

1 State of Arkansas
2 92nd General Assembly
3 Regular Session

A Bill

HOUSE BILL 1738

4
5 By: Representative Beck
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For An Act To Be Entitled

8 AN ACT TO AMEND THE STATUTES CONCERNING OBTAINING A
9 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM
10 THE ARKANSAS PUBLIC SERVICE COMMISSION IN CERTAIN
11 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE STATUTES CONCERNING
15 OBTAINING A CERTIFICATE OF PUBLIC
16 CONVENIENCE AND NECESSITY FROM THE
17 ARKANSAS PUBLIC SERVICE COMMISSION IN
18 CERTAIN CIRCUMSTANCES.
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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 § 23-3-205 is amended to read as follows:

25 23-3-205. Issuance of certificate of public convenience and necessity –
26 Terms and conditions.

27 (a) As used in this section:

28 (1) "Consolidated utility district" means a consolidated utility
29 district as defined in § 14-217-103 that owns or operates an electric system
30 as defined in § 14-217-103; and

31 (2) "Municipality" means a municipality as defined in § 14-202-
32 102 that:

33 (A) Owns or operates a municipal electric utility as
34 defined in § 25-20-402; or

35 (B) Is an owner of an electric project as defined in § 25-
36 20-402.



1 ~~(a)(1)~~(b)(1) After conducting a hearing to assess the merits of an
 2 application for a certificate of public convenience and necessity under this
 3 subchapter, the Arkansas Public Service Commission may grant or deny all or
 4 part of the application upon any terms or conditions the commission finds
 5 appropriate to serve the purposes of this ~~sub~~title subchapter.

6 (2) The right to a hearing under this section may be waived by
 7 the applicant.

8 ~~(b)(c)(1)~~ The Except as provided under subdivision (c)(2) of this
 9 section, the commission shall not issue a certificate of public convenience
 10 and necessity to any person or corporation that:

11 ~~(1)~~(A) Is not a public utility;

12 ~~(2)~~(B) Primarily transmits electricity; and

13 ~~(3)~~(C) Has not been directed or designated to construct an
 14 electric transmission facility from a regional transmission organization.

15 (2) After the commission conducts a hearing under subdivision
 16 (b)(1) of this section for a person or corporation that primarily transmits
 17 electricity and has not been directed to construct an electric transmission
 18 facility from a regional transmission organization, the commission may grant
 19 or deny all or part of the application upon any terms or conditions the
 20 commission finds appropriate for the purposes of this subchapter subject to
 21 the following considerations:

22 (A) The commission shall only authorize the person or
 23 corporation to contract with a municipality or a consolidated utility
 24 district that is not located within the service territory of another public
 25 utility;

26 (B) The commission shall not authorize the person or
 27 corporation to serve any customers outside of the boundaries of a
 28 municipality or consolidated utility district;

29 (C) The commission shall not authorize the person or
 30 corporation to serve any customers that are otherwise served by, or located
 31 within, the service territory of another public utility; and

32 (D) The commission shall not grant a certificate of public
 33 convenience and necessity under this subchapter to a person or corporation if
 34 doing so would result in an unreasonable impact on any other public utility
 35 or on the customers of any other electric utility in this state that is
 36 inconsistent with the public interest as determined by the commission.

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APPROVED: 3/20/19