

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

**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.  
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**Subtitle**

16 TO CLARIFY REQUIREMENTS FOR OBTAINING A  
17 CERTIFICATE OF PUBLIC CONVENIENCE AND  
18 NECESSITY FROM THE ARKANSAS PUBLIC  
19 SERVICE.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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.

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*/s/J. Key*