

By: Senator(s) Hopson

To: Energy

SENATE BILL NO. 2295
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 77-1-1, 77-1-3, 77-1-5, 77-1-6,
2 77-1-11, 77-1-15, 77-1-17, 77-1-19, 77-1-21, 77-1-25, 77-1-27,
3 77-1-29, 77-1-31, 77-1-33, 77-1-35, 77-1-37, 77-1-39, 77-1-41,
4 77-1-43, 77-1-47 AND 77-1-49, MISSISSIPPI CODE OF 1972, WHICH
5 CREATE THE PUBLIC SERVICE COMMISSION AND PRESCRIBE ITS POWERS AND
6 DUTIES; TO AMEND REENACTED SECTION 77-1-43, MISSISSIPPI CODE OF
7 1972, TO CLARIFY THE METHOD OF ENFORCEMENT OF CERTAIN LAWS, RULES,
8 REGULATIONS, ORDERS, DECISIONS AND DETERMINATIONS OF THE
9 COMMISSION; TO AMEND SECTION 77-1-51, MISSISSIPPI CODE OF 1972, TO
10 EXTEND THE DATE OF REPEAL ON THOSE SECTIONS; TO AMEND SECTION
11 77-1-55, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON
12 THIS SECTION WHICH AUTHORIZES THE COMMISSION AND THE PUBLIC
13 UTILITIES STAFF TO HIRE ATTORNEYS AND CONSULTANTS FOR CERTAIN
14 PROCEEDINGS; TO AMEND SECTION 77-3-5, MISSISSIPPI CODE OF 1972, TO
15 CLARIFY THE EXCLUSIVE JURISDICTION OF THE COMMISSION; AND FOR
16 RELATED PURPOSES.

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

18 **SECTION 1.** Section 77-1-1, Mississippi Code of 1972, is
19 reenacted as follows:

20 77-1-1. A public service commission, hereinafter referred to
21 in this chapter as the commission, is hereby created, consisting
22 of three (3) members, one (1) to be elected from each of the three
23 (3) Supreme Court districts by the qualified electors of such
24 district. Elections for such officers shall be held in the
25 general election in November 1959, and every four (4) years



26 thereafter, and the terms of office of the three (3) commissioners
27 elected at the general election in November 1959 shall expire on
28 December 31, 1963.

29 The commissioners shall each receive a yearly salary fixed by
30 the Legislature, payable monthly.

31 The commissioners shall each possess the qualifications
32 prescribed for the Secretary of State. The commissioners shall
33 not operate, own any stock in, or be in the employment of any
34 common or contract carrier by motor vehicle, telephone company,
35 gas or electric utility company, or any other public utility that
36 shall come under their jurisdiction or supervision.

37 **SECTION 2.** Section 77-1-3, Mississippi Code of 1972, is
38 reenacted as follows:

39 77-1-3. The commission shall have a seal, having around the
40 margin the words "Mississippi Public Service Commission," and in
41 the center such device as it may select. The acts of the
42 commission shall be authenticated by its seal.

43 **SECTION 3.** Section 77-1-5, Mississippi Code of 1972, is
44 reenacted as follows:

45 77-1-5. The commission shall keep an office in the City of
46 Jackson, which shall be kept open Monday through Friday of each
47 week for eight (8) hours each day. The commission shall meet at
48 its office on the first Tuesday of each month and at such other
49 times and places as its duties may require. The commission may



50 sit from day to day and from time to time, and any meeting may be
51 pretermitted not exceeding two (2) in any year.

52 The members of the commission shall devote their entire time
53 to the performance of their official duties on every business day,
54 except on the legal holidays enumerated in Section 3-3-7,
55 Mississippi Code of 1972. However, official acts of the
56 commission done on legal holidays shall be valid.

57 The commission shall keep regular minutes of its proceedings,
58 which shall be a public record, and all orders, findings and acts
59 of the commission shall be entered on the minutes.

60 Two (2) members of the commission shall be a quorum.

61 **SECTION 4.** Section 77-1-6, Mississippi Code of 1972, is
62 reenacted as follows:

63 77-1-6. There is hereby established in the State Treasury a
64 special fund to be known as the "Public Service Commission
65 Regulation Fund." Such fund shall be the sole fund of the
66 commission for all monies collected and deposited to the credit of
67 or appropriated to the commission. The fund shall be administered
68 as provided in this title and shall be audited annually by the
69 State Auditor.

70 From and after July 1, 2016, the expenses of this agency
71 shall be defrayed by appropriation from the State General Fund and
72 all user charges and fees authorized under this section shall be
73 deposited into the State General Fund as authorized by law and as
74 determined by the State Fiscal Officer.



75 From and after July 1, 2016, no state agency shall charge
76 another state agency a fee, assessment, rent or other charge for
77 services or resources received by authority of this section.

78 **SECTION 5.** Section 77-1-11, Mississippi Code of 1972, is
79 reenacted as follows:

80 77-1-11. (1) It shall be unlawful for any public service
81 commissioner, any candidate for public service commissioner, or
82 any employee of the Public Service Commission or Public Utilities
83 Staff to knowingly accept any gift, pass, money, campaign
84 contribution or any emolument or other pecuniary benefit
85 whatsoever, either directly or indirectly, from any person
86 interested as owner, agent or representative, or from any person
87 acting in any respect for such owner, agent or representative of
88 any common or contract carrier by motor vehicle, telephone
89 company, gas or electric utility company, or any other public
90 utility that shall come under the jurisdiction or supervision of
91 the Public Service Commission. Any person found guilty of
92 violating the provisions of this subsection shall immediately
93 forfeit his or her office or position and shall be fined not less
94 than Five Thousand Dollars (\$5,000.00), imprisoned in the State
95 Penitentiary for not less than one (1) year, or both.

96 (2) It shall be unlawful for any person interested as owner,
97 agent or representative, or any person acting in any respect for
98 such owner, agent or representative of any common or contract
99 carrier by motor vehicle, telephone company, gas or electric



100 utility, or any other public utility that shall come under the
101 jurisdiction or supervision of the Public Service Commission to
102 offer any gift, pass, money, campaign contribution or any
103 emolument or other pecuniary benefit whatsoever to any public
104 service commissioner, any candidate for public service
105 commissioner or any employee of the Public Service Commission or
106 Public Utilities Staff. Any party found guilty of violating the
107 provisions of this subsection shall be fined not less than Five
108 Thousand Dollars (\$5,000.00), or imprisoned in the State
109 Penitentiary for not less than one (1) year, or both.

110 (3) For purposes of this section, the term "emolument" shall
111 include salary, donations, contributions, loans, stock tips,
112 vacations, trips, honorarium, directorships or consulting posts.
113 Expenses associated with social occasions afforded public servants
114 shall not be deemed a gift, emolument or other pecuniary benefit
115 as defined in Section 25-4-103(k), Mississippi Code of 1972.

116 (4) For purposes of this section, a person who is a member
117 of a water, gas, electric or other cooperative association
118 regulated by the Public Service Commission shall not, by virtue of
119 such membership, be deemed an owner, agent or representative of
120 such association unless such person is acting in any respect for
121 or as an owner, agent or representative of such association; nor
122 shall a person who owns less than one-half of one percent (1/2 of
123 1%) in stock, the value thereof not to exceed Ten Thousand Dollars
124 (\$10,000.00), of any public utility that is regulated by the



125 Public Service Commission, or of any holding company of such
126 public utility, by virtue of such ownership, be deemed an owner,
127 agent or representative of such public utility unless such person
128 is acting in any respect for or as an owner, agent or
129 representative of such public utility.

130 **SECTION 6.** Section 77-1-15, Mississippi Code of 1972, is
131 reenacted as follows:

132 77-1-15. (1) There shall be an executive secretary of the
133 commission, hereinafter referred to in this chapter as the
134 secretary, to be appointed by the commission, by and with the
135 advice and consent of the Senate, for the term of the
136 commissioners. The secretary must have the same qualifications as
137 the commissioners and shall be subject to the same
138 disqualifications and to like penalties, except that he shall not
139 be liable to impeachment. He shall receive a salary fixed by the
140 Legislature. He shall take the oath of office and shall be
141 removable at the pleasure of the commission, which may fill any
142 vacancy until the Senate confirms a successor. The secretary
143 shall make bond as provided for other state officers, in the sum
144 of Ten Thousand Dollars (\$10,000.00), conditioned upon the
145 faithful performance of the duties of his office.

146 (2) The secretary shall collect all fees and penalties
147 collected by or paid to the commission, and shall cover the same
148 into the State Treasury; and all fees and penalties collected



149 under the Mississippi Motor Carrier Regulatory Law of 1938 shall
150 be covered into the Public Service Commission Regulation Fund.

151 (3) The secretary of the commission shall be the custodian
152 of all records, documents, and the seal of the commission. He
153 shall issue all citations, subpoenas and other rightful orders and
154 documents, and perform all other duties usually required of such
155 officer, and as required by the commission.

156 (4) It shall be the duty and responsibility of the secretary
157 to supervise and manage the offices and staff of the Public
158 Service Commission and formulate written policies and procedures
159 for the effective and efficient operation of the office and
160 present these policies and procedures to the board for
161 promulgation.

162 (5) From and after July 1, 2016, the expenses of this agency
163 shall be defrayed by appropriation from the State General Fund and
164 all user charges and fees authorized under this section shall be
165 deposited into the State General Fund as authorized by law.

166 (6) From and after July 1, 2016, no state agency shall
167 charge another state agency a fee, assessment, rent or other
168 charge for services or resources received by authority of this
169 section.

170 **SECTION 7.** Section 77-1-17, Mississippi Code of 1972, is
171 reenacted as follows:

172 77-1-17. The commission is hereby authorized to employ for
173 the term of the commissioners a competent rate expert at a salary



174 fixed by the commission, and an assistant rate expert at a salary
175 fixed by the commission, for the collection of data and evidence
176 for the use of the state in protecting the interest of the state
177 involving duties and obligations of all common carriers, all
178 common carriers by motor vehicle, all restricted common carriers
179 by motor vehicle, and all contract carriers by motor vehicle, and
180 for the establishment of proof in litigation now pending or which
181 may hereafter be instituted.

182 The rate expert and his assistant shall make all needed
183 investigations affecting rates and rate making and shall perform
184 such other duties as the commission may find necessary for them to
185 do in the interest of the state.

186 Said duties shall also include the checking and investigating
187 of the filing of rate schedules with the commission, and making of
188 reports to the commission respecting tariffs filed by any of the
189 above-mentioned carriers with the commission involving the
190 increase of any rates for movements within the State of
191 Mississippi, and the general checking and reports to the
192 commission affecting any rates increased from points without the
193 State of Mississippi to points within the State of Mississippi,
194 and from points in the State of Mississippi to points without the
195 State of Mississippi. Said rate experts may be discharged by the
196 commission for incompetency or other good cause, but they shall
197 have notice and an opportunity to be heard in respect to any
198 charge for removal.



199 **SECTION 8.** Section 77-1-19, Mississippi Code of 1972, is
200 reenacted as follows:

201 77-1-19. The commission is authorized to employ the
202 following additional employees to carry out and enforce the
203 provisions of the Motor Carrier Regulatory Law of 1938:

204 (a) An assistant secretary and two (2)
205 stenographer-clerks;

206 (b) One (1) combined bookkeeper and stenographer;

207 (c) One (1) stenographer competent to serve as a
208 reporter of evidence taken before the commission; and

209 (d) Twelve (12) additional employees, which includes
210 seven (7) employees to be transferred from the utility department
211 to the motor carrier department to perform the duties of the
212 commission imposed upon it by the provisions of said Motor Carrier
213 Regulatory Law.

214 **SECTION 9.** Section 77-1-21, Mississippi Code of 1972, is
215 reenacted as follows:

216 77-1-21. (1) For the purpose of enforcing the provisions of
217 the Mississippi Motor Carrier Regulatory Law of 1938, the
218 Mississippi Department of Transportation is authorized to employ,
219 in addition to personnel already employed by the department, one
220 (1) chief enforcement officer and twenty-one (21) inspectors, who
221 shall be under the management of the department. The chief
222 enforcement officer and the inspectors shall devote their full
223 time to the performance of their duties and shall take an oath



224 faithfully to perform the duties of their position. The
225 department shall require bonds to be carried on such employees as
226 the department may deem necessary, the cost thereof to be paid by
227 the department. The chief enforcement officer and inspectors
228 shall be qualified by experience and training in law enforcement
229 or investigative work, and shall attend and satisfactorily
230 complete an appropriate course of instruction established by the
231 Commissioner of Public Safety at the Law Enforcement Officers
232 Training Academy. The chief enforcement officer and the
233 inspectors referred to in this section shall be selected after an
234 examination as to physical and mental fitness. Such employees
235 shall be citizens of the United States and the State of
236 Mississippi, and of good moral character. All such members of
237 staff shall be appointed by the Mississippi Department of
238 Transportation and shall be subject to removal at any time by the
239 department.

240 (2) The Public Service Commission shall transfer all
241 employees, equipment, inventory and resources of the commission
242 employed and used to enforce the Motor Carrier Regulatory Law of
243 1938 to the Mississippi Department of Transportation on July 1,
244 2004. The transfer of personnel shall be commensurate with the
245 number and classification of positions allocated to that law
246 enforcement. The transfer also shall include direct support,
247 clerical, data processing and communications positions allocated
248 to that law enforcement.



249 (3) The Public Service Commission shall transfer to the
250 Mississippi Department of Transportation each year the amount of
251 funds necessary to support the law enforcement functions being
252 performed for the commission by the department, as specified in
253 the appropriation bill for the Public Service Commission.

254 (4) Any reference in any statute, rule or regulation to law
255 enforcement duties being performed by the Public Service
256 Commission shall be construed to mean law enforcement duties being
257 performed for the commission by the Mississippi Department of
258 Transportation.

259 **SECTION 10.** Section 77-1-25, Mississippi Code of 1972, is
260 reenacted as follows:

261 77-1-25. No member of the staff of the commission, or any
262 other person, shall use uniforms, material, or equipment of the
263 commission for private or political purposes. Members of the
264 staff of the commission may be candidates for political office but
265 must take a leave of absence to do so. Members of the staff of
266 the commission may take part in political campaigns other than
267 campaigns for Public Service Commission but may not solicit or
268 receive campaign contributions from regulated utilities. Anyone
269 violating the provisions of this section shall be guilty of a
270 misdemeanor and, upon conviction, shall be punished as provided by
271 law and shall be dismissed from the staff of the commission.

272 **SECTION 11.** Section 77-1-27, Mississippi Code of 1972, is
273 reenacted as follows:



274 77-1-27. All commission employees provided for in this
275 chapter, and the reasonable and necessary expenses of the
276 administration of the duties imposed on the commission by the
277 Motor Carrier Regulatory Law of 1938, shall be paid out of the
278 appropriations made to defray the expenses of the commission, upon
279 requisitions and warrants in the same manner provided by law for
280 the disbursements of appropriations for the commission. An
281 itemized account shall be kept of all receipts and expenditures
282 and shall be reported to the Legislature by the commission.

283 **SECTION 12.** Section 77-1-29, Mississippi Code of 1972, is
284 reenacted as follows:

285 77-1-29. On or before the twentieth day of each calendar
286 month, the commission shall pay into the State Treasury to the
287 account of the "Public Service Commission Regulation Fund" all
288 monies collected by it during the preceding calendar month,
289 showing from whom collected, when collected and for what purposes
290 collected. All disbursements made by the commission or from the
291 regulation fund for any purposes, other than for salaries provided
292 by law, shall be supported by a detailed and itemized statement
293 approved by the commission for commission disbursements. The
294 commission shall not expend funds from the "Public Service
295 Commission Regulation Fund" to employ personnel whose services
296 would duplicate services provided by any employee of the Public
297 Utilities Staff.



298 From and after July 1, 2016, the expenses of this agency
299 shall be defrayed by appropriation from the State General Fund and
300 all user charges and fees authorized under this section shall be
301 deposited into the State General Fund as authorized by law.

302 From and after July 1, 2016, no state agency shall charge
303 another state agency a fee, assessment, rent or other charge for
304 services or resources received by authority of this section.

305 **SECTION 13.** Section 77-1-31, Mississippi Code of 1972, is
306 reenacted as follows:

307 77-1-31. The commission shall keep a docket of petitions and
308 complaints, which shall be entered in regular order. The docket
309 shall be called at each regular meeting of the board, and the
310 cases thereon disposed of, or, if necessary, continued until the
311 next meeting.

312 **SECTION 14.** Section 77-1-33, Mississippi Code of 1972, is
313 reenacted as follows:

314 77-1-33. In any matter of inquiry pending before the
315 commission or any member thereof, subpoenas for witnesses, and
316 subpoenas duces tecum, may be issued by the secretary, under seal,
317 or by any member without the seal, and shall be executed and
318 returned by any sheriff, constable, or marshal, under the like
319 penalties of law for failure to execute and return the process of
320 the circuit court. If any person duly summoned to appear and
321 testify before the commission, or before any one or more of the
322 commissioners, shall fail or refuse to appear and testify, or to



323 bring and produce, as commanded, any book, paper, or document,
324 without a lawful excuse, or shall refuse to answer any proper
325 question propounded to him by the commission or any of the
326 commissioners, or if any person shall obstruct the commission, or
327 one or more of the commissioners in the discharge of duty, or
328 shall conduct himself in a rude, disrespectful, or disorderly
329 manner before the commission deliberating in the discharge of
330 duty, such witness or person shall be guilty of a misdemeanor,
331 and, upon conviction, shall be fined not more than One Thousand
332 Dollars (\$1,000.00), or be imprisoned in the county jail for a
333 period not exceeding six (6) months, or both.

334 **SECTION 15.** Section 77-1-35, Mississippi Code of 1972, is
335 reenacted as follows:

336 77-1-35. The several members of the commission and the
337 secretary may, in the discharge of their duties, administer oaths
338 and take affidavits. The commission and each member thereof may
339 examine witnesses under oath in all matters coming before them.
340 If any person shall testify falsely, or make any false affidavit
341 or oath before the commission, or before any of the commissioners,
342 or before any officer, to any matter coming before the commission,
343 he shall be guilty of perjury, and, upon conviction, shall be
344 punished according to law.

345 **SECTION 16.** Section 77-1-37, Mississippi Code of 1972, is
346 reenacted as follows:



347 77-1-37. Witnesses summoned to appear before the commission
348 shall be entitled to the same per diem and mileage as witnesses
349 attending the circuit court. Witnesses summoned by the commission
350 on its behalf shall be paid as are other expenditures of the
351 commission, upon the certificate of the commission showing the
352 amount to which such witness may be entitled. Witnesses summoned
353 for any carrier shall be paid by it.

354 **SECTION 17.** Section 77-1-39, Mississippi Code of 1972, is
355 reenacted as follows:

356 77-1-39. In all cases where the testimony of witnesses is
357 given orally before the commission any interested party or the
358 commission shall have the right to have said testimony taken down
359 and transcribed by a stenographer or court reporter, who is not an
360 employee of the commission, to be agreed upon by the parties or
361 appointed by the commission. The stenographer or court reporter
362 so employed shall be duly sworn and his or her certificate that
363 the transcript of such evidence is correct together with the
364 official certificate of any one (1) of the commissioners that he
365 has read the same and that it is in his opinion correct shall
366 entitle such transcript or a certified copy thereof to be received
367 in evidence on any appeal or in any court in this state subject
368 only to any objection that the same is not relevant or material.
369 The stenographer or court reporter shall be paid in accordance
370 with the provisions of Section 9-13-33. The commission shall have



371 the right to require any party demanding an official stenographer
372 to guarantee or prepay the costs thereof in all proper cases.

373 **SECTION 18.** Section 77-1-41, Mississippi Code of 1972, is
374 reenacted as follows:

375 77-1-41. All findings of the commission and the
376 determination of every matter by it shall be made in writing and
377 placed upon its minutes. Proof thereof shall be made by a copy of
378 the same duly certified by the secretary under the seal of the
379 commission. Whenever any matter has been determined by the
380 commission, in the course of any proceeding before it the fact of
381 such determination, duly certified, shall be received in all
382 courts and by every officer in civil cases as prima facie evidence
383 that such determination was right and proper. The record of the
384 proceedings of the commission shall be deemed a public record, and
385 shall at all reasonable times be subject to the inspection of the
386 public.

387 **SECTION 19.** Section 77-1-43, Mississippi Code of 1972, is
388 reenacted and amended as follows:

389 77-1-43. * * * The commission may apply to the circuit or
390 chancery court, by proper proceeding, for aid in the enforcement
391 of obedience to its process, and to compel compliance with * * *
392 Title 77, Mississippi Code of 1972, and its lawful rules,
393 regulations, orders, decisions, and determinations. Said courts
394 shall have jurisdiction to grant aid and relief in such cases,
395 subject to the right of appeal to the Supreme Court by the party



396 aggrieved. The commission itself may, by order after notice and
397 hearing, institute such proceedings or, at the request of the
398 commission by order after notice and hearing, the Attorney
399 General, or district attorney in his district, shall institute
400 such proceedings in the name of the commission.

401 * * *

402 **SECTION 20.** Section 77-1-47, Mississippi Code of 1972, is
403 reenacted as follows:

404 77-1-47. Appeals from any final finding, order or judgment
405 of the commission shall be taken and perfected by the filing of a
406 bond in the sum of Five Hundred Dollars (\$500.00) with two (2)
407 sureties, or with a surety company qualified to do business in
408 Mississippi as the surety, conditioned to pay the cost of such
409 appeal. Said bond shall be approved by the chairman or secretary
410 of the commission, or by the judge of the court to which such
411 appeal is taken in case the chairman or secretary of the
412 commission refuses to approve a proper bond tendered to them
413 within the time limited for taking appeals. The commission may
414 grant a supersedeas bond on any appeal, in such penalty and with
415 such surety thereon as it may deem sufficient, and may, during the
416 pendency of any appeal, at any time, require the increase of any
417 such supersedeas bond or additional securities thereon. The judge
418 of the Circuit Court of Hinds County may on petition therefor by
419 any party entitled to an appeal, presented to him within six (6)
420 months of the date of the final finding, order, or judgment of the



421 commission appealed from, award a writ of supersedeas to any such
422 final finding, order, or judgment of the commission, upon the
423 filing of a supersedeas bond in an amount to be fixed by said
424 judge. All appeal bonds for the payment of costs, and all
425 supersedeas bonds, shall be made payable to the state and may be
426 enforced in the name of the state by motion or other legal
427 proceedings or remedy in any circuit court of this state having
428 jurisdiction of a motion or action on such bond, and the process
429 and proceedings thereon shall be as provided by law upon bonds of
430 like character required and taken by any court of this state.
431 Such circuit court may render and enter like judgments upon such
432 bonds as may, by law, be rendered and entered upon bonds of like
433 character, and process of execution shall issue upon such
434 judgments, and may be levied and executed as provided by law in
435 other cases.

436 **SECTION 21.** Section 77-1-49, Mississippi Code of 1972, is
437 reenacted as follows:

438 77-1-49. The commission shall make a report every year to
439 the Legislature of all its acts and doings for the preceding
440 fiscal year.

441 **SECTION 22.** Section 77-1-51, Mississippi Code of 1972, is
442 amended as follows:

443 77-1-51. Sections 77-1-1 through 77-1-49, Mississippi Code
444 of 1972, which create the Public Service Commission and prescribe



445 its powers and duties, shall stand repealed as of December
446 31, * * * 2020.

447 **SECTION 23.** Section 77-1-55, Mississippi Code of 1972, is
448 amended as follows:

449 77-1-55. (1) The Public Service Commission, with the aid
450 and the assistance of the Public Utilities Staff, shall have the
451 power to monitor, investigate, and seek relief in any appropriate
452 federal forum from all existing or proposed interstate rates,
453 charges, allocations and classifications, and all rules and
454 practices in relation thereto promulgated and prescribed by or for
455 any public utility as defined in Section 77-3-3(d) (i).

456 (2) The Public Service Commission, with the aid and the
457 assistance of the Public Utilities Staff, may seek relief from any
458 proposed or final decision, order, regulation, rule or law that
459 has an impact on any existing or proposed interstate rate, charge,
460 allocation or classification.

461 (3) For the purpose of this section, the Public Service
462 Commission and the Executive Director of the Public Utilities
463 Staff may each enter into professional services contracts with one
464 or more attorneys or consultants from a competent, qualified and
465 independent firm as may be required by the commission or the
466 executive director. Costs associated with the professional
467 service contracts shall not exceed One Million Five Hundred
468 Thousand Dollars (\$1,500,000.00) for each agency with respect to
469 each rate regulated affected utility in any twelve-month period.



470 The consultants or counsel shall submit periodically, but no less
471 frequently than once each calendar quarter, to the executive
472 director or the commission, as applicable, for approval of
473 payment, itemized bills detailing the work performed. The
474 executive director or the chairman of the commission, as
475 applicable, shall requisition the applicable public utility to
476 make the requisite payments to such consultants. The commission
477 shall allow the utility to recover both the total costs the
478 utility incurred under this section and the carrying charges for
479 those costs through a rate rider established to recover the costs
480 incurred and carrying charges incurred. Such rider shall include
481 a true-up provision to ensure actual recovery of costs paid or
482 otherwise incurred by the utility.

483 (4) This section shall stand repealed from and after July
484 1, * * * 2020.

485 **SECTION 24.** Section 77-3-5, Mississippi Code of 1972, is
486 amended as follows:

487 77-3-5. Notwithstanding any other provision of law, and
488 subject only to the limitations imposed in this * * * chapter and
489 in accordance with the provisions * * * of this chapter, the
490 Public Service Commission shall have exclusive original
491 jurisdiction over the intrastate business and property of public
492 utilities and, for purposes of clarification of the existing scope
493 of said exclusive original jurisdiction, such exclusive original
494 jurisdiction extends, but is not limited to: the establishment of



495 retail rates; challenges, including customer complaints, to the
496 amount of a retail rate or customer bill or whether such rate is
497 just and reasonable; and challenges to the validity or accuracy of
498 rates charged by a public utility, or to the accuracy or
499 reliability of information submitted to the Public Service
500 Commission by a public utility or other person in support of or in
501 opposition to a proposed or approved rate, regardless of the legal
502 theory upon which any such challenge is made. However, the
503 commission shall not have jurisdiction over the production and
504 gathering of natural gas or the sale of natural gas in or within
505 the vicinity of the field where produced, or over the facilities
506 and equipment utilized in any such operations, including, but not
507 limited to, such facilities as separators, scrubbers and gasoline
508 plants of all types. Further, the commission shall not have
509 jurisdiction over the governance, management or other internal
510 affairs of entities as described by paragraphs (b) and (c) below.
511 Moreover, the commission shall not have jurisdiction to regulate
512 the rates for the sales and/or distribution:

513 (a) Of gas, water, electricity or sewage disposal
514 services by municipalities to such persons as said municipalities
515 are authorized by law to serve;

516 (b) Of gas or electricity by cooperative gas or
517 electric power associations to the members thereof as consumers,
518 except as provided by Section 77-3-17, where service is rendered
519 in a municipality;



520 (c) Of water or sewage disposal service by nonprofit
521 corporations or associations where the governing body of such
522 corporation or association is elected by the consumers thereof or
523 appointed by the county board of supervisors; or

524 (d) Of water by districts organized under the
525 provisions of Chapter 45, Laws of 1966-1967, Extraordinary
526 Session.

527 **SECTION 25.** This act shall take effect and be in force from
528 and after July 1, 2018.

