

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

HOUSE BILL 1592

4  
5 By: Representatives Beck, C. Douglas, Ballinger, Bentley, Copeland, Davis, Drown, Henderson, M.  
6 Gray, Rushing, B. Smith, Sorvillo, Tosh

## For An Act To Be Entitled

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

## Subtitle

16 TO CLARIFY REQUIREMENTS FOR OBTAINING A  
17 CERTIFICATE OF PUBLIC CONVENIENCE AND  
18 NECESSITY FROM THE ARKANSAS PUBLIC  
19 SERVICE COMMISSION; AND TO DECLARE AN  
20 EMERGENCY.

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

25 SECTION 1. Arkansas Code § 23-3-205 is amended to read as follows:

26 23-3-205. Issuance of certificate of public convenience and necessity  
27 – Terms and conditions.

28 ~~(a)(1) The commission shall have the power, after hearing, unless~~  
29 ~~waived by the parties, to issue the certificate as prayed for, to refuse to~~  
30 ~~issue the certificate, or to issue it for the construction or operation of a~~  
31 ~~portion only of the contemplated facility or extension thereof, or for the~~  
32 ~~partial exercise only of the right or privilege and may attach to the~~  
33 ~~exercise of the rights granted by the certificate such terms and conditions~~  
34 ~~in harmony with this act as in its judgment the public convenience and~~  
35 ~~necessity may require. After conducting a hearing to assess the merits of an~~  
36 application for a certificate of public convenience and necessity under this



1 subchapter, the Arkansas Public Service Commission may grant or deny all or  
2 part of the application upon any terms or conditions the commission finds  
3 appropriate to serve the purposes of this subtitle.

4 (2) The right to a hearing under this section may be waived by  
5 the applicant.

6 (b) The commission shall not issue a certificate of public convenience  
7 and necessity under this subchapter unless the commission finds that:

8 (1) The applicant's primary operation within the state is to  
9 serve as a public utility; and

10 (2) The citizens of the state are the primary intended  
11 beneficiaries of the products and services to be provided by the applicant.

12  
13 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that the grant or denial of  
15 permission to operate as a public utility confers significant authority upon  
16 a public utility and is therefore an extremely important decision; that  
17 additional guidance should be provided to make this important determination  
18 and to protect citizens from potential abuses of the powers given to public  
19 utilities; and that this act is immediately necessary because a delay in  
20 implementing the standards required by this act will cause undue and long-  
21 lasting hardship to citizens affected by public utilities that were not  
22 required to meet the standards implemented by this act. Therefore, an  
23 emergency is declared to exist, and this act being immediately necessary for  
24 the preservation of the public peace, health, and safety shall become  
25 effective on:

26 (1) The date of its approval by the Governor;

27 (2) If the bill is neither approved nor vetoed by the Governor,  
28 the expiration of the period of time during which the Governor may veto the  
29 bill; or

30 (3) If the bill is vetoed by the Governor and the veto is  
31 overridden, the date the last house overrides the veto.