

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H2/14/17

# A Bill

HOUSE BILL 1421

By: Representative Beck

## For An Act To Be Entitled

AN ACT CONCERNING THE CRITERIA THAT NONRESIDENTIAL BUSINESS CONSUMERS MUST MEET IN ORDER TO OPT OUT OF UTILITY-SPONSORED ENERGY CONSERVATION PROGRAMS AND MEASURES; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE CRITERIA THAT  
NONRESIDENTIAL BUSINESS CONSUMERS MUST  
MEET IN ORDER TO OPT OUT OF UTILITY-  
SPONSORED ENERGY CONSERVATION PROGRAMS  
AND MEASURES.

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

*SECTION 1. The introductory language of Arkansas Code § 23-3-405(c)(1)(A), concerning exemptions to the authority of the Arkansas Public Service Commission to establish 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, or a nonresidential business consumer that is a state-supported institution of higher education may provide notice by mail or ~~electronic mail~~ email 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:*



SECTION 2. Arkansas Code § 23-3-405(c)(1)(A)(ii)(b), concerning the exemption criteria for a nonresidential business consumer, is amended to read as follows:

(b) *Has accepted but returned to an applicable public utility through a separate payment to the public utility or through payment of the applicable utility rates any amount received from an applicable public utility calculated from the date of the installation of the last energy conservation program or measure, 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.

*/s/Beck*