

Wyoming Transmission Siting Information

General Information:

Wyoming does not have a centralized source for transmission siting. Projects must first receive permits from counties and local governments. From there, the siting process authority is dependent upon whether the line sponsor is a utility. If the project sponsor is a utility, then the transmission siting process is run by the Public Service Commission (PSC). The PSC has jurisdiction over lines greater than or equal to 69kV and longer than 3 miles. Lines greater than 230 kV require public notice and hearing. The PSC also hears appeals from local authority siting decisions.

If the sponsor is an entity other than a utility, the sponsor must seek applicable permit(s) from the state Department of Environmental Quality. The Industrial Siting Council, a body within the DEQ, must issue permits for all transmission lines that cost over \$96,900,000. [W.S. §35-12-106](#) and [W.S. §35-12-102](#).

Siting Entities:

- Wyoming Public Service Commission
- Department of Environmental Quality
 - Industrial Siting Division (ISD)
 - Industrial Siting Council (ISC)

Authorizations Needed:

Utilities are required to obtain a Certificate of Public Convenience and Necessity. All others must obtain a permit from the ISC. In addition, there may be additional permits, for ground water use for example, that must be obtained from individual departments within DEQ.

Preemption of local siting authority:

PSC authority does not precede local authority, however, if a local authority rejects a line or adds conditions to their approval, the utility may seek a hearing at the PSC.

General Siting Process:

Utilities:

If a utility wishes to construct a transmission line it must submit an application for a Certificate of Public Convenience and Necessity. There are no specific time limits set out in the statute for how long the PSC has to make a decision once the application is submitted. The applicant must demonstrate financial ability and necessity of additional service to the community. Once a final decision is made, the PSC will issue or deny the certificate. Unless otherwise prescribed, any order the PSC makes is effective 30 days after its issuance. [W.S. §75-2-213](#).

If the proposed line will require the condemnation of land, the Certificate must be obtained prior to any condemnation hearings. [W.S. §75-2-205\(f\)](#).

PSC decisions may be reheard at the request of any interested person at any time after the issuance of the order. The request for a rehearing stays the portions of the order to be reheard. [W.S. §75-2-214](#). A decision of the PSC may also be appealed under the process set forth in the Wyoming Admin. Procedure Act.

Non-Utilities:

Entities must submit an application to the ISC. The application must include a statement of why location was selected, environmental impact studies, preliminary evaluations and plans or proposals for alleviating social, economic, environmental impacts. [W.S. §35-12-109](#). In addition, the application must address the following issues: scenic, recreational, archaeological and historical resources; land use patterns; economic base; housing; transportation; sewer and water, solid waste, police and fire, educational, and health and hospital facilities; water supply; and other relevant areas.

Once the application is submitted and a hearing has been held, the Council has 45 days to conduct its analysis and render its final decision. [W.S. §35-12-113](#).

“Any party ... aggrieved by the final decision of the council on an application for a permit may obtain judicial review by the filing of a petition in any state district court in which the major portion of the proposed facility is to be located within thirty (30) days after the issuance of a final decision.” [W.S. §35-12-114](#).

Interstate Cooperation:

The PSC is authorized to confer with other state and federal commissions and agencies. [W.S. §37-2-114](#).