

State of Arkansas
92nd General Assembly
Regular Session

A Bill

HOUSE BILL 1738

By: Representative Beck

For An Act To Be Entitled

AN ACT TO AMEND THE STATUTES CONCERNING OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
THE ARKANSAS PUBLIC SERVICE COMMISSION IN CERTAIN
CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE STATUTES CONCERNING
OBTAINING A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FROM THE
ARKANSAS PUBLIC SERVICE COMMISSION IN
CERTAIN CIRCUMSTANCES.

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) As used in this section:

(1) "Consolidated utility district" means a consolidated utility
district as defined in § 14-217-103 that owns or operates an electric system
as defined in § 14-217-103; and

(2) "Municipality" means a municipality as defined in § 14-202-
102 that:

(A) Owns or operates a municipal electric utility as
defined in § 25-20-402; or

(B) Is an owner of an electric project as defined in § 25-
20-402.



~~(a)(1)~~(b)(1) 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 ~~sub~~title ~~subchapter~~.

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

~~(b)(c)(1)~~ The Except as provided under subdivision (c)(2) of this section, the commission shall not issue a certificate of public convenience and necessity to any person or corporation that:

~~(1)~~(A) Is not a public utility;

~~(2)~~(B) Primarily transmits electricity; and

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

(2) After the commission conducts a hearing under subdivision (b)(1) of this section for a person or corporation that primarily transmits electricity and has not been directed to construct an electric transmission facility from a regional transmission organization, the commission may grant or deny all or part of the application upon any terms or conditions the commission finds appropriate for the purposes of this subchapter subject to the following considerations:

(A) The commission shall only authorize the person or corporation to contract with a municipality or a consolidated utility district that is not located within the service territory of another public utility;

(B) The commission shall not authorize the person or corporation to serve any customers outside of the boundaries of a municipality or consolidated utility district;

(C) The commission shall not authorize the person or corporation to serve any customers that are otherwise served by, or located within, the service territory of another public utility; and

(D) The commission shall not grant a certificate of public convenience and necessity under this subchapter to a person or corporation if doing so would result in an unreasonable impact on any other public utility or on the customers of any other electric utility in this state that is inconsistent with the public interest as determined by the commission.

APPROVED: 3/20/19