

Arkansas Code

Title 23. Public Utilities and Regulated Industries **Chapter 3. Regulation of Utilities and Carriers Generally** **Subchapter 4. Energy Conservation Endorsement Act of 1977**

23-3-401. Title.

This subchapter shall be known and may be cited as the "Energy Conservation Endorsement Act of 1977".

History. Acts 1977, No. 748, § 1; A.S.A. 1947, § 73-2501.

23-3-402. Legislative findings.

The General Assembly finds that the United States is confronted with a severe and very real energy crisis. Simply stated, the demand for fuels has outstripped the available supplies. The President of the United States has established energy conservation as a high-priority national goal and has called on all Americans to participate in and perhaps make sacrifices toward attaining that goal. The General Assembly recognizes that enormous amounts of energy are wasted by consumers of all classes and economic levels due to inadequate insulation of buildings and other inefficiencies in the use of energy. The overriding public interest in the conservation of natural gas and oil, as well as the use of alternative forms of energy, is indisputable.

History. Acts 1977, No. 748, § 2; A.S.A. 1947, § 73-2502.

23-3-403. Energy conservation programs and measures defined.

As used in this subchapter, unless the context otherwise requires, "energy conservation programs and measures" may include, but shall not be limited to:

- (1) Programs of residential, commercial, or industrial insulation, including measures to facilitate the financing of such insulation;
- (2) Programs which result in the improvement of load factors, contribute to reductions in peak power demands, and promote efficient load management, including the adoption of interruptible service equipment and alternative or additional metering equipment designed to implement new rate structures; and
- (3) Programs which encourage the use of renewable energy technologies or sources, including solar energy, wind power, geothermal energy, biomass conversion, or the energy available from municipal, industrial, silvicultural, or agricultural wastes.

History. Acts 1977, No. 748, § 4; A.S.A. 1947, § 73-2504.

23-3-404. Conservation a proper utility function.

It shall be considered a *proper and essential function of public utilities* regulated by the Arkansas Public Service Commission to engage in energy conservation programs, projects, and practices which conserve, as well as distribute, electrical energy and supplies of natural gas, oil, and other fuels. [emphasis added]

History. Acts 1977, No. 748, § 3; A.S.A. 1947, § 73-2503.

23-3-405. Authority of Arkansas Public Service Commission - Rates and charges.

(a)(1) The Arkansas Public Service Commission is authorized to propose, develop, solicit, approve, require, implement, and monitor measures by utility companies which cause the companies to incur costs of service and investments which conserve, as well as distribute, electrical energy and existing supplies of natural gas, oil, and other fuels.

(2) After proper notice and hearings, the programs and measures may be approved and ordered into effect by the commission if it determines they will be *beneficial to the ratepayers of such public utilities and to the utilities themselves*. [emphasis added]

(3) In such instances, the commission shall declare that the cost of such conservation measures is a proper cost of providing utility service. At the time any such programs or measures are approved and ordered into effect, the commission shall also order that the affected public utility company be allowed to increase its rates or charges as necessary to recover any costs incurred by the public utility company as a result of its engaging in any such program or measure.

(b) Nothing in this subchapter shall be construed as limiting or cutting down the authority of the commission to order, require, promote, or engage in other energy conserving actions or measures.

History. Acts 1977, No. 748, §§ 3, 5; A.S.A. 1947, §§ 73-2503, 73-2505.
