

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

# A Bill

SENATE BILL 795

4  
5 By: Senator Rapert  
6 By: Representative Wren

## For An Act To Be Entitled

9 AN ACT TO REGULATE RETAIL ELECTRIC DEMAND RESPONSE;  
10 AND FOR OTHER PURPOSES.

## Subtitle

14 TO REGULATE RETAIL ELECTRIC DEMAND  
15 RESPONSE.

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

20 SECTION 1. Arkansas Code Title 23, Chapter 18, is amended to add an  
21 additional subchapter to read as follows:

22 Subchapter 10 – Regulation of Retail Electric Demand Response Act  
23 23-18-1001. Title.

24 This subchapter shall be known and may be cited as the "Regulation of  
25 Retail Electric Demand Response Act".

26  
27 23-18-1002. Definitions.

28 As used in this subchapter:

29 (1)(A) "Aggregator of retail customers" means a person that  
30 aggregates demand response from end-use customers for the purpose of  
31 marketing, selling, or marketing and selling the aggregated demand response:

32 (i) To an electric public utility; or

33 (ii) Into a wholesale electricity market.

34 (B) "Aggregator of retail customers" does not include:

35 (i) An electric public utility to the extent that it  
36 engages in demand response programs or demand response aggregation activities



1 with the end-use customers in its own service territory as certificated by  
2 the Arkansas Public Service Commission;

3 (ii) A generation and transmission cooperative as  
4 defined in § 23-4-1101 acting with or on behalf of one (1) or more of its  
5 member cooperatives as defined in § 23-4-1101 to the extent that it engages  
6 in demand response programs or demand response aggregation activities with  
7 the end-use customers in its member cooperative’s service territory as  
8 certificated by the Arkansas Public Service Commission; or

9 (iii) A municipally owned electric utility or  
10 consolidated municipal utility improvement district to the extent that it  
11 engages in demand response programs or demand response aggregation activities  
12 with the end-use customers in its own service territory;

13 (2)(A) “Demand response” means a reduction in the consumption of  
14 on-peak or off-peak electric energy by an end-use customer served by an  
15 electric public utility or a municipally owned electric utility or  
16 consolidated municipal utility improvement district relative to the end-use  
17 customer’s expected consumption in response to:

18 (i) Changes in the price of electric energy to the  
19 end-use customer over time; or

20 (ii) Incentive payments designed to induce lower  
21 consumption of electric energy.

22 (B) “Demand response” includes demand response resources  
23 capable of providing demand response; and

24 (3) “Person” means an individual or entity, including without  
25 limitation a group, firm, partnership, corporation, trust, or cooperative  
26 association or other association.

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28 23-18-1003. Demand response jurisdiction.

29 Demand response within the State of Arkansas is subject to regulation  
30 by:

31 (1) The Arkansas Public Service Commission under Acts 1935, No.  
32 324, as amended; or

33 (2) The local governing authority in the case of a municipally  
34 owned electric utility or a consolidated municipal utility improvement  
35 district.

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1       23-18-1004. Marketing or selling of demand response prohibited.

2       The marketing, selling, or marketing and selling of demand response  
3 into wholesale electricity markets by an aggregator of retail customers or by  
4 an end-use customer is prohibited.

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