

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

# A Bill

SENATE BILL 615

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

## For An Act To Be Entitled

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

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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20

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.  
31

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 December 31, 2025, following notice, opportunity  
5 for public comment, and a hearing, the Arkansas Public Service Commission  
6 shall 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; and

17 (c) Minimum power protection; and

18 (B) An expedited review process for:

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

21 (ii) Interconnection.

22  
23 SECTION 3. Arkansas Code § 23-18-603(9), concerning the definition of  
24 "net-metering facility" used under the Arkansas Cost-Shifting Prevention Act  
25 of 2023, is amended to add an additional subdivision to read as follows:

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