquent After~~” date shown on the bill.

If the payment for electric service is not received in the Corporation's offices, postmarked as mailed by the U.S. Postal Service, electronically, or at a banking institution that accepts bill payments on behalf of the Corporation by the “~~Due Date~~~~delinquent After~~” date shown on the billing statement, the bill shall be deemed past due and a late payment charge as stated in Section VII - Rate Schedule, will be added to the monthly billed amount.

An estimated reading may be utilized if a reading cannot be obtained or if it is not feasible to read the meter. Estimated meter readings or budget billing shall be clearly identified on the bill. When the next actual meter reading is obtained, the bill will reflect the true-up of the over- or under-estimated consumption from the previously estimated bill(s).

Each service meter shall clearly indicate the units of measurement. If the Corporation invoices members in a different unit of measurement than the service meter indicates, the conversion factor shall be stated on the member bill. In cases where special types of meters are used or where the readings of a meter must be multiplied by a constant to obtain the units consumed, that information shall be placed on the member bill.

When service is discontinued, a bill for final usage will be processed within thirty (30) days following discontinuation.

Failure to receive a bill or delinquent notification in no way exempts the member from payment for electric service.

---

Issued by  
Michael E. Easley, Chief Executive Officer

Issued: ~~November 14, 2017~~December 7, 2018

Effective: July 27, 2017

Dkt. No. 10014-~~176195~~-CT-~~1618~~

**General Information**

**Section III**

BUDGET BILLING PLAN (cont'd)

The member may elect to terminate the Budget Billing Plan at any time by notifying the Corporation and by paying in full the entire outstanding amount of the account.

If the member is removed from the Budget Billing Plan for any reason, the member shall not be eligible to participate in the Plan again for one (1) year.

MEMBER REQUESTS FOR TESTS OF METER ACCURACY

- (a) If a member requests a test of the accuracy of the Corporation's meter used on the member's premises, the following provisions shall apply:
- (i) If the meter has not requested tested in the last twelve (12) month period, the Corporation shall perform the test within a reasonable time without charge to the member. The Corporation shall notify the member of the time when the Corporation will conduct the test ~~so the member or the member's representative may be present.~~
  - (ii) If the meter has been tested within twelve (12) months, the Corporation shall notify the member of the cost to perform the test. Costs to test meters is shown in Section VII – Rate Schedule. Upon receipt of payment, the Corporation shall notify the member of the time when the Corporation will conduct the test ~~so the member or the member's representative may be present.~~
  - (iii) The Corporation shall promptly advise the member of the test results.
- (b) If a meter is found to be in non-compliance with the Corporation's approved meter testing program, the Corporation shall refund the payment the member advanced for the meter test and shall repair or replace the meter. The Corporation shall also adjust and refund to the member the overpayment of preceding bills, pursuant to W.S. § 37-2-218. No refund is required from the Corporation except to the member last served by the meter prior to testing. If the Corporation has under collected, the member shall pay the costs back to when the error transpired but not greater than 183 days prior to the meter being shown in error, pursuant to W§ 37-2-222.

THEFT OF ELECTRICITY

In the event of tampering and damage to the Corporation's facilities connected with the theft of electricity, the Corporation shall have the right to discontinue service, without prior notice.

Reconnection of service may be subject to payment of costs associated with the damage to the

---

Issued by  
Michael E. Easley, Chief Executive Officer

Issued: ~~November 14, 2017~~ December 7, 2018  
2017

Effective: \_\_\_\_\_ July 27,

Dkt. No. 10014-~~176~~195-CT-~~16~~18

Powder River Energy Corporation  
P.O. Box 930  
Sundance, WY 82729

Wyoming PSC No. 9

1<sup>st</sup> Revised ~~Original~~ Sheet No. 15R  
~~Cancels Original Sheet No. 15R~~

---

**General Information**

**Section III**

Corporation's facilities, a service call fee, payment of electricity consumed, any outstanding account balance, a connect fee, security deposit (if applicable), and other related collection and legal costs.

---

Issued by  
Michael E. Easley, Chief Executive Officer

Issued: ~~November 14, 2017~~ December 7, 2018  
2017

Effective: \_\_\_\_\_ July 27,

Dkt. No. 10014-~~176~~195-CT-~~16~~18