

By: Senator(s) Cuevas

To: Public Utilities

SENATE BILL NO. 2365

1 AN ACT TO AMEND SECTION 77-3-3, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE MISSISSIPPI PUBLIC SERVICE COMMISSION TO REGULATE  
3 CABLE TELEVISION SYSTEMS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 77-3-3, Mississippi Code of 1972, is  
6 amended as follows:

7 77-3-3. As used in this chapter:

8 (a) The term "corporation" includes a private or public  
9 corporation, a municipality, an association, a joint stock  
10 association or a business trust.

11 (b) The term "person" includes a natural person, a  
12 partnership of two (2) or more persons having a joint or common  
13 interest, a cooperative, nonprofit, limited dividend or mutual  
14 association, a corporation, or any other legal entity.

15 (c) The term "municipality" includes any incorporated  
16 city, town or village.

17 (d) The term "public utility" includes persons and  
18 corporations, or their lessees, trustees and receivers now or  
19 hereafter owning or operating in this state equipment or  
20 facilities for:

21 (i) The generation, manufacture, transmission or  
22 distribution of electricity to or for the public for compensation;

23 (ii) The transmission, sale, sale for resale, or  
24 distribution of natural, artificial, or mixed natural and  
25 artificial gas to the public for compensation by means of  
26 transportation, transmission, or distribution facilities and  
27 equipment located within this state; however, said term shall not



28 include the production and gathering of natural gas, the sale of  
29 natural gas in or within the vicinity of the field where produced,  
30 or the distribution or sale of liquefied petroleum gas or the sale  
31 to the ultimate consumer of natural gas for use as a motor vehicle  
32 fuel;

33 (iii) The transmission, conveyance or reception of  
34 any message over wire, or by radio, or otherwise, of writing,  
35 signs, signals, pictures and sounds of all kinds by or for the  
36 public, where such service is offered to the public for  
37 compensation, and the furnishing, or the furnishing and  
38 maintenance, of equipment or facilities to the public, for  
39 compensation, for use as a private communications system or part  
40 thereof; however, no person or corporation not otherwise a public  
41 utility within the meaning of this chapter shall be deemed such  
42 solely because of engaging in this state in the furnishing, for  
43 private use as last aforementioned, and moreover, nothing in this  
44 chapter shall be construed to apply to television stations or  
45 radio stations. A cable television system or community antenna  
46 television (CATV) service shall be considered to be a public  
47 utility for the purposes of this chapter and shall be subject to  
48 the provisions of this chapter; and

49 (iv) The transmission, distribution, sale or  
50 resale of water to the public for compensation, or the collection,  
51 transmission, treatment or disposal of sewage, or otherwise  
52 operating a sewage disposal service, to or for the public for  
53 compensation.

54 The term "public utility" shall not include any person not  
55 otherwise a public utility, who furnishes the services or  
56 commodity described in this paragraph (d) only to himself, his  
57 employees or tenants as an incident of such employee service or  
58 tenancy, provided that such services are not sold or resold to  
59 such tenants or employees on a metered or consumption basis.



60 A public utility's business other than of the character  
61 defined in subparagraphs (i) to (iv) of this paragraph (d) is not  
62 subject to the provisions of this chapter.

63 (e) The term "rate" means and includes every  
64 compensation, charge, fare, toll, rental and classification, or  
65 the formula or method by which such may be determined, or any of  
66 them, demanded, observed, charged or collected by any public  
67 utility for any service, product or commodity described in this  
68 section, offered by it to the public, and any rules, regulations,  
69 practices or contracts relating to any such compensation, charge,  
70 fare, toll, rental or classification; however, the term "rate"  
71 shall not include charges for electrical current furnished,  
72 delivered or sold by one public utility to another for resale.

73 (f) The word "commission" shall refer to the Public  
74 Service Commission of the State of Mississippi, as now existing,  
75 unless otherwise indicated.

76 (g) The term "affiliated interest" or "affiliate"  
77 includes:

78 (i) Any person or corporation owning or holding,  
79 directly or indirectly, twenty-five percent (25%) or more of the  
80 voting securities of a public utility;

81 (ii) Any person or corporation in any chain of  
82 successive ownership of twenty-five percent (25%) or more of the  
83 voting securities of a public utility;

84 (iii) Any corporation of which fifteen percent  
85 (15%) or more of the voting securities is owned or controlled,  
86 directly or indirectly, by a public utility;

87 (iv) Any corporation twenty-five percent (25%) or  
88 more of the voting securities of which is owned or controlled,  
89 directly or indirectly, by any person or corporation that owns or  
90 controls, directly or indirectly, twenty-five percent (25%) or  
91 more of the voting securities of any public utility or by any



92 person or corporation in any chain of successive ownership of  
93 twenty-five percent (25%) of such securities;

94 (v) Any person who is an officer or director of a  
95 public utility or of any corporation in any chain of successive  
96 ownership of fifteen percent (15%) or more of voting securities of  
97 a public utility; or

98 (vi) Any person or corporation that the  
99 commission, after notice and hearing, determines actually  
100 exercises any substantial influence or control over the policies  
101 and actions of a public utility, or over which a public utility  
102 exercises such control, or that is under a common control with a  
103 public utility, such control being the possession, directly or  
104 indirectly, of the power to direct or cause the discretion of the  
105 management and policies of another, whether such power is  
106 established through ownership of voting securities or by any other  
107 direct or indirect means.

108 Provided, however, the term "affiliated interest" or  
109 "affiliate" shall not include a joint agency organized pursuant to  
110 Sections 77-5-701 et seq., as now or hereafter amended, nor a  
111 member municipality thereof.

112 (h) The term "facilities" includes all the plant and  
113 equipment of a public utility, used or useful in furnishing public  
114 utility service, including all real and personal property without  
115 limitation, and any and all means and instrumentalities in any  
116 manner owned, operated, leased, licensed, used, controlled,  
117 furnished or supplied for, by or in connection with its public  
118 utility business.

119 (i) The term "cost of service" includes operating  
120 expenses, taxes, depreciation, net revenue and operating revenue  
121 requirement at a claimed rate of return from public utility  
122 operations.

123 (j) The term "lead-lag study" includes an analysis to  
124 determine the amount of capital which investors in a public



125 utility, the rates of which are subject to regulation under the  
126 provisions of this chapter, must provide to meet the day-to-day  
127 operating costs of the public utility prior to the time such costs  
128 are recovered from customers, and the measurement of (i) the lag  
129 in collecting from the customer the cost of providing service, and  
130 (ii) the lag in paying the cost of providing service by the public  
131 utility.

132 SECTION 2. This act shall take effect and be in force from  
133 and after July 1, 2001.

