

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1191

5 By: Representative Collins
6 By: Senator U. Lindsey
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE REGULATION OF RATES AND CHARGES
10 UNDER THE ENERGY CONSERVATION ENDORSEMENT ACT OF
11 1977; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CLARIFY THE REGULATION OF RATES AND
16 CHARGES UNDER THE ENERGY CONSERVATION
17 ENDORSEMENT ACT OF 1977.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 23-3-405(c)(1)(A), concerning the authority
23 of the Arkansas Public Service Commission to regulate rates and charges, is
24 amended to read as follows:

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

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

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



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

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

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

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

12 (a) Has not accepted:

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

15 (2) ~~financing~~ Financing or direct
 16 monetary compensation in the form of a rebate or incentive to enable the
 17 installation of any energy conservation programs and measures by the
 18 applicable public utility ~~in the five (5) years preceding the notice; or~~

19 (b) Has accepted but returned any amount,
 20 including any interest and directly attributable rate effects, from an
 21 applicable public utility, for:

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

24 (2) Financing or direct monetary
 25 compensation in the form of a rebate or incentive to enable the installation
 26 of any energy conservation programs and measures by the applicable public
 27 utility.

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 30 **APPROVED: 02/13/2015**