

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 As Engrossed: H3/17/05 H3/18/05 H4/1/05 H4/5/05

2 85th General Assembly

# A Bill

3 Regular Session, 2005

HOUSE BILL 1880

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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.

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## Subtitle

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

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*SECTION 1.* Arkansas Code Title 23, Chapter 2, Subchapter 3 is amended to add an additional section to read as follows:

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

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(a) As used in this section:

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

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(2) "General staff" means the investigative and advocacy

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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 or among some or  
3 all of the parties to a commission proceeding regarding the final resolution  
4 of a proceeding or part of a proceeding following the completion of each  
5 party's opportunity for discovery, analysis, and the development and filing  
6 of each party's last written testimony with the commission.

7 (B) "Settlement" does not include any communications  
8 related to discovery, investigation, analysis, or the development of each  
9 party's position in a proceeding before the last written testimony is filed  
10 with the commission.

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

14 (c)(1) Before the general staff engages in a settlement discussion, it  
15 shall give reasonable notice of that intention to the other parties in the  
16 proceeding; and

17 (2) Provide a reasonable opportunity for any party to the  
18 proceeding to participate in any settlement discussion in which the general  
19 staff participates.

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

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

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

26 (e)(1)(A) Any party to a commission proceeding may file an objection  
27 to a settlement of that proceeding within ten (10) days after the settlement  
28 was filed.

29 (B) Objections shall specify:

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

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

32 (iii) Any facts that are contested.

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

36 /s/ Verkamp, et al