

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 792

5 By: Senator Salmon
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE ELECTRICAL GENERATING FACILITIES TO
9 OBTAIN A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
10 AND PUBLIC NEED FROM THE ARKANSAS PUBLIC SERVICE
11 COMMISSION AND BE SUBJECT TO REGULATION REQUIREMENTS;
12 AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO REQUIRE ELECTRICAL GENERATING
16 FACILITIES TO OBTAIN A CERTIFICATE OF
17 ENVIRONMENTAL COMPATIBILITY AND PUBLIC
18 NEED FROM THE ARKANSAS PUBLIC SERVICE
19 COMMISSION AND BE SUBJECT TO REGULATION
20 REQUIREMENTS.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 23-18-504(a), concerning exempt major
27 utility facilities, is amended to read as follows:

28 (a) This subchapter ~~shall not~~ does not apply to ~~any~~ a major utility
29 facility:

30 (1) For which, ~~prior to~~ before July 24, 1973, an application for
31 the approval of the major utility facility has been made to ~~any~~ a federal,
32 state, regional, or local governmental agency, ~~which agency~~ that possesses
33 the jurisdiction to consider the matters prescribed for a finding and
34 determination in § 23-18-519(a) and (b);

35 (2) For which, ~~prior to~~ before July 24, 1973, the Arkansas
36 Public Service Commission has issued a certificate of convenience and



1 necessity or otherwise approved the construction of the major utility
2 facility; or

3 (3) Over which an agency of the federal government has exclusive
4 jurisdiction.

5 ~~(4) That is owned by one (1) or more exempt wholesale generators~~
6 ~~as defined in § 23-1-101(5); or~~

7 ~~(5) That is a facility for generating electric energy owned by~~
8 ~~any person, including a public utility, if the costs of the facility will not~~
9 ~~be recovered in rates subject to regulation by the commission.~~

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36