

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 594

5 By: Senator M. McKee
6 By: Representative Milligan
7

For An Act To Be Entitled

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

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16 TO AMEND THE LAW CONCERNING EXEMPTIONS
17 FOR CERTIFICATES OF PUBLIC CONVENIENCE
18 AND NECESSITY FOR NEW CONSTRUCTION TO
19 SUPPLY A PUBLIC SERVICE OR TO EXTEND A
20 PUBLIC SERVICE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 23-3-201(b)(1), concerning exemptions from
25 the requirement of obtaining a certificate of public convenience and
26 necessity, is amended to read as follows:

27 (b)~~(1)~~ This section does not:

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

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

35 (B) The construction or operation of equipment or
36 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;

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17 **APPROVED: 4/16/25**
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