

By: Woods

To: Local and Private  
Legislation

HOUSE BILL NO. 1721  
(As Sent to Governor)

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.