

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2543

4
5 By: Representative Wood
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7

For An Act To Be Entitled

8
9 AN ACT TO ENHANCE THE ABILITY OF THE ARKANSAS
10 PUBLIC SERVICE COMMISSION TO PROTECT RATEPAYERS
11 IN PROCEEDINGS BEFORE THE FEDERAL ENERGY
12 REGULATORY COMMISSION, OTHER FEDERAL AGENCIES,
13 AND FEDERAL COURTS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 TO ENHANCE THE ABILITY OF THE ARKANSAS
17 PUBLIC SERVICE COMMISSION TO PROTECT
18 RATEPAYERS IN PROCEEDINGS BEFORE THE
19 FEDERAL ENERGY REGULATORY COMMISSION,
20 OTHER FEDERAL AGENCIES, AND FEDERAL
21 COURTS.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 23-4-102 is amended to read as follows:

27 23-4-102. Commission's authority over interstate rates, charges, ~~and~~
28 classifications, and other actions.

29 (a) The ~~commission~~ Arkansas Public Service Commission shall have the
30 power to investigate all existing or proposed interstate rates, charges, and
31 classifications, and all rules and practices in relation thereto promulgated
32 and prescribed by or for any public utility as defined in § 23-1-101, when
33 the matters so investigated shall affect the public of this state.

34 (b) When the existing or proposed interstate rates, charges, and
35 classifications are in the opinion of the ~~commission~~ Arkansas Public Service
36 Commission excessive or discriminatory, or in violation of ~~the Interstate~~



1 ~~Commerce Act and acts amendatory thereof and supplementary thereto, or in~~
 2 ~~violation of any other act of Congress, or in conflict with the rules,~~
 3 ~~orders, or regulations of the Interstate Commerce Commission [abolished] or~~
 4 ~~any other a~~ commission created by Congress, the ~~commission~~ Arkansas Public
 5 Service Commission may apply by petition or otherwise to the Interstate
 6 Commerce Commission [abolished], or other commission having jurisdiction, for
 7 relief seek relief in the appropriate commission or in a court of competent
 8 jurisdiction.

9 (c) For the purpose of this section, the Arkansas Public Service
 10 Commission:

- 11 (1) Is exempt from the provisions of § 25-16-702 whenever the
 12 commission is a party to a proceeding under subsection (b) of this section;
- 13 (2) May retain contract attorneys or contract consultants; and
- 14 (3) May adopt rules for direct recovery of the fees and expenses
 15 of contract attorneys and consultants from the affected utility under this
 16 section provided that such utility is an electric public utility which is
 17 owned by a public utility holding company as defined by section 1261 of the
 18 Energy Policy Act of 2005, Pub. L. No. 109-58.

19
 20 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 21 General Assembly of the State of Arkansas that the rates paid by customers of
 22 public utilities have been affected and will continue to be affected in a
 23 manner that is burdensome to the families or Arkansas and harmful to economic
 24 development because of the actions of public utilities and that the Arkansas
 25 Public Service Commission needs to be immediately authorized to employ
 26 counsel and experts to protect the utility consumers or Arkansas. Therefore,
 27 an emergency is declared to exist and this act being immediately necessary
 28 for the public peace, health, and safety shall become effective on:

- 29 (1) The date of its approval by the Governor;
- 30 (2) If the bill is neither approved nor vetoed by the Governor,
 31 the expiration of the period of time during which the Governor may veto the
 32 bill; or
- 33 (3) If the bill is vetoed by the Governor and the veto is
 34 overridden, the date the last house overrides the veto.