



State of Arkansas
Bureau of
Legislative Research

B.1.a
Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Eric Sanders, Assistant Director
for Information Technology
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services

State Agency Litigation Notification Form

Dear Agency Director:

Arkansas Code § 10-3-312 requires that any agency or institution that is not represented by the Attorney General shall notify the Director of the Bureau of Legislative Research of pending litigation so that the appropriate legislative committee may “determine the action that may be deemed necessary to protect the interests of the General Assembly and the State of Arkansas in that matter.”

In order to submit a report regarding pending litigation pursuant to Arkansas Code § 10-3-312, please complete the following form for each pending lawsuit, along with a cover letter to the Director of the Bureau of Legislative Research, and submit to desikans@blr.arkansas.gov.

DATE REPORTING:			
Agency:	AR Public Service Commission	Phone:	501-682-5881
E-mail:	Fran.Hickman@arkansas.gov	Contact:	Fran Hickman
1. STYLE OF THE CASE BEING LITIGATED			
First Electric Cooperative Corp. v. AR Public Service Commission			
2. IDENTITY OF THE TRIBUNAL BEFORE WHICH THE MATTER HAS BEEN FILED (COURT)			
Arkansas Supreme Court			
3. BRIEF DESCRIPTION OF THE ISSUES INVOLVED			
The issue involved is a discovery issue where FECC does not want to turn over certain data. This case was dismissed at the Court of Appeals, and the Appellant filed with the Arkansas Supreme Court for review.			
3A. OTHER DESCRIPTION INFORMATION			
Docket Number	23-047-C		
Date Filed	April 8, 2024		
Defendant	FECC		
Defendant Attorney	Harry Hamlin, John Talbot		
Plaintiff	Entegrity Energy Partners, LLC		
Plaintiff Attorney	Randall L. Bynum		
4. ANY OTHER RELEVANT INFORMATION			
The Appellants have also filed for a supplemental review of Order Nos. 7 and 9 with the Court of Appeals.			
4A. OTHER RELEVANT INFORMATION			
Case History	Entegrity filed a Complaint to compel certain discovery.		
Relief Sought	Production of Interval Data by FECC		
Current Status	At both AR Supreme Court and Court of Appeals, but Court of Appeals should have no jurisdiction since they dismissed the case, and it was appealed to the AR Supreme Court.		

A.C.A. § 10-3-312

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

- Arkansas Code Annotated
- Title 10 General Assembly
- Chapter 3 Committees
- Subchapter 3-- Legislative Council

10-3-312. NOTIFICATION OF LAWSUITS AFFECTING STATE.

- (a) In order that the General Assembly may take whatever steps it deems necessary concerning lawsuits which may affect the State of Arkansas, its officials, or its financial resources:
 - (1) The Attorney General shall notify the Director of the Bureau of Legislative Research who is the Executive Secretary to the Legislative Council as soon as possible after the Attorney General becomes involved in such litigation;
 - (2) **When any state agency or any entity which receives an appropriation of funds from the General Assembly becomes involved in litigation without representation by the Attorney General, the director or administrative head of the agency shall notify the Director of the Bureau of Legislative Research as soon as possible.**
- (b) The notice given by the Attorney General or by the director or administrative head of a state agency to the Director of the Bureau of Legislative Research shall include the style of the case being litigated, the identity of the tribunal before which the matter has been filed, a brief description of the issues involved, and other information that will enable the Legislative Council or the Joint Budget Committee to determine the action that may be deemed necessary to protect the interests of the General Assembly and the State of Arkansas in that matter.
- (c) Upon receipt of the notice, the Director of the Bureau of Legislative Research shall during the interim between legislative sessions transmit a copy of the notice to the cochairmen of the Legislative Council and to the cochairmen of the Joint Budget Committee during legislative sessions in order that those committees may schedule that matter upon their respective agendas at the earliest possible date.
- (d) During the interim between legislative sessions, the Legislative Council shall determine, and during legislative sessions the Joint Budget Committee shall determine, whether the General Assembly has an interest in the litigation and, if so, take whatever action deemed necessary to protect the General Assembly's and the state's interest in that matter.

HISTORY

Acts 1987, No. 798, §§ 1, 2.

Arkansas Code of 1987 Annotated Official Edition
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A.C.A. § 10-3-312 (Lexis Advance through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission)