

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Walters**
5
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A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 23-1-101(4)(F) TO INCLUDE
9 CERTAIN CLASS C OR LOWER WATER OR SEWER COMPANIES WITHIN
10 THE DEFINITION OF _PUBLIC UTILITY_ UPON THE PETITION OF
11 THE MAJORITY OF THE UTILITY_S CUSTOMERS; AND FOR OTHER
12 PURPOSES."

Subtitle

14 "TO INCLUDE CERTAIN CLASS C OR LOWER WATER OR SEWER
16 COMPANIES WITHIN THE DEFINITION OF PUBLIC UTILITY."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 23-1-101(4)(F) is amended to read as follows:

21 "(F)(i)(a) Within any county not subject to subsection (b) below, any
22 Class C or lower water company or Class C or lower sewer company that would
23 otherwise be exempt from the definition of _public utility_ under subdivision
24 (4)(A)(ii)(b) or (4)(A)(vi)(b) shall be included within the term _public
25 utility_ if such Class C or lower water company or Class C or lower sewer
26 company petitions the Public Service Commission to have the company included.

27 (b) Within any county having a population according to the 1990 Federal
28 Decennial Census in excess of ninety-eight thousand (98,000) people but less
29 than one hundred and twelve thousand (112,000) people, any Class C or lower
30 water company or Class C or lower sewer company that would otherwise be exempt
31 from the definition of _public utility_ under subdivision (4)(A)(ii)(b) or
32 (4)(A)(vi)(b) shall be included within the term _public utility_ if a majority
33 of the customers of the company petition the Public Service Commission to have
34 the company included. The Public Service Commission shall determine the
35 sufficiency of the petition at a public hearing. The water or sewer company

1 or any customer of the company may appear and present evidence on the
2 sufficiency of the petition.

3 (ii) The Public Service Commission shall adopt regulations governing
4 the petition process.

5 (iii) A Class C or lower water company or sewer company shall provide
6 the Public Service Commission a list of customers upon request."

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8 SECTION 2. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.

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12 SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

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18 SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.

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