

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1337

"TO AMEND VARIOUS SECTIONS OF THE ELECTRIC CONSUMER CHOICE ACT OF
1999."

Amendment No. 2 to House Bill No. 1337.

Amend House Bill No. 1337 as originally introduced:

Pages 10 through 12, delete SECTION 12 and substitute the following:

"SECTION 12. Arkansas Code 23-19-103(a) and (b) are amended to read as follows:

(a) Retail open access shall not be implemented by electric utilities on January 1, 2002. As to any particular utility or utilities, unless and until the Arkansas Public Service Commission may delay the implementation of retail open access for ninety (90) days and for successive 90 day periods thereafter, but not beyond June 30, 2003, upon finding determines that within each congressional district:

(1) The particular electric utility or electric utilities have ~~not~~ had a reasonable opportunity to commence determination of their stranded costs, if any, pursuant to § 23-19-303 because of circumstances beyond the control of the utility or utilities and shall not include an election by the utility to delay filing an application for stranded cost recovery until after the implementation of retail open access pursuant to § 23-19-301(a);

(2) Necessary approvals from the Federal Energy Regulatory Commission, or any successor agency, have ~~not~~ been obtained;

(3) Implementation of retail open access would not have an immediate, irreparable, and adverse financial effect on county or municipal governments, or school districts;

(4) Appropriate metering, billing, and collection procedures have ~~not~~ been established or all electronic data exchange and information systems necessary for implementation of retail open access have been fully developed, installed and tested;

(5) Implementation of retail open access would not have a significant, adverse effect on the reliability of the electric system in Arkansas; ~~or~~

(6) Implementation of retail open access would not have a material adverse effect upon the public interest, especially including upon residential or small business customers in this state;

(7) Most residential and small business customers would pay less for the generation, transmission and distribution of electricity under retail

open access than under the current regulated environment; and

(8) Demonstrably effective market structures are in place, including but not limited to:

(A) All electric utilities have subjected their transmission facilities to control by an independent transmission entity, pursuant to § 23-19-103(g), approved by the Federal Energy Regulatory Commission; and

(B) There is sufficient generation and transmission capacity to serve the current and projected demand of Arkansas consumers.

~~(b) If retail open access implementation is delayed pursuant to subsection (a) of this section for one (1) or more utilities that serve, in the aggregate, fifty one percent (51%) or more of the total customers served by electric utilities in this state, implementation shall be delayed for all electric utilities. Provided, however, that an electric utility may, at the utility's election, petition the commission for approval to proceed with retail open access implementation for its customers notwithstanding that implementation has been delayed for electric utilities that serve, in the aggregate, fifty one percent (51%) or more of the total customers served by electric utilities in this state. If delayed pursuant to this subsection (b), retail open access implementation shall resume, on a utility by utility basis as provided in subsection (a) of this section, as expeditiously as possible after the commission determines that electric utilities serving more than fifty one percent (51%) of the electric utility customers in this state are ready to proceed with retail open access implementation. Except as provided in § 23-19-106(e), in no event shall retail open access be delayed beyond June 30, 2003. For purposes of this subsection, the number of customers served by a particular electric utility shall be determined by the commission's most recent annual report to the Governor pursuant to § 23-2-315. Each such report issued after July 30, 1999, shall include the number of customers served by each electric utility."~~

The Amendment was read _____

By: Representative Duggar

LH/RRS

RRS216

Chief Clerk