

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/17/05 H3/18/05 H4/1/05

A Bill

HOUSE BILL 1880

5 By: Representatives Verkamp, Pickett, *Stovall*, *Walters*
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For An Act To Be Entitled

9 AN ACT TO CLARIFY NOTICE REQUIREMENTS FOR CHANGES
10 IN RATES AND CHARGES BY PUBLIC UTILITIES; TO ADD
11 NOTICE AND PROCEDURAL REQUIRMENTS FOR THE
12 SETTLEMENT OF GENERAL RATE CASES BEFORE THE
13 ARKANSAS PUBLIC SERVICE COMMISSION; TO ESTABLISH
14 ADDITIONAL REQUIREMENTS FOR THE COMMISSION'S
15 ISSUANCE OF A PROTECTIVE ORDER; AND FOR OTHER
16 PURPOSES.

Subtitle

17
18 AN ACT TO AMEND THE ARKANSAS PUBLIC
19 SERVICE COMMISSION'S AUTHORITY TO CHANGE
20 THE RATES AND CHARGES OF A PUBLIC
21 UTILITY, TO ISSUE PROTECTIVE ORDERS, AND
22 TO ADD A PROCEDURE FOR THE SETTLEMENT OF
23 GENERAL RATE CASES.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 *SECTION 1.* Arkansas Code Title 23, Chapter 2, Subchapter 3 is amended
30 to add an additional section to read as follows:

31 23-2-317. Settlement of an application for a general change or
32 modification in the rates and charges of a public utility.

33 (a) As used in this section:

34 (1) "Commission" means the Arkansas Public Service Commission;

35 (2) "General staff" means the investigative and advocacy
36 component of the commission that participates as a party in proceedings



1 before the commission in accordance with the commission's rules; and

2 (3)(A) "Settlement" means an agreement between some or all of
3 the parties to a commission proceeding on the resolution of a proceeding or
4 part of a proceeding.

5 (B) "Settlement" does not include communications primarily for
6 the purpose of discovery or to resolve issues that are not material to the
7 outcome of the proceeding.

8 (b) The commission may approve a settlement if after a public hearing
9 the settling parties prove by a preponderance of the evidence that the
10 settlement is fair, just and reasonable, and in the public interest.

11 (c)(1) Before any party engages in a settlement discussion, it shall
12 give reasonable notice of that intention to the other parties in the
13 proceeding; and

14 (2) Provide a reasonable opportunity for any party in the
15 proceeding to participate in any settlement discussion.

16 (d) Whenever a settlement is filed for commission approval, it shall
17 be accompanied by a pleading or written testimony containing:

18 (1) The factual and legal considerations on which the
19 commission's acceptance is sought, and

20 (2) An explanation of the settlement's effect on each settling
21 party's previously asserted position, if any.

22 (e)(1)(A) Any party may file an objection to a settlement within ten
23 (10) days after the settlement was filed.

24 (B) Objections shall specify:

25 (i) The portions of the settlement that are opposed;

26 (ii) The legal basis for that opposition; and

27 (iii) Any facts that are contested.

28 (2) Any party failing to file a timely objection waives his or
29 her right to cross examine witnesses at any hearing on the settlement's
30 merits.

31 */s/ Verkamp, et al*