

**Hall of the House of Representatives**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of House Bill No. 1903**

"THE ENERGY EFFICIENCY PERFORMANCE STANDARDS ACT OF 2009."

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**Amendment No. 2 to House Bill No. 1903.**

Amend House Bill No. 1903 as engrossed, H3/17/09 (version: 03-17-2009 09:54):

Delete the title in its entirety and substitute the following:

"AN ACT TO SET ENERGY EFFICIENCY SAVINGS GOALS FOR AN ELECTRIC PUBLIC UTILITY AND A NATURAL GAS PUBLIC UTILITY REGULATED BY THE ARKANSAS PUBLIC SERVICE COMMISSION; TO REQUIRE THE ELECTRIC PUBLIC UTILITY AND THE NATURAL GAS PUBLIC UTILITY TO DEVELOP AN ENERGY EFFICIENCY PLAN; TO ALLOW FOR THE RECOVERY OF COSTS; TO REQUIRE REVIEW BY THE COMMISSION; TO ALLOW THE COMMISSION TO AWARD INCENTIVES; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"THE ENERGY EFFICIENCY SAVINGS GOALS ACT OF 2009."

AND

Page 1, delete line 32 and substitute:  
"Efficiency Savings Goals Act of 2009."

AND

Page 2, delete lines 12 through 36 and substitute the following:

"23-3-803. Energy efficiency savings goals.  
(a) An electric utility shall use its best efforts through the implementation of energy efficiency programs for its customers to meet by 2013 an annual energy savings goal of at least one percent (1%) of the electric utility's total annual sales in kilowatt hours based on its most



recent three-year average of total kilowatt hours, as determined by the Arkansas Public Service Commission.

(b) A natural gas utility shall use its best efforts through the implementation of energy efficiency programs for its customers to meet by 2013 an annual energy savings goal of at least seventy-five hundredths of one percent (0.75%) of the natural gas utility's total annual sales in therms based on its most recent three-year average of total therm sales, as determined by the commission.

(c) During the period of 2010 through 2012, the commission may establish for an electric utility or a natural gas utility interim goals for energy savings that are attributable to energy efficiency programs implemented under this subchapter.

23-3-804. Limitation on spending.

(a) Unless the Arkansas Public Service Commission has given its prior approval, a natural gas utility or an electric utility shall not spend on its energy efficiency programs an annual amount that exceeds two percent (2%) of its total utility sales revenues for the preceding year.

(b) As used in subsection (a) of this section, "total utility sales revenues" includes electricity or natural gas commodity costs.

23-3-805. Energy efficiency plan."

AND

Page 3, delete lines 1 through 23

AND

Page 3, line 27, delete "performance standards" and substitute "savings goal"

AND

Page 3, line 30, after "commission" insert "for its approval"

AND

Page 3, line 32, after "commission" insert "for its approval"

AND

Page 4, delete line 4 and substitute "savings goal;"

AND

Page 4, delete lines 22 through 25, and substitute the following:

"(e) The energy efficiency plan's proposed expenditures for energy efficiency programs for each rate class shall be equal to the amounts that are collected from each customer rate class for the energy efficiency programs."

AND

Page 4, delete line 27 and substitute:  
“23-3-806. Monitoring.”

AND

Page 4, delete line 31 and substitute:  
“23-3-807. Cost recovery.”

AND

Page 4, line 32, delete “(a)(1)” and substitute “(a)”

AND

Page 4, delete lines 35 and 36 and substitute the following:

“(b)(1)(A) The utility shall recover the costs of an approved energy efficiency program from its customers in a manner that is consistent with the electric utility’s or the natural gas utility’s most recent order for a general change or modification of rates and charges.

(B) The charge under subdivision (b)(1)(A) of this section shall be:

(i) Applied to all existing and future distribution customers; and

(ii) Based on that customer’s current monthly billing determinants.”

AND

Page 5, delete lines 1 through 6

AND

Page 5, delete line 11 and substitute:  
“23-3-808. Energy efficiency plan review.”

AND

Page 5, delete line 23 and substitute:  
“23-3-809. Incentives.”

AND

Page 5, delete line 35 and substitute:  
“23-3-810. Rules.”

AND

Page 6, delete lines 2 through 7 and substitute:

“(b) The rules shall include the procedure for reviewing and verifying the results of each utility’s compliance with this subchapter.”

AND

Page 6, delete line 9 and substitute:  
“23-3-811. Reporting.”

AND

Page 6, delete line 13 and substitute the following:  
“implemented under this subchapter.”

23-3-812. Applicability.

This subchapter does not apply to a municipal corporation or a consolidated municipal improvement district that owns or operates an electric utility system.”

The Amendment was read \_\_\_\_\_

By: Representative Cash  
GLG/MAJ - 03-25-2009 09:37  
GLG173

\_\_\_\_\_  
Chief Clerk