

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 238 OF 1993
SENATE BILL 417

4 **By: Senators Bookout, Hopkins, and Hardin**

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For An Act To Be Entitled

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"AN ACT RELATING TO THE POWERS AND DUTIES OF THE ARKANSAS

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PUBLIC SERVICE COMMISSION."

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Subtitle

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"RELATING TO THE POWERS AND DUTIES OF THE ARKANSAS PUBLIC

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SERVICE COMMISSION."

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

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17 SECTION 1. Arkansas Code 23-2-304 is amended to read as follows:

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"23-2-304. Certain powers of commission enumerated.

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(a) The commission, upon complaint, or upon its own motion, shall, upon
20 reasonable notice and after a hearing, have the power to:

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(1) Find and fix just, reasonable, and sufficient rates to be
22 thereafter observed, enforced, and demanded by any public utility;

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(2) Determine the reasonable, safe, adequate, sufficient service to be
24 observed, furnished, enforced, or employed by any public utility and to fix
25 this service by its order, rule, or regulation;

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(3) Ascertain and fix adequate and reasonable standards,
27 classifications, regulations, practices, and services to be furnished,
28 imposed, observed, and followed by any or all public utilities; ascertain and
29 fix adequate and reasonable standards for the measurement of quantity,
30 quality, pressure, initial voltage, or other conditions pertaining to the
31 supply of all products, commodities, or services furnished or rendered by any
32 and all public utilities; prescribe reasonable regulations for the examination
33 and testing of such production, commodity, or service, and for the measurement
34 thereof, establish or approve reasonable rules, regulations, specifications,
35 and standards to secure the accuracy of all meters or appliances for
36 measurement; and provide for the examination and testing of any and all

1 appliances used for the measurement of any product, commodity, or service of
2 any public utility;

3 (4) Ascertain and fix the value of the whole or any part of the
4 property of any public utility insofar as this value is material to the
5 exercise of the jurisdiction of the commission. The commission may make
6 revaluations of the whole or any part of the property from time to time and
7 may ascertain the value of any new construction, extension, and addition to,
8 or retirement from, the property of every public utility;

9 (5) Require any or all public utilities to carry a proper and adequate
10 depreciation account in accordance with such rules, regulations, and forms of
11 account as the commission may prescribe. The commission may ascertain,
12 determine, and by order fix the proper and adequate rates of depreciation of
13 the several classes of property of each public utility. Each public utility
14 shall conform its depreciation accounts to the rates so ascertained,
15 determined, and fixed by the commission.

16 (b) Because of competitive and technological changes relating to the
17 services provided by telephone public utilities, the commission, upon petition
18 by the telephone public utility, after notice, and hearing, and a finding that
19 it is in the public interest, may deviate from the rate/base rate of return
20 method of regulation in establishing rates and charges for services provided
21 *by the telephone public utility.*

22 (c) In the discharge of its duties under this act, the commission may
23 cooperate with regulatory commissions of other states, and of the United
24 States. It may also hold joint hearings and make joint investigations with
25 such commissions."
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27 SECTION 2. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.
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31 SECTION 3. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that because of competitive and technological changes relating to telecommunications services, it is essential that the Arkansas Public Service Commission be authorized to deviate from the rate/base rate of return method of regulation in establishing rates and charges for such services; that it is in the best interest of the public that this authority be granted at the earliest possible date to enable the commission to more equitably establish a system of rates and charges for telecommunications services and that this act is designed to grant such authority and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Senator Bookout

APPROVED: 02/25/93

