

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

111

By: Senator Walters

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 23-1-101(4) TO INCLUDE CERTAIN CLASS C OR LOWER WATER OR SEWER COMPANIES WITHIN THE DEFINITION OF 'PUBLIC UTILITY' UPON THE PETITION OF THE MAJORITY OF THE UTILITY'S CUSTOMERS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 23-1-101(4) is hereby amended to add an additional subdivision to read as follows:

"(F) (i) Any Class C or lower water company or Class C or lower sewer company that would otherwise be exempt from the definition of "public utility" under subdivision (4) (A) (ii) (b) or (4) (A) (vi) (b) shall be included within the term "public utility" if a majority of the customers of the company petition the Public Service Commission to have the company included. The Public Service Commission shall determine the sufficiency of the petition at a public hearing. The water or sewer company or any customer of the company may appear and present evidence on the sufficiency of the petition.

(ii) The Public Service Commission shall adopt regulations governing the petition process.

(iii) A Class C or lower water company or sewer company shall provide the Public Service Commission a list of customers upon request."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.