

By: Senator(s) Cuevas

To: Public Utilities

SENATE BILL NO. 2869

1 AN ACT TO AMEND SECTION 77-3-21, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE PUBLIC SERVICE COMMISSION TO CANCEL THE CERTIFICATE
3 OF A SEWAGE DISPOSAL UTILITY IF THE HOLDER OF THAT CERTIFICATE HAS
4 NOT PROVIDED SERVICE OR SUBMITTED PLANS TO PROVIDE SERVICE WITHIN
5 THREE YEARS AFTER BEING GRANTED THE CERTIFICATE; TO PROVIDE FOR
6 NOTICE AND HEARING BEFORE ANY CANCELLATION; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 77-3-21, Mississippi Code of 1972, is
10 amended as follows:

11 77-3-21. (1) The commission may, after a hearing had upon
12 due notice, make any findings as may be supported by proof as to
13 whether any utility holding a certificate under * * * this article
14 is rendering reasonably adequate service in any area covered by
15 that utility's certificate. If the commission finds that the
16 utility is not rendering reasonably adequate service the
17 commission may enter an order specifying in what particulars the
18 utility has failed to render reasonably adequate service and order
19 that the failure be corrected within a reasonable time, such time
20 to be fixed in the order. If the utility so ordered to correct
21 the failure fails to comply with the order of the commission and
22 the commission finds that cancellation of its certificate would be
23 in the best interest of the consuming public served by the holder
24 of the certificate, the utility's certificate for the area
25 affected may be revoked and cancelled by the commission.

26 Prior to any municipality exercising the power of eminent
27 domain as provided in Section 77-3-17, the commission shall
28 determine that the certificate of public convenience and necessity

granted to the utility under Section 77-3-13 for the service area wherein the facilities are located, shall be cancelled as provided in this section. Nothing in this paragraph shall be construed to include service for water and sewage.

(2) The commission may, after due notice and hearing, make any findings which are supported by proof as to whether any sewage disposal water utility holding a certificate under this article is providing service in the area covered by that utility's certificate within three (3) years following issuance of the certificate. If the commission finds that the utility is not rendering service in the area, or any portion of the area covered by the certificate, within three (3) years after issuance of the certificate, the commission may enter an order specifying the particulars of the lack of service and order that (a) the utility correct the lack of service within a reasonable time to be fixed in the order; or (b) the utility submit a plan, including a schedule for providing service, to the Public Utilities Staff for providing service to the unserved portions of the certificated area. If the utility fails to comply with that order of the commission and the commission finds that cancellation of the certificate for the entire area or any portion of that area would be in the best interest of the public, the utility's certificate for the entire area or any portion of that area may be revoked and cancelled by the commission.

SECTION 2. This act shall take effect and be in force from and after July 1, 1999.