

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.

Act 468 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/13/07 H2/19/07

A Bill

HOUSE BILL 1367

5 By: Representative Dunn
6 By: Senator T. Smith
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For An Act To Be Entitled

10 AN ACT TO AMEND § 23-3-201 TO PROVIDE THAT A
11 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
12 IS NOT REQUIRED FOR REPLACING OR EXPANDING AN
13 EXISTING FACILITY OR TO INCREASE A FACILITY'S
14 CAPACITY IF THE EXISTING RIGHT-OF-WAY IS NOT
15 INCREASED; AND FOR OTHER PURPOSES.

Subtitle

17 TO PROVIDE THAT A CERTIFICATE OF PUBLIC
18 CONVENIENCE AND NECESSITY IS NOT
19 REQUIRED FOR CONSTRUCTION ON AN EXISTING
20 FACILITY OR TO INCREASE AN EXISTING
21 FACILITY'S CAPACITY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:
28 23-3-201. Requirement for new construction or extension.

29 (a) (1) No new construction or operation of any equipment or facilities
30 for supplying a public service or extension thereof shall be undertaken
31 without first obtaining from the Arkansas Public Service Commission a
32 certificate that public convenience and necessity require or will require the
33 construction or operation.

34 (2) If no increase in the width of an existing right-of-way is
35 required, the replacement or expansion of existing equipment or facilities



1 with similar equipment or facilities in substantially the same location or
2 the rebuilding, upgrading, modernizing, or reconstructing of equipment or
3 facilities that increase capacity shall not constitute new construction and
4 shall not require a certificate of public convenience and necessity under
5 subdivision (a)(1) of this section.

6 (b) If the construction or operation has been commenced under a
7 limited or conditional certificate, or authority as provided in §§ 23-3-203 -
8 23-3-205, this section shall not be construed to require the certificate, nor
9 shall the certificate be required for an extension within any municipality or
10 district within which service has been lawfully supplied, or for any
11 extension within, or to territory then being served, or necessary in the
12 ordinary course.

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15 /s/ Dunn
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17 APPROVED: 3/23/2007
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