

By: Senator(s) Robertson

To: Public Utilities

SENATE BILL NO. 2592
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 19-31-51, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NOTICE REQUIREMENTS GIVEN WHEN A PUBLIC UTILITY
3 PETITIONS THE PUBLIC SERVICE COMMISSION FOR A CERTIFICATE OF
4 PUBLIC CONVENIENCE AND NECESSITY FOR ANY UNCERTIFICATED AREA; TO
5 PROVIDE THAT IN CERTAIN COUNTIES WHERE A WATER OR SEWER SYSTEM IS
6 PLACED UNDER A RECEIVER, THE RECEIVER SHALL GIVE CERTAIN
7 PREFERENCES IN MAKING ANY TRANSFER OF OWNERSHIP OF THE WATER OR
8 SEWER SYSTEM; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 19-31-51, Mississippi Code of 1972, is
11 amended as follows:

12 19-31-51. (1) No public improvement district established
13 under this chapter shall provide any utility service described in
14 Section 77-3-3(d) to or for the public for compensation without
15 first obtaining a certificate of public convenience and necessity
16 from the Public Service Commission.

17 (2) Nothing contained in this section shall prohibit the
18 Public Service Commission from issuing a certificate of public
19 convenience and necessity to any person for service in
20 uncertificated areas within public improvement district
21 boundaries.

22 (3) Notwithstanding any law to the contrary, water and/or
23 sewer districts that petition the Public Service Commission for a
24 certificate of public convenience and necessity for any
25 uncertificated area shall give written notice by regular mail to
26 all property owners located in such area, as reflected on the tax
27 rolls of the county or counties at the time of filing the
28 petition, at the address listed on the tax rolls of the county or
29 counties within such area, and to public improvement districts and
30 other public entities located in such area. Such notice shall



31 give the property owners and the governmental entities
32 instructions on how they may appear before the Public Service
33 Commission and make any objections or otherwise participate as an
34 interested party.

35 **SECTION 2.** In any county having a population of more than
36 thirty-five thousand (35,000) but less than forty thousand
37 (40,000), according to the most recent federal decennial census,
38 any water or sewer system for which a finding is made under
39 Section 49-17-44.1 or Section 77-3-22 by a court of competent
40 jurisdiction that it is appropriate for a receiver to be
41 appointed, the receiver shall give preference to a municipality
42 within the county or to the governing authorities of the county in
43 making any transfer of ownership of the water or sewer system.
44 The term "preference," as used in this section, means that no sale
45 or transfer of the water or sewer system shall be approved by a
46 court of competent jurisdiction or otherwise until two (2) years
47 after the date of appointment of the receiver have elapsed. This
48 right of preference may be waived by the local governmental entity
49 given the preference under this section.

50 **SECTION 3.** This act shall take effect and be in force from
51 and after its passage.

