

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# A Bill

**HOUSE BILL**

4 **By: Representative Hunton and Steele**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 23-1-101 TO REDEFINE THE  
9 TERM 'PUBLIC UTILITY' FOR PURPOSES OF PUBLIC SERVICE  
10 COMMISSION JURISDICTION; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code 23-1-101(4) (A) is hereby amended to read as  
15 follows:

16 "(4) (A) 'Public utility' includes persons, corporations, and publicly  
17 owned water systems, or their lessees, trustees, and receivers, owning or  
18 operating in this state equipment or facilities for:

19 (i) Producing, generating, transmitting, delivering, or furnishing gas,  
20 electricity, steam, or another agent for the production of light, heat, or  
21 power to, or for, the public for compensation;

22 (ii) Developing, treating, pumping, storing, transmitting,  
23 distributing, or furnishing water to or for the public for compensation.

24 Further, the term 'public utility' shall not include any entity described by  
25 this subdivision which meets any of the following criteria:

26 (a) All property owners' associations whose facilities are enjoyed only  
27 by members of that association or residents of the community governed by that  
28 association; or

29 (b) All entities whose annual operating water revenues do not exceed  
30 three million dollars (\$3,000,000). However, the term 'public utility' shall  
31 include any water company which petitions, or a majority of whose metered  
32 customers petition, the Arkansas Public Service Commission to come under the  
33 commission's jurisdiction, provided that the water company must have had  
34 combined annual operating revenues in excess of four hundred thousand dollars  
35 (\$400,000) for the three (3) fiscal years immediately preceding the date of

1 filing the petition; or

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3 (iii) Conveying or transmitting messages or communications by telephone  
4 or telegraph where such service is offered to the public for compensation;

5 (iv) Transporting persons by street, suburban, or interurban railway  
6 for the public for compensation;

7 (v) Transporting persons by motor vehicles if the vehicles are operated  
8 under a franchise granted by a municipality and in conjunction with, or as a  
9 part of, a street, suburban, or interurban railway, or in lieu of either  
10 thereof, for the public for compensation;

11 (vi) Maintaining a sewage collection system or a sewage treatment  
12 plant, intercepting sewers, outfall sewers, force mains, pumping stations,  
13 ejector stations, and other appurtenances necessary or useful for the  
14 collection or treatment, purification, and disposal of the liquid and solid  
15 waste, sewage, night soil, and industrial waste. However, nothing in this  
16 subdivision shall be construed to include sewerage facilities and equipment of  
17 cities and towns in the definition of public utility. The term 'public  
18 utility' shall not include any entity described by this subdivision which  
19 meets any of the following criteria:

20 (a) All property owners' associations whose facilities are enjoyed only  
21 by members of that association or residents of the community governed by that  
22 association; or

23 (b) All entities whose annual operating revenues would cause them to be  
24 classified as Class C or lower sewer companies pursuant to the uniform system  
25 of accounts adopted by the Arkansas Public Service Commission; or

26 (c) All improvement districts."  
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28 SECTION 2. All provisions of this Act of a general and permanent nature  
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
30 Revision Commission shall incorporate the same in the Code.

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32 SECTION 3. If any provision of this Act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the Act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this

1 Act are declared to be severable.

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3       SECTION 4. All laws and parts of laws in conflict with this Act are  
4 hereby repealed.

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