

By: Representative Moak

To: Public Utilities

HOUSE BILL NO. 218

1 AN ACT TO AMEND SECTION 19-31-51, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT NOTICE MAY BE GIVEN BY PUBLICATION IN A NEWSPAPER
3 OF GENERAL CIRCULATION WITHIN THE COUNTY OR COUNTIES OF THE PUBLIC
4 IMPROVEMENT DISTRICT BY PUBLIC UTILITIES FOR CERTIFICATES OF
5 PUBLIC CONVENIENCE AND NECESSITY TO ANY PERSON FOR SERVICE IN
6 UNCERTIFICATED AREAS WITHIN PUBLIC IMPROVEMENT DISTRICT
7 BOUNDARIES; AND FOR RELATED PURPOSES.

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

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

11 19-31-51. (1) No public improvement district established
12 under this chapter shall provide any utility service described in
13 Section 77-3-3(d) to or for the public for compensation without
14 first obtaining a certificate of public convenience and necessity
15 from the Public Service Commission.

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

21 (3) Notwithstanding any law to the contrary, water and/or
22 sewer districts that petition the Public Service Commission for a
23 certificate of public convenience and necessity for any
24 uncertificated area shall give written notice. Such notice may be
25 given by publication of a display advertisement that is two (2)
26 columns wide by five (5) inches deep one (1) time in a newspaper
27 of general circulation within the county or counties wherein the
28 described district is located or by regular mail to all property
29 owners located in such area, as reflected on the tax rolls of the

30 county or counties at the time of filing the petition, at the
31 address listed on the tax rolls of the county or counties within
32 such area, and to public improvement districts and other public
33 entities located in such area. Such notice shall give the
34 property owners and the governmental entities instructions on how
35 they may appear before the Public Service Commission and make any
36 objections or otherwise participate as an interested party.

37 **SECTION 2.** This act shall take effect and be in force from
38 and after July 1, 2006.