

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S3/9/11 S3/14/11

# A Bill

SENATE BILL 876

5 By: Senator Files  
6 By: Representative Pennartz  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS CLEAN ENERGY DEVELOPMENT  
10 ACT TO INCLUDE NATURAL GAS PUBLIC UTILITIES; TO ALLOW  
11 BIOFUEL TO SATISFY THE PUBLIC UTILITY'S ENERGY  
12 EFFICIENCY OR CONSERVATION GOALS; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

16 TO AMEND THE ARKANSAS CLEAN ENERGY  
17 DEVELOPMENT ACT TO INCLUDE NATURAL GAS  
18 PUBLIC UTILITIES; TO ALLOW BIOFUEL TO  
19 SATISFY THE PUBLIC UTILITY'S ENERGY  
20 EFFICIENCY OR CONSERVATION GOALS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 23-18-701 is amended to read as follows:

27 23-18-701. Legislative findings and declaration of purpose.

28 (a) The General Assembly finds that it is in the public interest to  
29 require all electric and natural gas public utilities subject to the  
30 jurisdiction of the Arkansas Public Service Commission to consider clean  
31 energy and the use of renewable energy resources as part of any resource plan  
32 or natural gas procurement plan.

33 (b) The purpose of this subchapter is to ensure that all electric and  
34 natural gas public utilities subject to the jurisdiction of the Arkansas  
35 Public Service Commission will consider clean energy and the use of renewable  
36 resources as a part of any resource plan or natural gas procurement plan.



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SECTION 2. Arkansas Code § 23-18-702 is amended to read as follows:

23-18-702. ~~Electric public~~ Public utilities required to consider clean energy resources.

All electric and natural gas public utilities subject to the jurisdiction of the Arkansas Public Service Commission shall consider clean energy and the use of renewable resources as part of any resource plan or natural gas procurement plan.

SECTION 3. Arkansas Code § 23-18-703 is amended to read as follows:

23-18-703. Authority of Arkansas Public Service Commission.

(a)(1) The Arkansas Public Service Commission may consider, propose, develop, solicit, approve, implement, and monitor measures by electric and natural gas public utilities subject to its jurisdiction that cause the electric and natural gas public utilities to incur costs of service and investments that utilize, generate, or involve clean energy resources or renewable energy resources, or both.

(2)(A) The commission may encourage or require electric and natural gas public utilities subject to its jurisdiction to consider clean energy or renewable energy resources, or both, as part of any resource plan or natural gas procurement plan.

(B) If the commission approves the use of a clean energy resource or renewable energy resource in the form of a biofuel by an electric or natural gas public utility in a manner that displaces an energy equivalent of fossil fuels, the use of the clean energy resource or renewable energy resource may:

(i) Be included as part of the electric or natural gas public utility's energy efficiency or conservation program under the Energy Conservation Endorsement Act of 1977, § 23-3-401 et seq.; and

(ii) Apply toward the satisfaction of the electric or natural gas public utility's energy efficiency or conservation goals established by the commission or by law.

(3) After proper notice and hearings, the commission may approve any clean energy resource or renewable energy resource that it determines to be in the public interest.

(4) If the commission determines that the cost of a clean energy

1 resource or renewable energy resource is in the public interest, the  
2 commission may allow the affected electric or natural gas public utility to  
3 implement a temporary surcharge or utilize an existing commission approved  
4 cost recovery mechanism to recover ~~a portion of~~ the appropriate costs of such  
5 a resource until the implementation of new rate schedules in connection with  
6 the electric or natural gas public utility's next general rate filing in  
7 which such costs can be included in the electric or natural gas public  
8 utility's base rate schedules or for continued recovery through an approved  
9 appropriate tariff.

10 *(b) Nothing in this subchapter shall be construed as limiting or*  
11 *diminishing the authority of the commission to order, require, promote, or*  
12 *engage in any other energy resource practices or procedures.*

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14 */s/Files*

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17 **APPROVED: 03/25/2011**  
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