AN ACT TO AUTHORIZE THE PUBLIC SERVICE COMMISSION TO TRANSFER
A PORTION OF A PUBLIC UTILITY'S CERTIFICATED AREA TO ANOTHER
PUBLIC UTILITY PROVIDING SERVICE IN AN ADJACENT CERTIFICATED AREA,
WITH CERTAIN EXCEPTIONS, UPON CERTAIN DETERMINATIONS MADE BY THE
COMMISSION; TO AMEND SECTION 77-3-12, MISSISSIPPI CODE OF 1972, IN
CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
PURPOSES.

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

SECTION 1. The Public Service Commission, after a hearing
and finding of economic feasibility, may cancel a portion of the
certificated area contained in any public utility's certificate of
public convenience and necessity, except within the corporate
boundaries of the City of Starkville, and it may transfer that
portion to another public utility providing service in an adjacent
certificated area, if the commission determines all of the
following:

(a) The public utility that holds a certificate for
public convenience and necessity cannot serve a customer because
of lack of infrastructure;

(b) A public utility providing service in an adjacent
certificated area has infrastructure that would allow for service
to a customer or customers with less cost; and

(c) The cost associated with not transferring the area
would be burdensome to economic development including, but not
limited to, residential, commercial and industrial development.

SECTION 2. Section 77-3-12, Mississippi Code of 1972, is
amended as follows:

77-3-12. (1) Except as otherwise provided in Section 1 of
this act, a certificate of public convenience and necessity issued
by the Public Service Commission authorizing public utility

services to or for the public for compensation in an area grants

an exclusive right to the public utility to provide that service

in the certificated area.

(2) Nothing contained in subsection (1) of this section or

any other provision of law shall prohibit any utility system from

extending its system plant, lines or other facilities in or

through the certificated area of another utility for purposes

other than providing services to or for the public for

compensation in such certificated area similar to those services

provided by the certificated utility.

SECTION 3. This act shall take effect and be in force from

and after July 1, 2009.