

Authority of State Commissions to Regulate Rates of Public Power Utilities

Full Rate Regulation

<u>State</u>	<u>References and Exceptions</u>
Indiana	Code: Title 8, Article 1, Chapter 2, § 8-1-2-1 and § 8-1-2-42.5; Article 1.5, Chapter 3, § 8-1.5-3-8, § 8-1.5-3-9 and § 8-1.5-3-9.1 Municipal utilities can remove themselves from Utility Regulatory Commission jurisdiction by ordinance or majority vote of citizens.
Maine	Statutes: Title 35-A, Chapter 1, §102 and Chapter 3, §301; Title 32, Chapter 32, §3201 and §3207
Maryland	Statutes: Public Utility Companies Article, § 1-101 and § 2-113
Rhode Island	Statutes: Chapter 39, § 39-1-2; Chapter 45, § 45-58-2
Vermont	Statutes: Title 30, Chapter 5, § 201, § 203, and § 218; Chapter 79, § 2901 and § 2923
Wisconsin	Statutes: Chapter 196, § 196.01 and § 196.02

Rate Regulation is Only Over Services Offered Outside of Municipal Limits

<u>State</u>	<u>References and Exceptions</u>
Colorado	Statutes: Title 40, § 40-1-103, § 40-3-102 and § 40-3.5-102; Colorado Constitution, Article XXV Public Utilities Commission approval of rates charged to customers outside of municipal limits is required if the rates differ from those charged to customers inside the municipal limits.
Kansas	Statutes: Chapter 66, § 66-101a, § 66-101b, and § 66-104 Kansas Corporation Commission has jurisdiction over municipal utility service to customers located more than three miles outside of municipal limits.
Mississippi	Statutes: Title 77, Chapter 3, § 77-3-1 and § 77-3-3 Public Service Commission has jurisdiction over municipal utility service to customers located more than one mile outside of municipal limits.
New Hampshire	Statutes: Title XXXIV, Chapter 362, § 362:2 and § 362:4-a Public Utilities Commission has no jurisdiction over municipal utility rates to customers outside municipal limits if rates are no higher than those charged to customers inside the city limits.
New Jersey	Statutes: Title 40, § 40:62-12, § 40:62-13 and § 40:62-24; Title 48, § 48:2-13
Pennsylvania	Statutes: Title 66, Chapter 1, §102 and Chapter 13, §1301
South Carolina	Statutes: Title 58, Chapter 27, § 58-27-10, § 58-27-140, § 58-24-840
Wyoming	Statutes: Title 37, Chapter 1, §37-1-101

Rate Regulation Only Under Specific Conditions

<u>State</u>	<u>References and Exceptions</u>
Alaska	Statutes: Title 42, § 42.05-141 and § 42.05.711 A public power utility is subject to regulation by the Regulatory Commission of Alaska (1) if the utility directly competes with another utility or (2) if the governing body of the political subdivision elects to be subject to commission regulation.
Florida	Statutes: Title XXVII, Chapter 366, § 366.02 and § 366.04 The Public Service Commission has jurisdiction over public power utilities' rate structure.
Louisiana	Constitution: Article IV, § 21 The commission shall have no power to regulate any utility owned, operated, or regulated by the governing authority of one or more political subdivisions, except if approved by a majority of voters.
Massachusetts	Statutes: Title XXII, Chapter 164, § 34, § 58, and § 69. Municipal utilities must get permission from the Department of Public Utilities to charge rates less than the production cost of the power. Rates shall be set so that earnings do not exceed 8% of the cost of the plant, as determined by the DPU. The local county's Supreme Judicial Court will hear any cases concerning compliance with these rate requirements upon a filing by the DPU or a petition of citizens.
New Mexico	Statutes: Chapter 62, § 62-6-4 and § 62-6-5 A municipality can elect to have utilities that it owns and operates come under the jurisdiction of the Public Regulation Commission.
New York	Statutes: Public Service Law, Article 1, § 2 and § 5; Article 4, § 65, § 66, and § 72; and Public Authorities Law, Article 5, Title 1, § 1005 and Title 1-A, §1020-F The Public Service Commission has jurisdiction over municipal utilities' rates. However, rates of entities purchasing power from the New York Power Authority are governed by the NYPA contract and not by the PSC. The Long Island Power Authority is not subject to rate regulation by the PSC, but a 2012 law requires the PSC to conduct periodic audits of LIPA.
Texas	Statutes: Utilities Code, Chapter 31, § 31.002; Chapter 32, § 32.001 and § 32.002; and Chapter 33, §33.001 and § 33.002 The Public Utility Commission has exclusive "original jurisdiction" over river authorities that furnish electricity but not over municipally owned electric utilities. (All municipalities have original jurisdiction over utility services in their municipal limits, but can surrender jurisdiction to the commission.)
West Virginia	Statutes: Chapter 24, § 24-2-1 and § 24-2-4b The Public Service Commission can review, approve or modify the rates of a municipal utility upon petition from (1) 25 percent of customers; (2) a customer outside the municipal boundaries alleging discrimination between customers inside and outside the boundaries; or (3) a customer alleging discrimination between customers or customer classes.