

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 594

By: Senator M. McKee

By: Representative Milligan

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING EXEMPTIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR NEW CONSTRUCTION TO SUPPLY A PUBLIC SERVICE OR TO EXTEND A PUBLIC SERVICE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING EXEMPTIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR NEW CONSTRUCTION TO SUPPLY A PUBLIC SERVICE OR TO EXTEND A PUBLIC SERVICE.

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

SECTION 1. Arkansas Code § 23-3-201(b)(1), concerning exemptions from the requirement of obtaining a certificate of public convenience and necessity, is amended to read as follows:

(b)~~(1)~~ This section does not:

(1) ~~require~~ Require a certificate of public convenience and necessity for:

(A) 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;

(B) 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;

(C) The extension of a public service:

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

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

(iii) That is necessary in the ordinary course; or

(D) 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.; or

(2) Apply to equipment or facilities a majority of which is owned by one (1) or more exempt wholesale generators as defined in § 23-1-101;

APPROVED: 4/16/25