

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1818

5 By: Representative Perry
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS CODE CONCERNING
9 CERTIFICATES OF CONVENIENCE AND NECESSITY FOR NEW
10 CONSTRUCTION TO SUPPLY A PUBLIC SERVICE OR TO EXTEND
11 A PUBLIC SERVICE; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND THE ARKANSAS CODE CONCERNING
15 CERTIFICATES OF CONVENIENCE AND NECESSITY
16 FOR NEW CONSTRUCTION TO SUPPLY A PUBLIC
17 SERVICE OR TO EXTEND A PUBLIC SERVICE.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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

26 (b)(1) This section does not require a certificate of public
27 convenience and necessity for:

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

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

36 ~~(3)~~(C) The extension of a public service:



1 ~~(A)(i)~~ Within a municipality or district where a
 2 public service has been lawfully supplied;

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

4 ~~(C)(iii)~~ That is necessary in the ordinary course;

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

10 ~~(5)(2)(A)~~ This section does not require a certificate of public
 11 convenience and necessity for an electric utility that owns or has a legally
 12 recognized right-of-way, easement, or similar property right to property that
 13 is not being acquired by eminent domain and is traversed by the construction
 14 or connection of the following electric utility facilities:

15 ~~(i)~~ ~~The construction, operation, or connection of a~~
 16 A new or existing transmission or distribution substation, transmission
 17 switching station, or transmission metering point and associated facilities
 18 or the extension to such facilities, provided that the public utility owns or
 19 has a legally recognized right-of-way, easement, or similar property right to
 20 the property that is traversed by the construction or ~~extension to~~ or
 21 connection of the facilities;

22 ~~(ii)~~ If the electric public utility is not an
 23 electric cooperative:

24 ~~(a)~~ Any distribution lines to or from the
 25 facilities identified in subdivision (b)(2)(A)(i) of this section;

26 ~~(b)~~ Transmission lines to or from the
 27 facilities identified in subdivision (b)(2)(A)(i) of this section of up to
 28 two (2) line miles in length with a voltage of greater than one hundred
 29 kilovolts (100 kV); or

30 ~~(c)~~ Transmission lines to or from the
 31 facilities identified in subdivision (b)(2)(A)(i) of this section of up to
 32 five (5) line miles in length with a voltage of less than or equal to one
 33 hundred kilovolts (100 kV); or

34 ~~(iii)~~ If the electric public utility is an electric
 35 cooperative:

36 ~~(a)~~ Any distribution lines to or from the

1 facilities identified in subdivision (b)(2)(A)(i) of this section; or
 2 (b) Any transmission lines up to five (5) line
 3 miles in length to or from the facilities identified in subdivision
 4 (b)(2)(A)(i) of this section if the electric cooperative has informed the
 5 landowners whose property is traversed according to the electric
 6 cooperative's business practices.

7 (B) Property that the public utility has previously
 8 acquired by eminent domain for the construction, operation, or connection of
 9 any other public utility facility is considered a legally recognized property
 10 right for the purposes of this subdivision (b)(2).

11 (C) This subdivision (b)(2) does not apply if the
 12 transmission or distribution lines to or from the facilities identified in
 13 subdivision (b)(2)(A)(i) of this section include a navigable waterway
 14 crossing subject to § 23-3-501 et seq.

15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36