

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 670

4
5 By: Senator B. Pierce

For An Act To Be Entitled

8 AN ACT TO EXEMPT SMALL WATER SYSTEMS AND SMALL SEWAGE
9 SYSTEMS FROM REGULATION BY THE ARKANSAS PUBLIC
10 SERVICE COMMISSION; TO REMOVE PROVISIONS ALLOWING
11 CUSTOMERS TO PETITION FOR REGULATION OF SMALL WATER
12 SYSTEMS BY THE ARKANSAS PUBLIC SERVICE COMMISSION;
13 AND FOR OTHER PURPOSES.

Subtitle

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16 TO EXEMPT SMALL WATER SYSTEMS AND SMALL
17 SEWAGE SYSTEMS FROM REGULATION BY AND
18 PETITIONS CONCERNING REGULATION BY THE
19 PUBLIC SERVICE COMMISSION.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 23-1-101(9)(A)(ii)(b), concerning small
26 water systems under the definitions of public utility, is amended to read as
27 follows:

28 (b) ~~All entities~~ An entity whose annual
29 operating revenues would cause ~~them~~ the entity to be classified as ~~Class C a~~
30 Class B or lower water ~~companies~~ company pursuant to the uniform system of
31 accounts adopted by the Arkansas Public Service Commission. However, the term
32 "public utility" ~~shall include~~ includes any water company ~~which that~~
33 petitions, or a majority of whose metered customers petition, the Arkansas
34 Public Service Commission to come under the ~~commission's~~ Arkansas Public
35 Service Commission's jurisdiction ~~provided that if~~ if the water company ~~must~~
36 ~~have~~ had combined annual operating revenues in excess of four hundred



1 thousand dollars (\$400,000) for the three (3) fiscal years immediately
2 preceding the date of filing the petition; or

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4 SECTION 2. Arkansas Code § 23-1-101(9)(A)(vi)(b), concerning small
5 sewer companies under the definitions of public utility, is amended to read
6 as follows:

7 (b) ~~All entities~~ An entity whose annual
8 operating revenues would cause ~~them~~ the entity to be classified as ~~Class C a~~
9 Class B or lower sewer ~~companies~~ company pursuant to the uniform system of
10 accounts adopted by the Arkansas Public Service Commission; or

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12 SECTION 3. Arkansas Code § 23-1-101(9)(G), concerning small water
13 companies and small sewer companies under the definitions of public utility,
14 is amended to read as follows:

15 (G)(i)(a) Within ~~any a~~ a county not subject to subdivision
16 (9)(G)(i)(b) of this section, ~~any a Class C~~ Class B or lower water company or
17 ~~Class C~~ Class B or lower sewer company that would otherwise be exempt from
18 the definition of “public utility” under subdivision (9)(A)(ii)(b) or
19 subdivision (9)(A)(vi)(b) of this section shall be included within the term
20 “public utility” if the ~~Class C~~ Class B or lower water company or ~~Class C~~
21 Class B or lower sewer company petitions the Arkansas Public Service
22 Commission to have the company included. The provisions of this section do
23 not apply to a water or sewer ~~companies~~ company formed under the nonprofit
24 corporation laws of this state or any improvement district or water
25 distribution district law of this state.

26 (b) All ~~Class C~~ Class B or lower water
27 companies or ~~Class C~~ Class B or lower sewer companies that would otherwise be
28 exempt from the definition of “public utility” under subdivision
29 (9)(A)(ii)(b) or subdivision (9)(A)(vi)(b) of this section shall be included
30 within the term “public utility” if a majority of the customers of the
31 company petition the Arkansas Public Service Commission to have the company
32 included. The Arkansas Public Service Commission shall determine the
33 sufficiency of the petition at a public hearing. The water or sewer company
34 or any customer of the company may appear and present evidence on the
35 sufficiency of the petition. The provisions of this section do not apply to a
36 water or sewer ~~companies~~ company formed under the nonprofit corporation laws

1 of this state or any improvement district or water distribution district law
2 of this state.

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

5 (iii) A ~~Class C~~ Class B or lower water company or
6 sewer company shall provide the Arkansas Public Service Commission a list of
7 metered customers upon request;

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