

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1131

5 By: Representative Ragland
6 By: Senator T. Smith
7

For An Act To Be Entitled

10 AN ACT TO REPEAL THE ENERGY CONSERVATION
11 ENDORSEMENT ACT OF 1977; TO REPEAL THE ARKANSAS
12 CLEAN ENERGY DEVELOPMENT ACT; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO REPEAL THE ENERGY CONSERVATION
16 ENDORSEMENT ACT OF 1977 AND TO REPEAL
17 THE ARKANSAS CLEAN ENERGY DEVELOPMENT
18 ACT.
19
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 23, Chapter 3, Subchapter 4 is
25 repealed.

26 ~~23-3-401. Title.~~

27 ~~This subchapter shall be known and may be cited as the "Energy~~
28 ~~Conservation Endorsement Act of 1977".~~
29

30 ~~23-3-402. Legislative findings.~~

31 ~~The General Assembly finds that the United States is confronted with a~~
32 ~~severe and very real energy crisis. Simply stated, the demand for fuels has~~
33 ~~outstripped the available supplies. The President of the United States has~~
34 ~~established energy conservation as a high priority national goal and has~~
35 ~~called on all Americans to participate in and perhaps make sacrifices toward~~
36 ~~attaining that goal. The General Assembly recognizes that enormous amounts of~~



1 energy are wasted by consumers of all classes and economic levels due to
 2 inadequate insulation of buildings and other inefficiencies in the use of
 3 energy. The overriding public interest in the conservation of natural gas and
 4 oil, as well as the use of alternative forms of energy, is indisputable.

5
 6 ~~23-3-403. Energy conservation programs and measures defined.~~

7 As used in this subchapter, unless the context otherwise requires,
 8 "energy conservation programs and measures" may include, but shall not be
 9 limited to:

10 (1) ~~Programs of residential, commercial, or industrial~~
 11 ~~insulation, including measures to facilitate the financing of such~~
 12 ~~insulation;~~

13 (2) ~~Programs which result in the improvement of load factors,~~
 14 ~~contribute to reductions in peak power demands, and promote efficient load~~
 15 ~~management, including the adoption of interruptible service equipment and~~
 16 ~~alternative or additional metering equipment designed to implement new rate~~
 17 ~~structures; and~~

18 (3) ~~Programs which encourage the use of renewable energy~~
 19 ~~technologies or sources, including solar energy, wind power, geothermal~~
 20 ~~energy, biomass conversion, or the energy available from municipal,~~
 21 ~~industrial, silvicultural, or agricultural wastes.~~

22
 23 ~~23-3-404. Conservation a proper utility function.~~

24 It shall be considered a proper and essential function of public
 25 utilities regulated by the Arkansas Public Service Commission to engage in
 26 energy conservation programs, projects, and practices which conserve, as well
 27 as distribute, electrical energy and supplies of natural gas, oil, and other
 28 fuels.

29
 30 ~~23-3-405. Authority of Arkansas Public Service Commission—Rates and~~
 31 ~~charges.~~

32 (a)(1) ~~The Arkansas Public Service Commission is authorized to~~
 33 ~~propose, develop, solicit, approve, require, implement, and monitor measures~~
 34 ~~by utility companies which cause the companies to incur costs of service and~~
 35 ~~investments which conserve, as well as distribute, electrical energy and~~
 36 ~~existing supplies of natural gas, oil, and other fuels.~~

1 ~~(2) After proper notice and hearings, the programs and measures~~
 2 ~~may be approved and ordered into effect by the commission if it determines~~
 3 ~~they will be beneficial to the ratepayers of such public utilities and to the~~
 4 ~~utilities themselves.~~

5 ~~(3) In such instances, the commission shall declare that the~~
 6 ~~cost of such conservation measures is a proper cost of providing utility~~
 7 ~~service. At the time any such programs or measures are approved and ordered~~
 8 ~~into effect, the commission shall also order that the affected public utility~~
 9 ~~company be allowed to increase its rates or charges as necessary to recover~~
 10 ~~any costs incurred by the public utility company as a result of its engaging~~
 11 ~~in any such program or measure.~~

12 ~~(b) Nothing in this subchapter shall be construed as limiting or~~
 13 ~~cutting down the authority of the commission to order, require, promote, or~~
 14 ~~engage in other energy conserving actions or measures.~~

15
 16 SECTION 2. Arkansas Code Title 23, Chapter 18, Subchapter 7 is
 17 repealed.

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

19 ~~(a) The General Assembly finds that it is in the public interest to~~
 20 ~~require electric public utilities subject to the jurisdiction of the Arkansas~~
 21 ~~Public Service Commission to consider clean energy and the use of renewable~~
 22 ~~energy resources as part of any resource plan.~~

23 ~~(b) The purpose of this subchapter is to ensure that all electric~~
 24 ~~public utilities subject to the jurisdiction of the Arkansas Public Service~~
 25 ~~Commission will consider clean energy and the use of renewable resources as a~~
 26 ~~part of any resource plan.~~

27
 28 ~~23-18-702. Electric public utilities required to consider clean energy~~
 29 ~~resources.~~

30 ~~All electric public utilities subject to the jurisdiction of the~~
 31 ~~Arkansas Public Service Commission shall consider clean energy and the use of~~
 32 ~~renewable resources as part of any resource plan.~~

33
 34 ~~23-18-703. Authority of Arkansas Public Service Commission.~~

35 ~~(a)(1) The Arkansas Public Service Commission is authorized to~~
 36 ~~consider, propose, develop, solicit, approve, implement, and monitor measures~~

1 ~~by electric public utilities subject to its jurisdiction that cause the~~
2 ~~companies to incur costs of service and investments that utilize, generate,~~
3 ~~or involve clean energy resources or renewable energy resources, or both.~~

4 ~~(2) The commission may encourage or require electric public~~
5 ~~utilities subject to its jurisdiction to consider clean energy or renewable~~
6 ~~energy resources, or both, as part of any resource plan.~~

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

10 ~~(4) If the commission determines that the cost of a clean energy~~
11 ~~resource or renewable energy resource is in the public interest, the~~
12 ~~commission may allow the affected electric public utility to implement a~~
13 ~~temporary surcharge to recover a portion of the costs of such a resource~~
14 ~~until the implementation of new rate schedules in connection with the~~
15 ~~utility's next general rate filing wherein such costs can be included in the~~
16 ~~utility's base rate schedules.~~

17 ~~(b) Nothing in this subchapter shall be construed as limiting or~~
18 ~~diminishing the authority of the commission to order, require, promote, or~~
19 ~~engage in any other energy resource practices or procedures.~~

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