



State of Arkansas
Bureau of
Legislative Research

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Tim Carlock, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Estella Smith, Assistant Director
for Research Services

State Agency Litigation Notification Form C.03a

Dear Agency Director:

Arkansas Code § 10-3-312 requires that any agency or institution that is not represented by the Attorney General shall notify the Director of the Bureau of Legislative Research of pending litigation so that the appropriate legislative committee may “determine the action that may be deemed necessary to protect the interests of the General Assembly and the State of Arkansas in that matter.”

In order to submit a report regarding pending litigation pursuant to Arkansas Code § 10-3-312, please complete the following form for each pending lawsuit, along with a cover letter to the Director of the Bureau of Legislative Research, and submit to desikans@blr.arkansas.gov.

DATE REPORTING:	
Agency:	Arkansas Public Service Commission
E-mail:	valerie.boyce@arkansas.gov
Phone:	501-682-5827
Contact:	Valerie Boyce
1. STYLE OF THE CASE BEING LITIGATED	
Petit Jean Elec. Coop., et al. v. Ark. Public Service Commission	
2. IDENTITY OF THE TRIBUNAL BEFORE WHICH THE MATTER HAS BEEN FILED (COURT)	
Arkansas Court of Appeals	
3. BRIEF DESCRIPTION OF THE ISSUES INVOLVED	
Appeal of Commission Order Nos. 28 and 33 in Docket No. 16-027-R approving revised Net Metering Rules.	
3A. OTHER DESCRIPTION INFORMATION	
Docket Number	CV 20-610 (consolidated)
Date Filed	10/27/2020
Defendant	Arkansas Public Service Commission
Defendant Attorney	Valerie Boyce
Plaintiff	Petit Jean Elec. Coop., Ark., Ark. Elec. Coop., Scenic Hill Solar
Plaintiff Attorney	John Keeling Baker, John Elkins, Jason Keyes, et al.
4. ANY OTHER RELEVANT INFORMATION	
The four appellants filed four separate appeals (CV 20-610, CV 20-618, CV 20-619, CV 20-620) of the same Commission orders, which were consolidated by the Court 12/9/20 at the Commission's request.	
4A. OTHER RELEVANT INFORMATION	
Case History	APSC Docket No. 16-027-R
Relief Sought	Reversal of Order Nos. 28 and 33.
Current Status	On 5/11/22 the Court of Appeals reversed in part and affirmed in part. On 5/31/22, APSC filed a Petition for Rehearing. On 6/7/22, Scenic Hills Solar filed a Response. On 7/13/22, the Court of Appeals denied the Petition



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for Rehearing. On 7/22/22, Petit Jean filed a Petition for Review. On 7/28/22 Scenis Hill filed a Response. On 8/1/22, APSC filed a Response. On 9/22/22, the Supreme Court denied the Petition for Review and the Court of Appeals issued its Mandate.

A.C.A. § 10-3-312

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session,
including changes and corrections by the Arkansas Code Revision Commission.

- **Arkansas Code Annotated**
- **Title 10 General Assembly**
- **Chapter 3 Committees**
- **Subchapter 3-- Legislative Council**

10-3-312. NOTIFICATION OF LAWSUITS AFFECTING STATE.

- **(a)** In order that the General Assembly may take whatever steps it deems necessary concerning lawsuits which may affect the State of Arkansas, its officials, or its financial resources:
 - **(1)** The Attorney General shall notify the Director of the Bureau of Legislative Research who is the Executive Secretary to the Legislative Council as soon as possible after the Attorney General becomes involved in such litigation;
 - **(2)** **When any state agency or any entity which receives an appropriation of funds from the General Assembly becomes involved in litigation without representation by the Attorney General, the director or administrative head of the agency shall notify the Director of the Bureau of Legislative Research as soon as possible.**
- **(b)** The notice given by the Attorney General or by the director or administrative head of a state agency to the Director of the Bureau of Legislative Research shall include the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and other information that will enable the Legislative Council or the Joint Budget Committee to determine the action that may be deemed necessary to protect the interests of the General Assembly and the State of Arkansas in that matter.
- **(c)** Upon receipt of the notice, the Director of the Bureau of Legislative Research shall during the interim between legislative sessions transmit a copy of the notice to the cochairs of the Legislative Council and to the cochairs of the Joint Budget Committee during legislative sessions in order that those committees may schedule that matter upon their respective agendas at the earliest possible date.
- **(d)** During the interim between legislative sessions, the Legislative Council shall determine, and during legislative sessions the Joint Budget Committee shall determine, whether the General Assembly has an interest in the litigation and, if so, take whatever action deemed necessary to protect the General Assembly's and the state's interest in that matter.

HISTORY

Acts 1987, No. 798, §§ 1, 2.

Arkansas Code of 1987 Annotated Official Edition
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A.C.A. § 10-3-312 (Lexis Advance through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission)