

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S2/20/13
A Bill

SENATE BILL 271

5 By: Senator J. Key
6 By: Representative *Wardlaw*
7

8 **For An Act To Be Entitled**

9 AN ACT TO CLARIFY REQUIREMENTS FOR OBTAINING A
10 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
11 THE ARKANSAS PUBLIC SERVICE COMMISSION; AND FOR OTHER
12 PURPOSES.
13

14
15 **Subtitle**

16 TO CLARIFY REQUIREMENTS FOR OBTAINING A
17 CERTIFICATE OF PUBLIC CONVENIENCE AND
18 NECESSITY FROM THE ARKANSAS PUBLIC
19 SERVICE.
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:
25 23-3-201. Requirement for new construction or extension.

26 (a) New construction or operation of equipment or facilities for
27 supplying a public service or the extension of a public service shall not be
28 undertaken without first obtaining from the Arkansas Public Service
29 Commission a certificate that public convenience and necessity require or
30 will require the construction or operation.

31 (b) This section does not require a certificate of public convenience
32 and necessity for:

33 (1) The replacement or expansion of existing equipment or
34 facilities with similar equipment or facilities in substantially the same
35 location or the rebuilding, upgrading, modernizing, or reconstructing of
36 equipment or facilities that increase capacity if no increase in the width of



1 an existing right-of-way is required;

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

5 (3) The extension of a public service:

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

8 (B) Within or to territory then being served; ~~or~~

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

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

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

20

21

/s/J. Key

22

23

24

APPROVED: 03/14/2013

25

26

27

28

29

30

31

32

33

34

35

36