

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 271

5 By: Senator J. Key  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY REQUIREMENTS FOR OBTAINING A  
9 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM  
10 THE ARKANSAS PUBLIC SERVICE COMMISSION; AND FOR OTHER  
11 PURPOSES.  
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## Subtitle

14 TO CLARIFY REQUIREMENTS FOR OBTAINING A  
15 CERTIFICATE OF PUBLIC CONVENIENCE AND  
16 NECESSITY FROM THE ARKANSAS PUBLIC  
17 SERVICE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:  
24 23-3-201. Requirement for new construction or extension.

25 (a) New construction or operation of equipment or facilities for  
26 supplying a public service or the extension of a public service shall not be  
27 undertaken without first obtaining from the Arkansas Public Service  
28 Commission a certificate that public convenience and necessity require or  
29 will require the construction or operation.

30 (b) This section does not require a certificate of public convenience  
31 and necessity for:

32 (1) The replacement or expansion of existing equipment or  
33 facilities with similar equipment or facilities in substantially the same  
34 location or the rebuilding, upgrading, modernizing, or reconstructing of  
35 equipment or facilities that increase capacity if no increase in the width of  
36 an existing right-of-way is required;



1 (2) The construction or operation of equipment or facilities for  
2 supplying a public service that has begun under a limited or conditional  
3 certificate or authority as provided in §§ 23-3-203 – 23-3-205;

4 (3) The extension of a public service:

5 (A) Within a municipality or district where a public  
6 service has been lawfully supplied;

7 (B) Within or to territory then being served; ~~or~~

8 (C) That is necessary in the ordinary course; or

9 (D) By a generation and transmission cooperative, as  
10 defined in § 23-4-1101(2), where this subdivision (b)(3) would not have  
11 required a certificate of public convenience and necessity for such  
12 construction or operation of facilities by a member cooperative, as defined  
13 in § 23-4-1101(3), of such generation and transmission cooperative; or

14 (4) Except as provided in § 23-18-504(c), the construction or  
15 operation of a major utility facility as defined in the Utility Facility  
16 Environmental and Economic Protection Act, § 23-18-501 et seq., or any  
17 exemption under the Utility Facility Environmental and Economic Protection  
18 Act, § 23-18-501 et seq.

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