

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/16/15

A Bill

SENATE BILL 935

5 By: Senator Rice
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING CERTIFICATES OF
9 PUBLIC CONVENIENCE AND NECESSITY REQUIRED PRIOR TO
10 UNDERTAKING NEW CONSTRUCTION OR OPERATION OF
11 EQUIPMENT FOR SUPPLYING A PUBLIC SERVICE; AND FOR
12 OTHER PURPOSES.
13

Subtitle

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16 TO AMEND THE LAWS CONCERNING CERTIFICATES
17 OF PUBLIC CONVENIENCE AND NECESSITY
18 REQUIRED PRIOR TO UNDERTAKING NEW
19 CONSTRUCTION OR OPERATION OF EQUIPMENT
20 FOR SUPPLYING A PUBLIC SERVICE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 23-3-201 is amended to read as follows:

26 23-3-201. Requirement for new construction or extension.

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

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

34 (1) The replacement or expansion of existing equipment or
35 facilities with similar equipment or facilities in substantially the same
36 location or the rebuilding, upgrading, modernizing, or reconstructing of



1 equipment or facilities that increase capacity if no increase in the width of
2 an existing right-of-way is required;

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

6 (3) The extension of a public service:

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

9 (B) Within or to territory then being served; or

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

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

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

21 (c) To the extent a member cooperative of a generation and
22 transmission cooperative, as defined under § 23-4-1101, is exempt from the
23 requirement to obtain a certificate of public convenience and necessity under
24 subsection (b) of this section, the exemption shall extend to the generation
25 and transmission cooperative.

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27 /s/Rice

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30 **APPROVED: 04/01/2015**