

By: Woods

To: Local and Private
Legislation

HOUSE BILL NO. 1721

1 AN ACT TO AUTHORIZE THE CITY OF OLIVE BRANCH TO OPERATE ITS
2 NATURAL GAS DISTRIBUTION SYSTEM WITHIN CERTAIN AREAS OUTSIDE THE
3 CORPORATE LIMITS OF THE CITY OF OLIVE BRANCH; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. (1) Notwithstanding any provisions of Section
7 21-27-39, Mississippi Code of 1972, to the contrary, the governing
8 authorities of the City of Olive Branch in DeSoto County,
9 Mississippi, in their discretion, may construct, expand, operate
10 and maintain a natural gas distribution system to provide natural
11 gas service to the following described tract, if the area within
12 the tract is not certificated to another natural gas utility for
13 such service, or if certificated, upon obtaining a release from
14 that utility, or cancellation pursuant to Section 77-3-21,
15 Mississippi Code of 1972, and obtaining a certificate of public
16 convenience and necessity from the Public Service Commission.

17 Beginning at the northwest corner of the southwest
18 quarter of Section 5; Township 3 South; Range 6 West;
19 thence east 2.6 miles along the half section lines of
20 Sections 5, 4, and 3 to a point in the centerline of the
21 Coldwater River; then southwestward along the meanders
22 of the Coldwater River to the southwest corner of
23 Section 19; thence north 3.0 miles along the west line
24 of Sections 19, 18 and 7 to the northwest corner of
25 Section 7 and a point in Camp Creek Canal; thence north
26 2,640 feet along the centerline of said Canal to a point
27 on the half section line of Section 6; thence east 5,000

28 feet along the half section line to the point of
29 beginning, and containing 5,020 acres, more or less.

30 Whenever such natural gas utility service is furnished to any
31 consumer residing outside the corporate limits of the City of
32 Olive Branch, the consumer may not be charged at a rate greater
33 than twice the rate charged for the same service within the
34 corporate limits of the City of Olive Branch.

35 (2) The authority conferred by this act shall not be
36 construed as an exemption from the provisions of Chapter 3, Title
37 77, Mississippi Code of 1972. The City of Olive Branch shall be
38 required to obtain from the Public Service Commission a
39 certificate of public convenience and necessity, obtain approval
40 of all rates and charges for providing natural gas service to
41 those areas that are more than one (1) mile outside its corporate
42 boundaries, and otherwise shall be subject to the jurisdiction of
43 the Public Service Commission as authorized by applicable law.

44 (3) The governing authorities of the City of Olive Branch
45 shall provide natural gas service to each consumer within the
46 distribution system who requests such service. For the purpose of
47 this subsection, the term "distribution system" means all areas
48 that are described in subsection (1) of this section.

49 (4) The governing authorities of the City of Olive Branch
50 shall file annually with the State Auditor for his review a
51 financial report on the natural gas distribution system. The
52 audited financial statements shall be maintained in the office of
53 the system for public inspection and shall be made available to
54 the public during normal business hours.

55 SECTION 2. This act shall take effect and be in force from
56 and after its passage.