

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

A Bill

SENATE BILL 935

4
5 By: Senator Rice
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7 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

14 Subtitle

15 TO AMEND THE LAWS CONCERNING CERTIFICATES
16 OF PUBLIC CONVENIENCE AND NECESSITY
17 REQUIRED PRIOR TO UNDERTAKING NEW
18 CONSTRUCTION OR OPERATION OF EQUIPMENT
19 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 (a) of this section, the exemption shall extend to the generation
25 and transmission cooperative.