

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/16/15
A Bill

SENATE BILL 935

By: Senator Rice

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED PRIOR TO UNDERTAKING NEW CONSTRUCTION OR OPERATION OF EQUIPMENT FOR SUPPLYING A PUBLIC SERVICE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED PRIOR TO UNDERTAKING NEW CONSTRUCTION OR OPERATION OF EQUIPMENT FOR SUPPLYING A PUBLIC SERVICE.

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

SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:

23-3-201. Requirement for new construction or extension.

(a) New construction or operation of equipment or facilities for supplying a public service or the extension of a public service shall not be undertaken without first obtaining from the Arkansas Public Service Commission a certificate that public convenience and necessity require or will require the construction or operation.

(b) This section does not require a certificate of public convenience and necessity for:

(1) The replacement or expansion of existing equipment or facilities with similar equipment or facilities in substantially the same location or the rebuilding, upgrading, modernizing, or reconstructing of



equipment or facilities that increase capacity if no increase in the width of an existing right-of-way is required;

(2) The construction or operation of equipment or facilities for supplying a public service that has begun under a limited or conditional certificate or authority as provided in §§ 23-3-203 – 23-3-205;

(3) The extension of a public service:

(A) Within a municipality or district where a public service has been lawfully supplied;

(B) Within or to territory then being served; or

(C) That is necessary in the ordinary course; ~~or~~

~~(D) By a generation and transmission cooperative, as defined in § 23-4-1101(2), where this subdivision (b)(3) would not have required a certificate of public convenience and necessity for such construction or operation of facilities by a member cooperative, as defined in § 23-4-1101(3), of such generation and transmission cooperative; or~~

(4) Except as provided in § 23-18-504(c), the construction or operation of a major utility facility as defined in the Utility Facility Environmental and Economic Protection Act, § 23-18-501 et seq., or any exemption under the Utility Facility Environmental and Economic Protection Act, § 23-18-501 et seq.

(c) To the extent a member cooperative of a generation and transmission cooperative, as defined under § 23-4-1101, is exempt from the requirement to obtain a certificate of public convenience and necessity under subsection (b) of this section, the exemption shall extend to the generation and transmission cooperative.

/s/Rice

APPROVED: 04/01/2015