

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

# A Bill

SENATE BILL 145

4  
5 By: Senator D. Wallace

## For An Act To Be Entitled

8 AN ACT TO AMEND THE DEFINITION OF "PUBLIC UTILITY";  
9 TO AMEND CERTAIN DEFINITIONS UNDER THE ARKANSAS  
10 RENEWABLE ENERGY DEVELOPMENT ACT OF 2001; AND FOR  
11 OTHER PURPOSES.

## Subtitle

15 TO AMEND THE DEFINITION OF "PUBLIC  
16 UTILITY"; AND TO AMEND CERTAIN  
17 DEFINITIONS UNDER THE ARKANSAS RENEWABLE  
18 ENERGY DEVELOPMENT ACT OF 2001.

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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 § 23-1-101(9), concerning the definition of  
24 "public utility", is amended to add an additional subdivision to read as  
25 follows:

26 (J) The term "public utility" does not include an entity  
27 that:

28 (i) Is a net-metering customer as defined in § 23-  
29 18-603;

30 (ii) Is a net-metering facility as defined in § 23-  
31 18-603; or

32 (iii) Develops, plans, installs, constructs, or  
33 otherwise provides a net-metering facility as defined in § 23-18-603 to a  
34 net-metering customer as defined in § 23-18-603;

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36 SECTION 2. Arkansas Code § 23-18-603(5) and (6), concerning



1 definitions under the Arkansas Renewable Energy Development Act of 2001, are  
2 amended to read as follows:

3 (5) "Net-metering customer" means ~~an owner of a net-metering~~  
4 ~~facility;~~ a customer who:

5 (A) Is an owner of a net-metering facility;

6 (B) Leases a net-metering facility; or

7 (C) Contracts with a third party owner to operate a net-  
8 metering facility that uses solar, wind, hydroelectric, geothermal, or  
9 biomass resources to generate electricity, including without limitation fuel  
10 cells and microturbines that generate electricity if the fuel source is  
11 entirely derived from renewable resources;

12 (6) "Net-metering facility" means a facility for the production  
13 of electrical energy that:

14 (A) Uses solar, wind, hydroelectric, geothermal, or  
15 biomass resources to generate electricity, including, but not limited to,  
16 fuel cells and micro turbines that generate electricity if the fuel source is  
17 entirely derived from renewable resources;

18 (B) Has a generating capacity of not more than:

19 (i) The greater of twenty-five kilowatts (25 kW) or  
20 one hundred percent (100%) of the net-metering customer's highest monthly  
21 usage in the previous twelve (12) months for residential use; or

22 (ii) ~~Three hundred kilowatts (300 kW)~~ One thousand  
23 kilowatts (1,000kW) for any other use unless otherwise allowed by a  
24 commission under § 23-18-604(b)(5);

25 (C) Is located in Arkansas;

26 (D) Can operate in parallel with an electric utility's  
27 existing transmission and distribution facilities; and

28 (E) Is intended primarily to offset part or all of the  
29 net-metering customer requirements for electricity; and

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