

By: Representative Staples

To: Public Utilities

HOUSE BILL NO. 1179

1 AN ACT TO AMEND SECTIONS 77-2-1 THROUGH 77-2-17, MISSISSIPPI
2 CODE OF 1972, TO LIMIT THE PUBLIC UTILITIES STAFF TO SERVING AS A
3 SUPPORT STAFF TO THE PUBLIC SERVICE COMMISSION AND PUBLIC SERVICE
4 COMMISSION STAFF; TO AMEND SECTION 77-3-115, MISSISSIPPI CODE OF
5 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 77-2-1, Mississippi Code of 1972, is
8 amended as follows:

9 77-2-1. There is hereby established a Public Utilities
10 Staff, which shall * * * serve as a support staff to the Public
11 Service Commission and the Public Service Commission staff. Such
12 staff shall consist of the personnel positions of the executive
13 director, the economic and planning division, legal division,
14 engineering division and accounting division with a State
15 Personnel Board organizational code of twenty thousand (20,000) or
16 larger which were formerly authorized and appropriated under the
17 provisions of Section 77-3-8, Mississippi Code of 1972. The
18 executive director shall establish the organizational structure of
19 the staff, with approval by the Public Service Commission, and



20 shall have the authority to create units as deemed appropriate to
21 carry out the responsibilities of the staff. The Public Utilities
22 Staff shall represent the broad interests of the State of
23 Mississippi in supporting the Public Service Commission and
24 commission staff by balancing the respective concerns of the
25 residential, commercial or industrial ratepayers, and the state
26 and its agencies and departments, and the public utilities. The
27 staff shall consist of a sufficient number of professional,
28 administrative, technical, clerical and other personnel as may be
29 necessary for the staff to perform its duties and responsibilities
30 as hereinafter provided. All such personnel shall be
31 competitively appointed by the executive director and shall be
32 dismissed only for cause in accordance with the rules and
33 regulations of the State Personnel Board. All equipment,
34 supplies, records and any funds appropriated by the Legislature to
35 the Public Service Commission for and on behalf of the Public
36 Utilities Staff shall be transferred to such staff on September 1,
37 1990. The Public Utilities Staff shall be funded separately from
38 the Mississippi Public Service Commission. Any appropriated funds
39 to the Public Utilities Staff shall be maintained in an account
40 separate from any funds of the Public Service Commission and shall
41 never be commingled therewith.

42 Notwithstanding any provision of this chapter to the
43 contrary, the personnel positions of the data processing division
44 and the gas pipeline safety division of the Public Utilities Staff



45 shall be the Public Service Commission staff positions authorized
46 under Section 77-3-8, and shall be under the control and
47 supervision of the Public Service Commission from and after March
48 15, 1991. However, the Public Service Commission staff shall
49 continue to provide at no cost administrative support in the
50 nature of data processing and bookkeeping to the Public Utilities
51 Staff in order to avoid duplication of services.

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

54 77-2-3. (1) The Public Utilities Staff created pursuant to
55 Section 77-2-1 and the Public Service Commission and commission
56 staff shall have and possess all of the rights and powers to
57 perform all of the duties vested by this chapter, with the Public
58 Utilities Staff limited to the role of a support staff for the
59 commission and commission staff.

60 (2) The functions of the commission, with the aid and
61 assistance of its staff and the Public Utilities Staff, shall be
62 regulatory and quasi-judicial in nature. It may make such
63 investigations and determinations, hold such hearings, prescribe
64 such rules and issue such orders with respect to the control and
65 conduct of the businesses coming within its jurisdiction. It may
66 adjudicate all proceedings brought before it in which the
67 violation of any law or rule administered by the commission is
68 alleged.



69 (3) The primary functions of the Public Utilities Staff
70 shall be investigative and advisory in nature, but limited by its
71 role as a support staff for the commission and commission staff.

72 **SECTION 3.** Section 77-2-5, Mississippi Code of 1972, is
73 amended as follows:

74 77-2-5. For purposes of this chapter, the terms defined in
75 this section shall have the meaning ascribed as follows:

76 (a) "Regulatory function" means all duties and
77 procedures concerning the execution and enforcement of the laws,
78 rules, orders, directives, duties and obligations imposed for the
79 control and government of the persons or businesses regulated,
80 together with investigative activities incident thereto and
81 procedures inherently administrative or executive in character.

82 (b) "Quasi-judicial function" means the promulgation of
83 all orders and directives of particular applicability governing
84 the conduct of the regulated persons or businesses, together with
85 procedures inherently judicial.

86 (c) "Commission" means the Mississippi Public Service
87 Commission.

88 (d) "Public Utilities Staff" means those persons
89 employed by the Public Utilities Staff established in Section
90 77-2-1.

91 (e) "Public Service Commission staff" means those
92 persons employed by the Public Service Commission pursuant to
93 Section 77-3-8, Mississippi Code of 1972.



94 **SECTION 4.** Section 77-2-7, Mississippi Code of 1972, is
95 amended as follows:

96 77-2-7. (1) An executive director of the Public Utilities
97 Staff shall be appointed, on or before July 1, 1990, by the
98 Governor, from recommended candidates to be selected by the Public
99 Service Commission, with the advice and consent of the Senate, to
100 serve for a term of six (6) years. On or before May 15, 1990, the
101 Public Service Commission shall submit to the Governor a list of
102 not less than three (3) and no more than six (6) qualified
103 candidates for the position of executive director. The Governor
104 shall appoint the executive director from the list of qualified
105 candidates nominated. Within sixty (60) days prior to the
106 expiration of the term of the executive director, the Public
107 Service Commission shall submit the names of candidates to the
108 Governor in the manner provided herein. Whenever any vacancy
109 shall occur in the position of executive director, the Public
110 Service Commission shall nominate and the Governor shall appoint
111 an executive director, as provided herein, to fill the unexpired
112 term. The executive director shall serve at the will and pleasure
113 of the Governor.

114 (2) The executive director of the Public Utilities Staff
115 shall hold at least a bachelor's degree and shall have extensive
116 managerial experience with a thorough knowledge of public utility
117 economics and the principles of utility service and rate
118 construction. The executive director of the Public Utilities



119 Staff shall possess the ability to analyze quantitative and
120 qualitative data and to develop and adjust regulatory strategies
121 or policies to attain commission objectives. The salary of the
122 executive director shall be set by the State Personnel Board and
123 shall be such that it is comparable to salaries of those holding
124 similar positions in other state and federal agencies and
125 commensurate with the duties and responsibilities imposed on this
126 official position which affects the broad interests of the State
127 of Mississippi. Nothing herein shall be construed to prevent
128 reappointment of the executive director for consecutive terms.

129 **SECTION 5.** Section 77-2-9, Mississippi Code of 1972, is
130 amended as follows:

131 77-2-9. (1) The executive director shall have general
132 charge of the operations and administration of the Public
133 Utilities Staff, as a support staff for the Public Service
134 Commission and the commission staff. It shall be the duty and
135 responsibility of the executive director to supervise and manage
136 the offices and personnel on the Public Utilities Staff and
137 formulate written policies and procedures for the effective and
138 efficient operation thereof. The executive director shall be
139 responsible for hiring persons on the staff who meet established
140 qualifications for comparable positions of duty and
141 responsibility. The Public Utilities Staff as formerly created in
142 Section 77-3-8, Mississippi Code of 1972, which consists of the
143 Economic and Planning Division, Legal Division, Engineering



144 Division, Accounting Division and Administrative Services
145 Division, and has a State Personnel Board organizational code of
146 twenty thousand (20,000) or larger, is abolished from and after
147 August 31, 1990. All such former employees shall be eligible to
148 be rehired by the executive director for positions on the Public
149 Utilities Staff created pursuant to Section 77-2-1. Such former
150 employees shall not, by virtue of abolishing such staff, lose any
151 vacation or sick leave benefits previously accrued and, if
152 rehired, shall continue vacation and sick leave as if they had not
153 been terminated. For a period of one (1) year after July 1, 1990,
154 the personnel actions of the Public Utilities Staff shall be
155 exempt from State Personnel Board procedures in order to give the
156 Public Utilities Staff flexibility in making an orderly, effective
157 and timely transition to the mandated reorganization.

158 (2) The following personnel and members of the Public
159 Utilities Staff shall be competitively appointed by the executive
160 director and shall have at least the knowledge, skills and
161 abilities set forth herein. These requirements shall not be
162 waived, and possession thereof shall be certified by the State
163 Personnel Board:

164 (a) A chief engineer who is a graduate licensed
165 engineer and who has a thorough knowledge of engineering
166 principles as applied to the design, construction, operation,
167 maintenance and expansion of utility facilities and rate structure
168 determination. The chief engineer shall possess a thorough



169 knowledge of techniques and practices of public utility service
170 and regulation and shall have the ability to evaluate same and to
171 formulate accurate conclusions therefrom.

172 (b) A certified public accountant who possesses a
173 thorough knowledge of standard accounting procedures, techniques
174 and systems with specific reference to the utility industry. Such
175 accountant shall be experienced in public utility accounting and
176 shall have a thorough knowledge of the financial and
177 organizational structure of public utility companies to include
178 knowledge of the methods by which financing of major additions and
179 extensions to utility operations is acquired.

180 (c) A director of economics and planning who holds at
181 least a bachelor's degree in economics and possesses a thorough
182 knowledge of the principles and techniques of economic and
183 financial research and statistical analysis. The director of
184 economics and planning shall have a thorough knowledge of the
185 sources of economic, financial and statistical information and the
186 methods of utilizing these sources, as well as considerable
187 knowledge of capital markets with specific reference to utility
188 financing. This employee shall be experienced in conducting
189 analyses of the utility industry, the economy, cost of money,
190 availability and cost of fuel and energy and other related matters
191 within the authority of the commission.



192 (d) Supportive technical personnel consisting of rate
193 analysts, accountants, inspectors and statisticians as authorized
194 and appropriated by the Legislature.

195 (e) A general counsel, who shall be a member of The
196 Mississippi Bar, shall have practiced law for a minimum of five
197 (5) years and who shall possess considerable knowledge of utility
198 regulation generally and of the case law, statutory law and the
199 common law relating thereto.

200 (3) It shall be the duty and responsibility of the Public
201 Utilities Staff by and through the executive director, as a
202 support staff for the Public Service Commission and the commission
203 staff, to:

204 (a) In uncontested matters review, investigate and make
205 appropriate written recommendations to the commission with respect
206 to the reasonableness of rates charged or proposed to be charged
207 by any public utility and with respect to the consistency of such
208 rates with the public policy of assuring an energy supply adequate
209 to protect the public health and safety and to promote the general
210 welfare;

211 (b) Review, investigate and make appropriate written
212 recommendations to the commission with respect to the service
213 furnished or proposed to be furnished by any utility;

214 (c) When deemed necessary by the executive director, in
215 the broad public interest of the State of Mississippi, the using
216 and consuming public, and the public utilities, make written



217 recommendations and reports to the commission regarding all
218 commission proceedings affecting the rates or service of any
219 public utility;

220 (d) When deemed necessary by the executive director, in
221 the broad public interest of the State of Mississippi, the using
222 and consuming public, and the public utilities, petition the
223 commission to initiate proceedings to review, investigate and take
224 appropriate action with respect to the rates or service of public
225 utilities. Receipt of such petition shall be spread on the
226 minutes of the Public Service Commission. The commission shall,
227 within thirty (30) days of receipt of such petition, spread upon
228 its minutes and forward to the Executive Director of the Public
229 Utilities Staff a response detailing actions taken or proposed to
230 be taken;

231 (e) When deemed necessary by the executive director, in
232 the broad public interest of the State of Mississippi, the using
233 and consuming public, and the public utilities, make written
234 recommendations and reports to the commission regarding all
235 certificate applications filed and provide assistance to the
236 commission in making the analysis and plans required;

237 (f) When deemed necessary by the executive director, in
238 the broad public interest of the State of Mississippi, the using
239 and consuming public, and the public utilities, make written
240 recommendations and reports to the commission regarding all



241 proceedings wherein any public utility proposes to reduce or
242 abandon service to the public;

243 (g) Make studies with respect to standards,
244 regulations, practices or service of any public utility; however,
245 the Public Utilities Staff shall have no duty, responsibility or
246 authority with respect to the enforcement of natural gas pipeline
247 safety law, or the federal railroad safety laws, rules or
248 regulations;

249 (h) When deemed necessary by the executive director, in
250 the broad public interest of the State of Mississippi, the using
251 and consuming public, and the public utilities, make written
252 recommendations and reports to the commission regarding all
253 commission proceedings with respect to transfers of franchises,
254 mergers, consolidation and combination of public utilities;

255 (i) When deemed necessary by the executive director, in
256 the broad public interest of the State of Mississippi, the using
257 and consuming public and the public utilities, review and
258 investigate contracts of public utilities with affiliates or
259 subsidiaries;

260 (j) When deemed necessary by the executive director, in
261 the broad public interest of the State of Mississippi, the using
262 and consuming public, and the public utilities, advise the
263 commission with respect to regulations and transactions;

264 (k) When deemed necessary by the executive director, in
265 the broad public interest of the State of Mississippi, the using



266 and consuming public and the public utilities, review and make
267 recommendations to the commission on all miscellaneous uncontested
268 filings;

269 (l) Advise the Public Service Commission in writing as
270 to the broad public interest of the State of Mississippi, the
271 using and consuming public, and the public utilities in all major
272 rate cases and automatic adjustment clauses;

273 (m) When deemed necessary by the executive director, in
274 the broad public interest of the State of Mississippi, the using
275 and consuming public, and the public utilities, review and
276 investigate the justness and reasonableness, to both the public
277 and the public utility, of rates charged or proposed to be charged
278 by any public utility, the rates of which are subject to
279 regulation under the provisions of this chapter; and

280 (n) Accumulate evidence and other information from
281 public utilities and other sources as required or as may be
282 requested by the Public Service Commission.

283 (4) The Executive Director of the Public Utilities Staff
284 shall employ the resources of the staff to furnish to the
285 commission, in a timely and expeditious manner, such information
286 and reports or conduct such investigations and provide such other
287 assistance as may be required in order to enforce the laws
288 providing for the regulation of public utilities.

289 (5) All written recommendations and reports provided to the
290 Public Service Commission from the Public Utilities Staff shall



291 bear the signature of the executive director, who shall maintain a
292 record thereof, including the date such recommendation or report
293 was submitted to the commission.

294 (6) In no event shall the duties and responsibilities of the
295 Public Utilities Staff be exercised with regard to matters not
296 within the jurisdiction and powers of the Public Service
297 Commission.

298 (7) In no event shall the duties and responsibilities of the
299 Public Utilities Staff be exercised outside the role of a support
300 staff of the Public Service Commission and commission staff.

301 **SECTION 6.** Section 77-2-11, Mississippi Code of 1972, is
302 amended as follows:

303 77-2-11. (1) A person who serves as (a) Commissioner of the
304 Public Service Commission, (b) Executive Director of the public
305 utilities staff, or (c) Executive Secretary of the commission
306 shall not, while employed with or within one (1) year after
307 leaving the commission or Public Utilities Staff, accept
308 employment with, receive compensation directly or indirectly from,
309 or enter into a contractual relationship with an entity, or an
310 affiliate company of an entity, that was subject to rate
311 regulation by the commission at the time of his departure.

312 (2) An entity or an affiliate company of an entity that is
313 subject to rate regulation by the commission, or a person acting
314 on behalf of the entity or its affiliate, shall not negotiate or
315 offer to employ or compensate a commissioner of the Public Service



316 Commission, Executive Director of the Public Utilities Staff or
317 the Executive Secretary of the commission, while the person is so
318 employed or within one (1) year after the person leaves that
319 employment.

320 (3) A person who is employed with the Public Utilities Staff
321 shall not, within one (1) year, after leaving the Public Utilities
322 Staff, accept employment with, or receive compensation, directly
323 or indirectly, from the Public Service Commission or the Public
324 Service Commission staff.

325 (4) A person who is employed with the Public Service
326 Commission or Public Service Commission staff, shall not, within
327 one (1) year, after leaving the commission or Public Service
328 Commission staff, accept employment with, or receive compensation,
329 directly or indirectly, from the Public Utilities Staff.

330 (5) A person who violates this section is subject to a civil
331 penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each
332 violation. The Attorney General may bring an action in circuit
333 court to collect the penalties provided in this section.

334 **SECTION 7.** Section 77-2-13, Mississippi Code of 1972, is
335 amended as follows:

336 77-2-13. (1) A Public Service Commissioner, commission or
337 Public Utilities Staff employee, or consultant assisting the
338 commission in investigating, compiling, evaluating and analyzing
339 the record shall not communicate, directly or indirectly,
340 regarding any issue in a contested proceeding other than



341 communications necessary to procedural aspects of maintaining an
342 orderly process, with any commission employee or consultant who
343 has participated in the proceeding in a public advocacy or
344 prosecutorial capacity, any party, his agent or other person
345 acting on his behalf who has a direct or indirect pecuniary
346 interest in the outcome of the proceeding, without notice and
347 opportunity for all parties to participate.

348 (2) A commission or Public Utilities Staff employee, or
349 consultant who has participated in investigating, compiling,
350 evaluating and analyzing the record in a public advocacy or
351 prosecutorial capacity; any party, his agent or other person
352 acting on his behalf who has a direct or indirect pecuniary
353 interest shall not communicate, directly or indirectly, regarding
354 any issue in a contested proceeding other than communications
355 necessary to procedural aspects of maintaining an orderly process,
356 with any commissioner, employee or consultant assisting the
357 commissioners in investigating, compiling, evaluating and
358 analyzing the record, or any person who is, or may reasonably be
359 expected to be, involved in the decisional process of the
360 proceeding, without notice and opportunity for all parties to
361 participate.

362 (3) The provisions of this section shall not apply to the
363 following:

364 (a) Commissioners may communicate with one another
365 regarding any proceeding;



366 (b) Commissioners, either individually or as a group,
367 may receive aid in investigating, compiling, evaluating and
368 analyzing the record from legal counsel, other employees or
369 consultants of the commission or Public Utilities Staff who have
370 not participated in the proceeding in a public advocacy or
371 prosecutorial capacity; and

372 (c) Commissioners may communicate, either individually
373 or as a group, with the general public about matters not regarding
374 a contested proceeding.

375 (4) The commission shall, in the event of a violation of
376 this section, take whatever action is necessary to ensure that
377 such violation does not prejudice any party or adversely affect
378 the fairness of the proceedings to include, but is not limited to,
379 the following:

380 (a) A Public Service Commissioner, consultant, or
381 employee of the commission or Public Utilities Staff who is or may
382 reasonably be expected to be involved in the investigation,
383 compilation, evaluation, analysis or decisional process of a
384 contested proceeding who receives an ex parte communication in
385 violation of this section shall place on the public record of the
386 pending matter all written communications received, all written
387 responses to the communications, and a memorandum stating the
388 substance of all oral communications received, all responses made,
389 and the identity of each person from whom the ex parte
390 communication was received. The chairman of the commission shall



391 advise all parties that these matters have been placed on the
392 record. Upon request made within ten (10) days after notice of
393 the ex parte communication, any party desiring to rebut the
394 communication shall be allowed to place a written rebuttal
395 statement on the record. Portions of the record pertaining to ex
396 parte communications or rebuttal statements do not constitute
397 evidence of any fact at issue in the matter unless a party moves
398 the admission of that portion of the record for purposes of
399 establishing a fact at issue and that portion of the record is so
400 admitted.

401 (b) If necessary to eliminate the effect of an ex parte
402 communication received in violation of this section, a
403 commissioner who receives the communication may be disqualified,
404 and the portions of the record pertaining to the communication may
405 be sealed by protective order.

406 (c) The commission may, in its discretion, require, to
407 the extent consistent with the interests of justice and the policy
408 of underlying statutes, the communicator to show cause why his
409 claim in the contested case should not be dismissed, denied,
410 disregarded or otherwise adversely affected as a result of such
411 violation.

412 (d) Any person found guilty of violating any provision
413 of this section shall be guilty of a misdemeanor and shall be
414 punished by imprisonment not to exceed six (6) months or a fine
415 not to exceed One Thousand Dollars (\$1,000.00), or both.



416 (5) A proceeding shall be considered contested in the
417 following:

418 (a) Upon the initiation of any proceedings requiring a
419 party to show cause why any action by the commission should not be
420 taken;

421 (b) In a rate change proceeding when a rate filing is
422 suspended; and

423 (c) In any adversarial proceeding, when any objection
424 or contest is filed by any party.

425 A contested proceeding remains pending until the commission
426 has issued its final order, and the time to petition for
427 reconsideration has expired or the commission has issued an order
428 finally disposing of an application for reconsideration, whichever
429 is later.

430 **SECTION 8.** Section 77-2-15, Mississippi Code of 1972, is
431 amended as follows:

432 77-2-15. Nothing in this chapter prevents the Public
433 Utilities Staff, the Public Service Commission staff or the
434 commission from entering into agreements with other agencies to
435 coordinate and share services, to conduct joint projects or
436 investigations on matters within the authority and jurisdiction of
437 the parties thereto, or to temporarily assign staff to such
438 projects. No cooperative effort shall interfere with the
439 independence and integrity of * * * the commission, the Public



440 Service Commission staff, the Public Utilities Staff or any other
441 agency that is a party.

442 **SECTION 9.** Section 77-2-17, Mississippi Code of 1972, is
443 amended as follows:

444 77-2-17. (1) All valid rules, orders and directives
445 heretofore enforced, issued or promulgated by the Public Service
446 Commission shall remain and continue in force and effect until
447 repealed, modified or superseded by duly authorized rules, orders
448 or directives of the Public Service Commission.

449 (2) The Public Service Commission shall ensure that the
450 Public Utilities Staff, upon request, shall have access to and
451 copies of all data filed with the Public Service Commission in
452 connection with any proceeding before the commission.

453 **SECTION 10.** Section 77-3-115, Mississippi Code of 1972, is
454 amended as follows:

455 77-3-115. (1) Proceedings on a petition submitted pursuant
456 to Section 77-3-113 shall be disposed of in accordance with the
457 provisions of Section 77-3-47 and applicable commission procedural
458 rules, except that the provisions of this Section 77-3-115, to the
459 extent applicable, shall control.

460 (2) Within seven (7) days after the filing of a petition,
461 the commission shall issue a scheduling order, which sets a
462 hearing date and provides for a decision on the issuance of a
463 financing order not more than one hundred twenty (120) days after
464 the date the petition is filed.



465 (3) When deemed necessary by the Executive Director of the
466 Public Utilities Staff and the Public Service Commission, the
467 staff shall conduct an independent investigation as to the
468 electric public utility's petition for a financing order subject
469 to and within the time limitations prescribed in this article.

470 (4) Not more than one hundred twenty (120) days after the
471 date the petition is filed, the commission shall issue a financing
472 order or an order denying the petition.

473 (5) Any party to the commission proceeding may petition the
474 commission for reconsideration of an order granting or denying a
475 petition for the issuance of a financing order not more than seven
476 (7) days after the date the order is issued. The commission shall
477 rule on the petition for reconsideration not more than fourteen
478 (14) days after the filing of such petition. A failure by the
479 commission to act upon such petition for reconsideration within
480 the specified time period shall be deemed a denial of the petition
481 for reconsideration, and the order of the commission granting or
482 denying a petition for the issuance of a financing order shall be
483 deemed final.

484 (6) Any judicial review shall be as provided in Section
485 77-3-72; provided, however, that any person, other than the
486 electric public utility that is the subject of the financing
487 order, seeking to appeal a financing order issued pursuant to this
488 article, or any prudence determination related thereto, shall not
489 perfect its appeal unless and until a bond of sufficient amount to



490 protect the customer savings projected to be realized through the
491 issuance of rate reduction bonds as determined by the commission
492 in the financing order pursuant to Section 77-3-117(b) is filed
493 with the commission prior to expiration of time provided under
494 Section 77-3-72 for the filing of a notice of appeal. If an
495 appeal of an order granting or denying a petition for the issuance
496 of a financing order is perfected pursuant to the procedure
497 provided above, the electric public utility shall be authorized to
498 establish a regulatory asset for the purpose of deferring a return
499 on the qualifying facility cost intended to be financed by the
500 rate reduction bond proceeds equal to the utility's weighted
501 average cost of capital until such time as there is a final
502 financing order for which the time for all appeals has expired. A
503 financing order shall provide that any and all deferred return of
504 the electric public utility during the pendency of an appeal may
505 be financed as qualifying costs pursuant to the provisions of this
506 article.

507 (7) The filing of a petition by an electric public utility,
508 the issuance of a financing order, the issuance of rate reduction
509 bonds and the implementation or adjustment of a rate reduction
510 bond charge under this article shall not constitute a change in
511 rates pursuant to Section 77-3-37 or 77-3-39.

512 **SECTION 11.** This act shall take effect and be in force from
513 and after July 1, 2018.

