

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/13/07

A Bill

HOUSE BILL 1367

5 By: Representative Dunn
6 By: Senator T. Smith
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For An Act To Be Entitled

10 AN ACT TO AMEND § 23-3-201 TO PROVIDE THAT A
11 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
12 IS NOT REQUIRED FOR REPLACING OR EXPANDING AN
13 EXISTING FACILITY OR TO INCREASE A FACILITY'S
14 CAPACITY IF THE EXISTING RIGHT-OF-WAY IS NOT
15 INCREASED; AND FOR OTHER PURPOSES.

Subtitle

17 TO PROVIDE THAT A CERTIFICATE OF PUBLIC
18 CONVENIENCE AND NECESSITY IS NOT
19 REQUIRED FOR CONSTRUCTION ON AN EXISTING
20 FACILITY OR TO INCREASE AN EXISTING
21 FACILITY'S CAPACITY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:
28 23-3-201. Requirement for new construction or extension.

29 (a)(1) No new construction or operation of any equipment or facilities
30 for supplying a public service or extension thereof shall be undertaken
31 without first obtaining from the Arkansas Public Service Commission a
32 certificate that public convenience and necessity require or will require the
33 construction or operation.

34 (2) If no increase in the width of an existing right-of-way is
35 required, the replacement or expansion of existing equipment or facilities
36 equipment or facilities in substantially the same location or the rebuilding,



1 upgrading, modernizing, or reconstructing of equipment or facilities that
2 increase capacity shall not constitute new construction and shall not require
3 a certificate of public convenience and necessity under subdivision (a)(1) of
4 this section.

5 (b) If the construction or operation has been commenced under a
6 limited or conditional certificate, or authority as provided in §§ 23-3-203 -
7 23-3-205, this section shall not be construed to require the certificate, nor
8 shall the certificate be required for an extension within any municipality or
9 district within which service has been lawfully supplied, or for any
10 extension within, or to territory then being served, or necessary in the
11 ordinary course.

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14 /s/ Dunn, et al
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