

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

As Engrossed: S4/7/25

A Bill

SENATE BILL 615

5 By: Senator C. Penzo
6 By: Representative Pilkington
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ENERGY; TO
10 REGULATE NONEXPORT FACILITIES; TO PROHIBIT
11 DISCRIMINATION AGAINST NONEXPORT FACILITIES; AND FOR
12 OTHER PURPOSES.
13

Subtitle

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15 TO AMEND THE LAW CONCERNING ENERGY; TO
16 REGULATE NONEXPORT FACILITIES; AND TO
17 PROHIBIT DISCRIMINATION AGAINST
18 NONEXPORT FACILITIES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 23-4-202, concerning customer billing and
24 statements for water, gas, or electricity, is amended to add an additional
25 subsection to read as follows:

26 (d) Rates for sales of electricity by a public utility furnishing
27 electricity to the general public in this state shall not discriminate
28 against a customer that owns or operates a nonexport facility as defined in §
29 23-18-111 in comparison to rates for sales to other customers served by the
30 electric utility.
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32 SECTION 2. Arkansas Code Title 23, Chapter 18, Subchapter 1, is
33 amended to add an additional section to read as follows:

34 23-18-111. Nonexport facility – Definition – Rules.

35 (a) As used in this section, "nonexport facility" means a facility for
36 the production of electrical energy to meet all or part of a customer's need



1 for electrical energy within a single electric utility's allocated service
2 territory that does not intentionally feed electricity back to the electric
3 utility.

4 (b)(1) On or before March 1, 2026, following notice, opportunity for
5 public comment, and a hearing, the Arkansas Public Service Commission shall
6 promulgate appropriate rules for a nonexport facility.

7 (2) The rules promulgated under subdivision (b)(1) of this
8 section shall include without limitation:

9 (A) Standards for the safe, reliable, and acceptable
10 operation of a nonexport facility, including:

11 (i) Thermal, service voltage, power quality, or
12 network limits associated with inadvertent export events; and

13 (ii) Acceptable methods of export limitation,
14 including:

15 (a) Power control systems;

16 (b) Reverse power protection;

17 (c) Minimum power protection; and

18 (d) Any necessary limit on capacity size; and

19 (B) An expedited review process for:

20 (i) Evaluating and approving acceptable export
21 control methods and requirements for a nonexport facility; and

22 (ii) Interconnection.

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24 SECTION 3. Arkansas Code § 23-18-603(9), concerning the definition of
25 "net-metering facility" used under the Arkansas Cost-Shifting Prevention Act
26 of 2023, is amended to add an additional subdivision to read as follows:

27 (G) Does not include a nonexport facility as defined in §
28 23-18-111.

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30 /s/C. Penzo
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