

April 27, 2009

Wyoming Public Service Commission
2515 Warren Avenue, Suite 300
Cheyenne, WY 82002

Attn: Chris Petrie, Chief Counsel
Blair Bales, Assistant Secretary

RE: Comments on Notice of Intent to Adopt Rules and Regulations Docket No.
90000-107-XO-09 Integrated Resource Planning.

The Wyoming Rural Electric Association (WREA) represents eleven distribution cooperatives across the state of Wyoming and three Generation and Transmission cooperatives based in North Dakota, Colorado and Utah. We appreciate the opportunity to comment on the proposed rule.

Proposed Rule 253 – Integrated Resource Plan

The Rule being considered would require any utility serving in Wyoming required to file an Integrated Resource Plan (“IRP”) in any jurisdiction to file that IRP in Wyoming. The rule would further subject the IRP to some type of review process by the Commission staff and the Commission itself.

This Commission has jurisdiction over certain public utilities in the State of Wyoming as defined by Title 37 of the Wyoming statutes. As the Commission is aware, all but one retail serving cooperative in Wyoming have opted out of regulation of the Commission pursuant to W.S. 37-17-101 through 105. Accordingly, those retail serving cooperatives are not subject to the jurisdiction of the Commission. The one remaining cooperative is not required to submit an IRP to any other jurisdiction and therefore should not fall under this proposed rule.

Basin Electric Power Cooperative, Deseret Power and Tri-State Generation and Transmission Association Inc., (G&T’s) are the wholesale electric providers for many of the Wyoming retail serving cooperatives. These G&T’s may be required to file IRPs with various state and federal agencies and would certainly be willing to file those IRPs with the Commission for informational purposes.

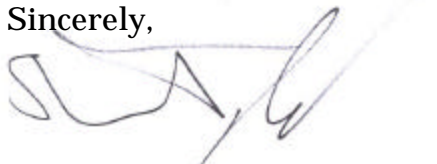
However, in order to be a public utility in Wyoming and therefore subject to the jurisdiction of this Commission, a utility is required to provide electric service “to or for” the public. Our G&T’s do not provide service to “the public” as that term is defined by the statute. Rather, they provide wholesale service to retail cooperatives in a number of states pursuant to wholesale power contracts, which again are not subject to Commission jurisdiction.

The Wyoming Supreme Court has held that Basin Electric does not provide electric power “to and for” the public and therefore is not a public utility under the Wyoming Statute. See *Bridle Bit Ranch, et.al; v. Basin Electric Power Cooperative*, 2005 WY 108, 118 P3d 996 (2005). It is our contention that all G&T’s have the same legal status in Wyoming as Basin does with regards to this ruling.

Accordingly, we feel that the Commission has no jurisdiction over the G&T’s and may not require them to file an IRP or to review and/or approve an IRP. However, as previously noted, the G&T’s are willing to voluntarily file an IRP with the Commission for informational purposes.

Thank you again for allowing us to comment on this proposed rule. If you need to contact me I can be reached at the WREA office in Cheyenne at (307) 634-0727 or via email at staylor@wyomingrea.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Taylor', is written over a faint, light blue circular stamp or watermark.

Shawn Taylor
Executive Director