

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S2/20/13
A Bill

SENATE BILL 271

By: Senator J. Key

By: Representative *Wardlaw*

For An Act To Be Entitled

AN ACT TO CLARIFY REQUIREMENTS FOR OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
THE ARKANSAS PUBLIC SERVICE COMMISSION; AND FOR OTHER
PURPOSES.

Subtitle

TO CLARIFY REQUIREMENTS FOR OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FROM THE ARKANSAS 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.

/s/J. Key