

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1191

4
5 By: Representative Collins
6 By: Senator U. Lindsey

For An Act To Be Entitled

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8
9 AN ACT TO CLARIFY THE REGULATION OF RATES AND CHARGES
10 UNDER THE ENERGY CONSERVATION ENDORSEMENT ACT OF
11 1977; AND FOR OTHER PURPOSES.

Subtitle

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15 TO CLARIFY THE REGULATION OF RATES AND
16 CHARGES UNDER THE ENERGY CONSERVATION
17 ENDORSEMENT ACT OF 1977.

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

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22 SECTION 1. Arkansas Code § 23-3-405(c)(1)(A), concerning the authority
23 of the Arkansas Public Service Commission to regulate rates and charges, is
24 amended to read as follows:

25 (c)(1)(A) A nonresidential business consumer that is classified within
26 sectors 31 through 33 of the North American Industry Classification System,
27 as it existed on January 1, 2013, may provide notice by mail or electronic
28 mail to the commission on or before September 15 of any year of the
29 nonresidential business consumer's decision to opt out of utility-sponsored
30 energy conservation programs and measures and direct the nonresidential
31 business consumer's own energy conservation programs and measures if the
32 nonresidential business consumer:

33 (i) Satisfies one (1) of the following criteria:

34 (a) Has a peak electrical demand of at least
35 one megawatt (1 MW) or an annual natural gas usage of seventy thousand
36 million British Thermal Units (70,000 MMBtu) at a single facility; or



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(b) Has multiple facilities with identical ownership in a single public utility's service territory with:

(1) A peak electrical demand that exceeds two hundred kilowatts (200 kW) at each location and an aggregated peak electrical demand of at least one megawatt (1 MW) for all of the locations; or

(2) An annual natural gas usage that exceeds fourteen thousand million British Thermal Units (14,000 MMBtu) at each location and an aggregated annual natural gas usage of seventy thousand million British Thermal Units (70,000 MMBtu) for all of the locations; and

(ii) ~~Has~~ In the five (5) years preceding the notice:

(a) Has not accepted:

(1) the The installation of any energy conservation programs and measures by the applicable public utility; or

(2) financing Financing or direct monetary compensation in the form of a rebate or incentive to enable the installation of any energy conservation programs and measures by the applicable public utility in the five (5) years preceding the notice; or

(b) Has accepted but returned any amount, including any interest and directly attributable rate effects, from an applicable public utility, for:

(1) The installation of any energy conservation programs and measures by the applicable public utility; or

(2) Financing or direct monetary compensation in the form of a rebate or incentive to enable the installation of any energy conservation programs and measures by the applicable public utility.

APPROVED: 02/13/2015

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H2/14/17

A Bill

HOUSE BILL 1421

5 By: Representative Beck
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE CRITERIA THAT NONRESIDENTIAL
9 BUSINESS CONSUMERS MUST MEET IN ORDER TO OPT OUT OF
10 UTILITY-SPONSORED ENERGY CONSERVATION PROGRAMS AND
11 MEASURES; AND FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING THE CRITERIA THAT
15 NONRESIDENTIAL BUSINESS CONSUMERS MUST
16 MEET IN ORDER TO OPT OUT OF UTILITY-
17 SPONSORED ENERGY CONSERVATION PROGRAMS
18 AND MEASURES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. The introductory language of Arkansas Code § 23-3-*
25 *405(c)(1)(A), concerning exemptions to the authority of the Arkansas Public*
26 *Service Commission to establish rates and charges, is amended to read as*
27 *follows:*

28 *(c)(1)(A) A nonresidential business consumer that is classified within*
29 *sectors 31 through 33 of the North American Industry Classification System,*
30 *as it existed on January 1, 2013, or a nonresidential business consumer that*
31 *is a state-supported institution of higher education may provide notice by*
32 *mail or ~~electronic-mail~~ email to the commission on or before September 15 of*
33 *any year of the nonresidential business consumer's decision to opt out of*
34 *utility-sponsored energy conservation programs and measures and direct the*
35 *nonresidential business consumer's own energy conservation programs and*
36 *measures if the nonresidential business consumer:*



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SECTION 2. Arkansas Code § 23-3-405(c)(1)(A)(ii)(b), concerning the exemption criteria for a nonresidential business consumer, is amended to read as follows:

(b) Has accepted but returned to an applicable public utility through a separate payment to the public utility or through payment of the applicable utility rates any amount received from an applicable public utility calculated from the date of the installation of the last energy conservation program or measure, including any interest and directly attributable rate effects, from an applicable public utility, for:

- (1) The installation of any energy conservation programs and measures by the applicable public utility; or
- (2) Financing or direct monetary compensation in the form of a rebate or incentive to enable the installation of any energy conservation programs and measures by the applicable public utility.

/s/Beck

APPROVED: 03/01/2017

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1984

5 By: Representative Beck
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CERTAIN POWERS OF
9 THE ARKANSAS PUBLIC SERVICE COMMISSION; TO AMEND THE
10 LAW CONCERNING THE ARKANSAS PUBLIC SERVICE
11 COMMISSION'S AUTHORITY OVER ENERGY CONSERVATION
12 PROGRAMS AND MEASURES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING CERTAIN
16 POWERS OF THE ARKANSAS PUBLIC SERVICE
17 COMMISSION; AND TO AMEND THE LAW
18 CONCERNING THE ARKANSAS PUBLIC SERVICE
19 COMMISSION'S AUTHORITY OVER ENERGY
20 CONSERVATION PROGRAMS AND MEASURES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 *SECTION 1. Arkansas Code § 23-2-304(a), concerning the powers of the*
27 *Arkansas Public Service Commission, is amended to add an additional*
28 *subdivision to read as follows:*

29 *(1)(A)(i) Propose, develop, solicit, approve, require,*
30 *implement, and monitor financial assistance programs for utility customers*
31 *who are sixty-five (65) years of age or older or who meet the income*
32 *eligibility qualifications of the Low Income Home Energy Assistance Program*
33 *administered by the Department of Human Services.*

34 *(ii) After notice and a hearing, the commission may*
35 *approve and order a financial assistance program for utility customers if the*
36 *commission determines that the financial assistance program is beneficial to*



1 the ratepayers of a public utility and the public utility.

2 (B) The commission shall not fix rates, charges, or
3 surcharges that recover directly or indirectly any portion of the cost of
4 programs authorized under subdivision (a)(1)(A) of this section from a
5 ratepayer that is not in the customer class of ratepayers eligible to
6 participate in the programs.

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8 SECTION 2. Arkansas Code § 23-3-405(a), concerning the authority of
9 the Arkansas Public Service Commission over energy conservation programs and
10 measures, is amended to read as follows:

11 (a)(1)(A) Except as otherwise stated in this section, the Arkansas
12 Public Service Commission is authorized to propose, develop, solicit,
13 approve, require, implement, and monitor measures by utility companies which
14 cause the companies to incur costs of service and investments which conserve,
15 as well as distribute, electrical energy and existing supplies of natural
16 gas, oil, and other fuels.

17 (B) The commission is authorized to order, require,
18 promote, or engage in energy conservation programs and measures for the
19 benefit of utility customers who are sixty-five (65) years of age or older or
20 who meet the income eligibility qualifications for the Low Income Home Energy
21 Assistance Program administered by the Department of Human Services.

22 (2) After proper notice and hearings, the energy conservation
23 programs and measures may be approved and ordered into effect by the
24 commission if ~~it~~ the commission determines ~~they~~ that the energy conservation
25 programs and measures will be beneficial to the ratepayers of ~~such~~ the public
26 utilities and to the public utilities themselves.

27 (3)(A) In such instances, the commission shall declare that the
28 cost of ~~such conservation~~ the energy conservation programs and measures is a
29 proper cost of providing utility service.

30 (B) At the time any ~~such programs or~~ the energy
31 conservation programs and measures are approved and ordered into effect, the
32 commission shall also order that the affected public utility company be
33 allowed to increase its rates or charges as necessary to recover from
34 consumers who have not opted out of utility-sponsored energy conservation
35 programs and measures under subdivision (c)(1) of this section any costs
36 incurred by the public utility company as a result of its engaging in any

1 ~~such program or measure~~ the energy conservation programs and measures.

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3 SECTION 3. Arkansas Code § 23-3-405(c)(1)(A)(ii)(b), concerning the
4 exemption criteria for a nonresidential business consumer, is amended to read
5 as follows:

6 (b) Has accepted but returned to an applicable
7 public utility through a separate payment to the public utility or through
8 payment of rates approved under subdivision (a)(3) of this section any amount
9 received from an applicable public utility calculated from the date of the
10 installation of the last energy conservation program or measure, including
11 any interest and directly attributable rate effects, ~~from an applicable~~
12 public utility, for:

13 (1) The installation of any energy
14 conservation programs and measures by the applicable public utility; or

15 (2) Financing or direct monetary
16 compensation in the form of a rebate or incentive to enable the installation
17 of any energy conservation programs and measures by the applicable public
18 utility.

19 /s/Beck

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22 **APPROVED: 04/07/2017**
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