

*As Engrossed: 3/21/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Bryan**

**A BILL ACT 1037 OF 1991**  
**HOUSE BILL 2099**

**For An Act To Be Entitled**

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8 "AN ACT TO AMEND ARKANSAS CODE 23-1-101(4) (B) BY ADDING A  
9 NEW SUBDIVISION TO EXCLUDE CELLULAR TELECOMMUNICATION  
10 SERVICE FROM REGULATION; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code 23-1-101(4) (B) is amended to read as follows:

15 "(B) The term 'public utility,' as used for rate-making purposes only:

16 (i) shall include persons and corporations or their lessees,  
17 trustees, and receivers producing, generating, transmitting, delivering, or  
18 furnishing any of the services set forth in subdivisions (4) (A) (i) and (ii) to  
19 any other person or corporation for resale or distribution to, or for, the  
20 public for compensation;

21 (ii) shall not include persons or corporations providing cellular  
22 telecommunications service and not providing any other public utility service  
23 in this state, unless the commission finds by order, after notice and hearing  
24 and upon substantial evidence, and which shall not take effect pending appeal  
25 therefrom, that the public interest requires the application of some or all of  
26 the provisions of this act to such persons or corporations."

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28 *SECTION 2. This act is intended to relieve cellular telecommunications*  
29 *providers of the obligation to file tariffs with the Arkansas Public Service*  
30 *Commission in order to change prices or service offerings. Nothing in this*  
31 *act shall be construed to limit or affect the authority of the Commission to*  
32 *regulate the division of revenues among telecommunications carriers, including*  
33 *cellular carriers.*

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35 SECTION 3. All provisions of this act of a general and permanent  
36 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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3 SECTION 4. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 5. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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12 SECTION 6. EMERGENCY. It is hereby found and determined by the General  
13 Assembly that regulation of cellular mobile telecommunications service is a  
14 competitive service subject to the pressures of the market place and that rate  
15 and price regulation of such service by the Public Service Commission is  
16 unnecessary to the public interest, and is an unnecessary burden on providers  
17 of such service. Therefore, an emergency is hereby declared to exist and this  
18 act being necessary for the immediate preservation of the public peace, health  
19 and safety shall be in full force and effect from and after its passage and  
20 approval.

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/s/L. L. Bryan

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APPROVED: 4/8/91

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