State of Arkansas
89th General Assembly
Regular Session, 2013

By: Senator J. Key
By: Representative Wardlaw

For An Act To Be Entitled
AN ACT TO CLARIFY REQUIREMENTS FOR OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
THE ARKANSAS PUBLIC SERVICE COMMISSION; AND FOR OTHER
PURPOSES.

Subtitle
TO CLARIFY REQUIREMENTS FOR OBTAINING A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FROM THE ARKANSAS PUBLIC
SERVICE.

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

SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:
23-3-201. Requirement for new construction or extension.
(a) New construction or operation of equipment or facilities for
supplying a public service or the extension of a public service shall not be
undertaken without first obtaining from the Arkansas Public Service
Commission a certificate that public convenience and necessity require or
will require the construction or operation.
(b) This section does not require a certificate of public convenience
and necessity for:
(1) The replacement or expansion of existing equipment or
facilities with similar equipment or facilities in substantially the same
location or the rebuilding, upgrading, modernizing, or reconstructing of
equipment or facilities that increase capacity if no increase in the width of
an existing right-of-way is required;

(2) The construction or operation of equipment or facilities for
supplying a public service that has begun under a limited or conditional
certificate or authority as provided in §§ 23-3-203 – 23-3-205;

(3) The extension of a public service:

(A) Within a municipality or district where a public
service has been lawfully supplied;

(B) Within or to territory then being served;

(C) That is necessary in the ordinary course; or

(D) By a generation and transmission cooperative, as
defined in § 23-4-1101(2), where this subdivision (b)(3) would not have
required a certificate of public convenience and necessity for such
construction or operation of facilities by a member cooperative, as defined
in § 23-4-1101(3), of such generation and transmission cooperative; or

(4) Except as provided in § 23-18-504(c), the construction or
operation of a major utility facility as defined in the Utility Facility
Environmental and Economic Protection Act, § 23-18-501 et seq., or any
exemption under the Utility Facility Environmental and Economic Protection
Act, § 23-18-501 et seq.

/s/J. Key

APPROVED: 03/14/2013