

**Report of the Arkansas Public Service Commission
on its Review of 2019 Acts and their effect on Commission Rules
pursuant to Ark. Code Ann. § 25-15-216**

September 11, 2019

Pursuant to Ark. Code Ann. [§ 25-15-216](#), the Arkansas Public Service Commission (PSC or Commission) has reviewed the 2019 Acts of the Arkansas General Assembly to determine whether any existing Commission rule should be repealed or amended or whether any new rule should be adopted as a result of any of the 2019 Acts. The Commission has determined that the following Acts require the indicated action by the Commission concerning the Commission's Rules:

1. [Act 662](#)

Effective date: 07/24/19.

Summary: Requires the Bureau of Legislative Research (BLR) to codify the general and permanent rules of state agencies, to be known as the Code of Arkansas Rules and to be styled similarly to the Arkansas Code of 1987 Annotated.

(1) Amends Administrative Procedures Act (APA), Ark. Code Ann. § [25-15-203](#) (N/A to PSC), to require plain language in rules.

(2) Amends APA, Ark. Code Ann. § [25-15-204\(e\)\(1\)\(A\)](#) (N/A to PSC), to require reason for and summary of rule.

(3) Amends APA, Ark. Code Ann. § [25-15-205](#), to require Secretary of State (SOS) to compile Ark. Register.

(4) Amends APA, Ark. Code Ann. § [25-15-202\(2\)](#), to modify definition of agency to include PSC, etc. for Ark. Code Ann. § [25-15-218](#).

(5) Amends APA, Ark. Code Ann. § [25-15-218](#), to require BLR to compile Code of Ark. Rules.

(6) By 12/31/19, agency must transmit to BLR electronic version of all rules per BLR format.

Rule changes required: possible renumbering of PSC rules after guidance from BLR on format.

Other: Compilation of all rules in Word format for editing purposes; transmittal of all rules to BLR by 12/31/19.

2. [Act 677](#) and [Act 1074](#)

Effective dates: 07/24/19 and 04/16/19.

Summary: Prohibits the displaying of a fictitious or misleading name or telephone number on an Arkansas resident's caller identification service as well

as use of a third-party spoofing provider for the same purpose; makes a violation a Class D felony.

Requires PSC to promulgate rules for telecommunications providers' compliance with laws for misleading caller identification information and gives PSC jurisdiction to hear related consumer complaints.

(1) Adopts and amends Ark. Code Ann. § [23-17-122](#) to require reports by telecoms.

(2) Requires rulemaking; rules to be filed with SOS by 7/1/20.

Rule changes required: Adoption of rules by 7/1/20; Order No. 1 opened Docket No. 19-046-R and set schedule with hearing on 2/20/20.

Other: Docket to receive reports – [Order No. 1](#) opened Docket No. 19-027-A.

3. [Act 464](#)

Effective date: 07/24/19.

Summary: Includes entities that lease or contract to operate a net-metering facility in the definition of such facilities under the Renewable Energy Development Act; increases capacity threshold for facilities to 1,000 kW; clarifies they are not public utilities.

Amends Net Metering statutes, Ark. Code Ann. §§ [23-18-603](#), [23-18-604](#), and [23-18-605](#) to:

(1) allow leasing and government entities;

(2) increase threshold to 1000 kW;

(3) change standard for rates.

Rule changes required: Revise Net Metering Rules; Docket No. 16-027-R – [Order No. 22](#) set schedule with hearing on 12/5/19.

Adopted:



Ted J. Thomas, Chairman



Kimberly A. O'Guinn, Commissioner



Justin Tate, Commissioner