

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1102 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/14/17  
**A Bill**

HOUSE BILL 1984

By: Representative Beck

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CERTAIN POWERS OF THE ARKANSAS PUBLIC SERVICE COMMISSION; TO AMEND THE LAW CONCERNING THE ARKANSAS PUBLIC SERVICE COMMISSION'S AUTHORITY OVER ENERGY CONSERVATION PROGRAMS AND MEASURES; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING CERTAIN POWERS OF THE ARKANSAS PUBLIC SERVICE COMMISSION; AND TO AMEND THE LAW CONCERNING THE ARKANSAS PUBLIC SERVICE COMMISSION'S AUTHORITY OVER ENERGY CONSERVATION PROGRAMS AND MEASURES.

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

*SECTION 1. Arkansas Code § 23-2-304(a), concerning the powers of the Arkansas Public Service Commission, is amended to add an additional subdivision to read as follows:*

*(11)(A)(i) Propose, develop, solicit, approve, require, implement, and monitor financial assistance programs for utility customers who are sixty-five (65) years of age or older or who meet the income eligibility qualifications of the Low Income Home Energy Assistance Program administered by the Department of Human Services.*

*(ii) After notice and a hearing, the commission may approve and order a financial assistance program for utility customers if the commission determines that the financial assistance program is beneficial to*



the ratepayers of a public utility and the public utility.

(B) The commission shall not fix rates, charges, or surcharges that recover directly or indirectly any portion of the cost of programs authorized under subdivision (a)(1)(A) of this section from a ratepayer that is not in the customer class of ratepayers eligible to participate in the programs.

SECTION 2. Arkansas Code § 23-3-405(a), concerning the authority of the Arkansas Public Service Commission over energy conservation programs and measures, is amended to read as follows:

(a)(1)(A) Except as otherwise stated in this section, the Arkansas Public Service Commission is authorized to propose, develop, solicit, approve, require, implement, and monitor measures by utility companies which cause the companies to incur costs of service and investments which conserve, as well as distribute, electrical energy and existing supplies of natural gas, oil, and other fuels.

(B) The commission is authorized to order, require, promote, or engage in energy conservation programs and measures for the benefit of utility customers who are sixty-five (65) years of age or older or who meet the income eligibility qualifications for the Low Income Home Energy Assistance Program administered by the Department of Human Services.

(2) After proper notice and hearings, the energy conservation programs and measures may be approved and ordered into effect by the commission if ~~it~~ the commission determines ~~they~~ that the energy conservation programs and measures will be beneficial to the ratepayers of ~~such~~ the public utilities and to the public utilities themselves.

(3)(A) In such instances, the commission shall declare that the cost of ~~such conservation~~ the energy conservation programs and measures is a proper cost of providing utility service.

(B) At the time ~~any such programs or~~ the energy conservation programs and measures are approved and ordered into effect, the commission shall also order that the affected public utility company be allowed to increase its rates or charges as necessary to recover from consumers who have not opted out of utility-sponsored energy conservation programs and measures under subdivision (c)(1) of this section any costs incurred by the public utility company as a result of its engaging in ~~any~~

~~such program or measure~~ the energy conservation programs and measures.

SECTION 3. Arkansas Code § 23-3-405(c)(1)(A)(ii)(b), concerning the exemption criteria for a nonresidential business consumer, is amended to read as follows:

(b) Has accepted but returned to an applicable public utility through a separate payment to the public utility or through payment of rates approved under subdivision (a)(3) of this section any amount received from an applicable public utility calculated from the date of the installation of the last energy conservation program or measure, including any interest and directly attributable rate effects, ~~from an applicable public utility,~~ for:

(1) The installation of any energy conservation programs and measures by the applicable public utility; or

(2) Financing or direct monetary compensation in the form of a rebate or incentive to enable the installation of any energy conservation programs and measures by the applicable public utility.

/s/Beck

**APPROVED: 04/07/2017**