

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 594

By: Senator M. McKee
By: Representative Milligan

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING EXEMPTIONS FOR
CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR
NEW CONSTRUCTION TO SUPPLY A PUBLIC SERVICE OR TO
EXTEND A PUBLIC SERVICE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING EXEMPTIONS
FOR CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY FOR NEW CONSTRUCTION TO
SUPPLY A PUBLIC SERVICE OR TO EXTEND A
PUBLIC SERVICE.

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

SECTION 1. Arkansas Code § 23-3-201(b)(1), concerning exemptions from
the requirement of obtaining a certificate of public convenience and
necessity, is amended to read as follows:

(b)(1) This section does not:

(1) ~~require~~ Require a certificate of public convenience and
necessity for:

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

(B) The construction or operation of equipment or
facilities for supplying a public service that has begun under a limited or



1 conditional certificate or authority as provided in §§ 23-3-203 – 23-3-205;

2 (C) The extension of a public service:

3 (i) Within a municipality or district where a public
4 service has been lawfully supplied;

5 (ii) Within or to territory then being served; or

6 (iii) That is necessary in the ordinary course; or

7 (D) Except as provided in § 23-18-504(c), the construction
8 or operation of a major utility facility as defined in the Utility Facility
9 Environmental and Economic Protection Act, § 23-18-501 et seq., or any
10 exemption under the Utility Facility Environmental and Economic Protection
11 Act, § 23-18-501 et seq.; or

12 (2) Apply to equipment or facilities a majority of which is
13 owned by one (1) or more exempt wholesale generators as defined in § 23-1-
14 101;