To: Public Utilities

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Senator(s) Ross
To: Public Utilities

SENATE BILL NO. 2462

AN ACT TO REQUIRE WATER AND SEWER DISTRICTS TO GIVE NOTICE TO ALL PROPERTY OWNERS LOCATED IN AREAS IN WHICH THE DISTRICTS FILE TO EXTEND THEIR WATER AND/OR SEWER SERVICES; TO REQUIRE SUCH DISTRICTS TO DEMONSTRATE TO THE PUBLIC SERVICE COMMISSION SUFFICIENT CAPITAL TO PAY FOR SERVICING ADDITIONAL AREAS BEYOND THEIR BOUNDARIES; TO PROHIBIT SUCH DISTRICTS FROM REQUIRING ANY PROPERTY OWNER TO CONDUCT A FEASIBILITY STUDY WITH REGARD TO SEWAGE AND/OR INDIVIDUAL WASTE WATER MANAGEMENT SYSTEMS; TO AMEND SECTION 77-3-203, MISSISSIPPI CODE OF 1972, TO ALLOW A PROPERTY OWNER TO FILE A COMPLAINT WITH THE PUBLIC SERVICE COMMISSION UPON UTILITY'S FAILURE OR REFUSAL TO PROVIDE WATER AND/OR SEWER SERVICE; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Notwithstanding any law to the contrary, whenever any district created or operated pursuant to the provisions of Sections 19-5-151 through 19-5-207 files to extend its water and/or sewer services to areas beyond the boundaries of such district, the district shall give written notice by mail to all property owners located in such areas and shall give instructions on how the property owners may appear before the Public Service Commission and make any objections.

(2) Notwithstanding any law to the contrary, whenever any district created or operated pursuant to the provisions of Sections 19-5-151 through 19-5-207 seeks to extend its water and/or sewer services to areas beyond the boundaries of such district, the district shall demonstrate to the Public Service Commission that it has sufficient capital or financial resources to pay for servicing the additional area and for the construction and installation of any facilities which will be owned by the district. If the district demonstrates that it has sufficient capital or financial resources for such purposes, then the Public Service Commission may issue a certificate of public convenience.
and necessity without restriction. If the district fails to
demonstrate that it has sufficient capital or financial resources
for such purposes, then the Public Service Commission may issue a
certificate of public convenience and necessity only if the
certificate expressly provides that the district shall not require
property owners in the extended area to join its water and/or
sewer systems.

(3) Notwithstanding any other provision of law to the
contrary, no district created or operated pursuant to the
provisions of Sections 19-5-151 through 19-5-207 may require any
property owner to conduct a feasibility study with regard to
sewage and/or individual waste water management systems.

(4) In addition to any other remedies provided by law, the
Public Service Commission is hereby authorized to enforce the
provisions of this section.

SECTION 2. Section 77-3-203, Mississippi Code of 1972, is
amended as follows:

77-3-203. If any public utility, other than a municipality,
shall fail or refuse to construct within its certificated area any
facilities necessary to provide public utility service, or shall
fail or refuse to make written commitment to do so, within a
reasonable time after written request for such service by any
owner of property, which request shall specify with reasonable
particularity the type of service desired, such owner may, in
addition to any other legal or administrative remedy provided by
law and either separately or jointly with any other owner or
owners in the area affected, pursue either of the following
alternatives or a combination thereof:

(a) In the name of such owner or jointly with any other
person, firm or corporation, pursuant to the provisions of Section
77-3-13, apply to the Mississippi Public Service Commission for a
certificate of public convenience and necessity to construct the
appropriate facilities for furnishing such service or services and
to furnish the same within the area affected, and, provided the
commission finds that the cancellation of the outstanding
certificate would be in the best interest of the consuming public
as provided by Section 77-3-21, the fact that a certificate for
the same type service or services may have been previously issued
to the public utility failing or refusing to furnish such service
shall not be prejudicial to such application; *

(b) File with the Mississippi Public Service Commission
a set of proposed plans for construction of such facilities and
connection of the same with the system or systems of the utility
or utilities affected, such plans to conform in all respects to
all reasonable requirements of said commission and any other
public body having lawful authority to establish standards of
construction. The owner shall give twenty (20) days' notice of
such filing to said commission and any other public bodies
aforesaid and to the public utility or utilities holding a
certificate for the area affected. If, after such notice and
opportunity for protest and hearing thereon, the commission shall
approve such plans or any modification thereof as being supported
by present or future public convenience and necessity, the owner
may give notice as hereinafter provided and then proceed to let
contracts for the construction of the same or to construct the
same and, upon proper completion thereof and conveyance or
assignment of such facilities and easements to the utility, the
holder of the certificate for the area and service affected shall
be obliged promptly to connect the same to its systems and provide
such service; or

(c) File a complaint with the Mississippi Public
Service Commission for the determination of whether the failure or
refusal to construct the appropriate facilities for furnishing
such services was reasonable. The owner shall give twenty (20)
days' notice of such filing to the commission and to the public
utility holding a certificate for the area affected. If, after
such notice and opportunity for hearing thereon, the commission
finds that the failure or refusal was not reasonable, then the
commission may order the public utility to construct the
appropriate facilities.

SECTION 3. Section 1 of this act shall be codified as a
separate section within Title 77, Mississippi Code of 1972.

SECTION 4. This act shall take effect and be in force from
and after its passage.