

Stricken language would be deleted from and underlined language would be added to present law.
Act 842 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/9/15 H3/12/15
A Bill

HOUSE BILL 1592

By: Representatives Beck, C. Douglas, Ballinger, Bentley, Copeland, Davis, Drown, Henderson, M. Gray, Rushing, B. Smith, Sorvillo, Tosh, *Gossage*

For An Act To Be Entitled

AN ACT TO CLARIFY REQUIREMENTS FOR OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
THE ARKANSAS PUBLIC SERVICE COMMISSION; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY REQUIREMENTS FOR OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FROM THE ARKANSAS PUBLIC
SERVICE COMMISSION; AND TO DECLARE AN
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-3-205 is amended to read as follows:

23-3-205. Issuance of certificate of public convenience and necessity
– Terms and conditions.

~~(a)(1) The commission shall have the power, after hearing, unless waived by the parties, to issue the certificate as prayed for, to refuse to issue the certificate, or to issue it for the construction or operation of a portion only of the contemplated facility or extension thereof, or for the partial exercise only of the right or privilege and may attach to the exercise of the rights granted by the certificate such terms and conditions in harmony with this act as in its judgment the public convenience and necessity may require. After conducting a hearing to assess the merits of an application for a certificate of public convenience and necessity under this~~



subchapter, the Arkansas Public Service Commission may grant or deny all or part of the application upon any terms or conditions the commission finds appropriate to serve the purposes of this subtitle.

(2) The right to a hearing under this section may be waived by the applicant.

(b) The commission shall not issue a certificate of public convenience and necessity to any person or corporation that:

(1) Is not a public utility;

(2) Primarily transmits electricity; and

(3) Has not been directed or designated to construct an electric transmission facility from a regional transmission organization.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the grant or denial of permission to operate as a public utility confers significant authority upon a public utility and is therefore an extremely important decision; that additional guidance should be provided to make this important determination and to protect citizens from potential abuses of the powers given to public utilities; and that this act is immediately necessary because a delay in implementing the standards required by this act will cause undue and long-lasting hardship to citizens affected by public utilities that were not required to meet the standards implemented by this act. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Beck

APPROVED: 03/31/2015