

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1191

By: Representative Collins
By: Senator U. Lindsey

For An Act To Be Entitled

AN ACT TO CLARIFY THE REGULATION OF RATES AND CHARGES
UNDER THE ENERGY CONSERVATION ENDORSEMENT ACT OF
1977; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE REGULATION OF RATES AND
CHARGES UNDER THE ENERGY CONSERVATION
ENDORSEMENT ACT OF 1977.

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

SECTION 1. Arkansas Code § 23-3-405(c)(1)(A), concerning the authority of the Arkansas Public Service Commission to regulate rates and charges, is amended to read as follows:

(c)(1)(A) A nonresidential business consumer that is classified within sectors 31 through 33 of the North American Industry Classification System, as it existed on January 1, 2013, may provide notice by mail or electronic mail to the commission on or before September 15 of any year of the nonresidential business consumer's decision to opt out of utility-sponsored energy conservation programs and measures and direct the nonresidential business consumer's own energy conservation programs and measures if the nonresidential business consumer:

(i) Satisfies one (1) of the following criteria:

(a) Has a peak electrical demand of at least one megawatt (1 MW) or an annual natural gas usage of seventy thousand million British Thermal Units (70,000 MMBtu) at a single facility; or



(b) Has multiple facilities with identical ownership in a single public utility's service territory with:

(1) A peak electrical demand that exceeds two hundred kilowatts (200 kW) at each location and an aggregated peak electrical demand of at least one megawatt (1 MW) for all of the locations; or

(2) An annual natural gas usage that exceeds fourteen thousand million British Thermal Units (14,000 MMBtu) at each location and an aggregated annual natural gas usage of seventy thousand million British Thermal Units (70,000 MMBtu) for all of the locations; and

(ii) ~~Has~~ In the five (5) years preceding the notice:

(a) Has not accepted:

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

(2) financing 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 in the five (5) years preceding the notice; or

(b) Has accepted but returned any amount, 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.