

By: Senator(s) Seymour

To: Energy

SENATE BILL NO. 2393

1 AN ACT TO AMEND SECTIONS 77-2-1 AND 77-2-9, MISSISSIPPI CODE  
2 OF 1972, TO REVISE THE POWERS AND DUTIES OF THE PUBLIC UTILITIES  
3 STAFF BY REMOVING LANGUAGE PROVIDING FOR THE CONSIDERATION OF THE  
4 INTERESTS OF THE PUBLIC UTILITIES; AND FOR RELATED PURPOSES.

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

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

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



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

39 Notwithstanding any provision of this chapter to the  
40 contrary, the personnel positions of the data processing division  
41 and the gas pipeline safety division of the Public Utilities Staff  
42 shall be the Public Service Commission staff positions authorized  
43 under Section 77-3-8, and shall be under the control and  
44 supervision of the Public Service Commission from and after March



45 15, 1991. However, the Public Service Commission staff shall  
46 continue to provide at no cost administrative support in the  
47 nature of data processing and bookkeeping to the Public Utilities  
48 Staff in order to avoid duplication of services.

49 This section shall stand repealed on July 1, 2022.

50 **SECTION 2.** Section 77-2-9, Mississippi Code of 1972, is  
51 amended as follows:

52 77-2-9. (1) The executive director shall have general  
53 charge of the operations and administration of the Public  
54 Utilities Staff. It shall be the duty and responsibility of the  
55 executive director to supervise and manage the offices and  
56 personnel on the Public Utilities Staff and formulate written  
57 policies and procedures for the effective and efficient operation  
58 thereof. The executive director shall be responsible for hiring  
59 persons on the staff who meet established qualifications for  
60 comparable positions of duty and responsibility. The Public  
61 Utilities Staff as formerly created in Section 77-3-8, Mississippi  
62 Code of 1972, which consists of the Economic and Planning  
63 Division, Legal Division, Engineering Division, Accounting  
64 Division and Administrative Services Division, and has a State  
65 Personnel Board organizational code of twenty thousand (20,000) or  
66 larger, is abolished from and after August 31, 1990. All such  
67 former employees shall be eligible to be rehired by the executive  
68 director for positions on the Public Utilities Staff created  
69 pursuant to Section 77-2-1. Such former employees shall not, by



70 virtue of abolishing such staff, lose any vacation or sick leave  
71 benefits previously accrued and, if rehired, shall continue  
72 vacation and sick leave as if they had not been terminated. For a  
73 period of one (1) year after July 1, 1990, the personnel actions  
74 of the Public Utilities Staff shall be exempt from State Personnel  
75 Board procedures in order to give the Public Utilities Staff  
76 flexibility in making an orderly, effective and timely transition  
77 to the mandated reorganization.

78 (2) The following personnel and members of the Public  
79 Utilities Staff shall be competitively appointed by the executive  
80 director and shall have at least the knowledge, skills and  
81 abilities set forth herein. These requirements shall not be  
82 waived, and possession thereof shall be certified by the State  
83 Personnel Board:

84 (a) A chief engineer who is a graduate licensed  
85 engineer and who has a thorough knowledge of engineering  
86 principles as applied to the design, construction, operation,  
87 maintenance and expansion of utility facilities and rate structure  
88 determination. The chief engineer shall possess a thorough  
89 knowledge of techniques and practices of public utility service  
90 and regulation and shall have the ability to evaluate same and to  
91 formulate accurate conclusions therefrom.

92 (b) A certified public accountant who possesses a  
93 thorough knowledge of standard accounting procedures, techniques  
94 and systems with specific reference to the utility industry. Such



95 accountant shall be experienced in public utility accounting and  
96 shall have a thorough knowledge of the financial and  
97 organizational structure of public utility companies to include  
98 knowledge of the methods by which financing of major additions and  
99 extensions to utility operations is acquired.

100 (c) A director of economics and planning who holds at  
101 least a bachelor's degree in economics and possesses a thorough  
102 knowledge of the principles and techniques of economic and  
103 financial research and statistical analysis. The director of  
104 economics and planning shall have a thorough knowledge of the  
105 sources of economic, financial and statistical information and the  
106 methods of utilizing these sources, as well as considerable  
107 knowledge of capital markets with specific reference to utility  
108 financing. This employee shall be experienced in conducting  
109 analyses of the utility industry, the economy, cost of money,  
110 availability and cost of fuel and energy and other related matters  
111 within the authority of the commission.

112 (d) Supportive technical personnel consisting of rate  
113 analysts, accountants, inspectors and statisticians as authorized  
114 and appropriated by the Legislature.

115 (e) A general counsel, who shall be a member of The  
116 Mississippi Bar, shall have practiced law for a minimum of five  
117 (5) years and who shall possess considerable knowledge of utility  
118 regulation generally and of the case law, statutory law and the  
119 common law relating thereto.



120 (3) It shall be the duty and responsibility of the Public  
121 Utilities Staff by and through the executive director to:

122 (a) In uncontested matters review, investigate and make  
123 appropriate written recommendations to the commission with respect  
124 to the reasonableness of rates charged or proposed to be charged  
125 by any public utility and with respect to the consistency of such  
126 rates with the public policy of assuring an energy supply adequate  
127 to protect the public health and safety and to promote the general  
128 welfare;

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

132 (c) When deemed necessary by the executive director, in  
133 the broad public interest of the State of Mississippi, the using  
134 and consuming public, and the public utilities, make written  
135 recommendations and reports to the commission regarding all  
136 commission proceedings affecting the rates or service of any  
137 public utility;

138 (d) When deemed necessary by the executive director, in  
139 the broad public interest of the State of Mississippi \* \* \* and  
140 the using and consuming public, \* \* \* petition the commission to  
141 initiate proceedings to review, investigate and take appropriate  
142 action with respect to the rates or service of public utilities.  
143 Receipt of such petition shall be spread on the minutes of the  
144 Public Service Commission. The commission shall, within thirty



145 (30) days of receipt of such petition, spread upon its minutes and  
146 forward to the Executive Director of the Public Utilities Staff a  
147 response detailing actions taken or proposed to be taken;

148 (e) When deemed necessary by the executive director, in  
149 the broad public interest of the State of Mississippi \* \* \* and  
150 the using and consuming public, \* \* \* make written recommendations  
151 and reports to the commission regarding all certificate  
152 applications filed and provide assistance to the commission in  
153 making the analysis and plans required;

154 (f) When deemed necessary by the executive director, in  
155 the broad public interest of the State of Mississippi \* \* \* and  
156 the using and consuming public, \* \* \* make written recommendations  
157 and reports to the commission regarding all proceedings wherein  
158 any public utility proposes to reduce or abandon service to the  
159 public;

160 (g) Make studies with respect to standards,  
161 regulations, practices or service of any public utility; however,  
162 the Public Utilities Staff shall have no duty, responsibility or  
163 authority with respect to the enforcement of natural gas pipeline  
164 safety law, or the federal railroad safety laws, rules or  
165 regulations;

166 (h) When deemed necessary by the executive director, in  
167 the broad public interest of the State of Mississippi \* \* \* and  
168 the using and consuming public, \* \* \* make written recommendations  
169 and reports to the commission regarding all commission proceedings



170 with respect to transfers of franchises, mergers, consolidation  
171 and combination of public utilities;

172 (i) When deemed necessary by the executive director, in  
173 the broad public interest of the State of Mississippi \* \* \* and  
174 the using and consuming public \* \* \*, review and investigate  
175 contracts of public utilities with affiliates or subsidiaries;

176 (j) When deemed necessary by the executive director, in  
177 the broad public interest of the State of Mississippi \* \* \* and  
178 the using and consuming public, \* \* \* advise the commission with  
179 respect to regulations and transactions;

180 (k) When deemed necessary by the executive director, in  
181 the broad public interest of the State of Mississippi \* \* \* and  
182 the using and consuming public, \* \* \* review and make  
183 recommendations to the commission on all miscellaneous uncontested  
184 filings;

185 (l) Advise the Public Service Commission in writing as  
186 to the broad public interest of the State of Mississippi \* \* \* and  
187 the using and consuming public, \* \* \* in all major rate cases and  
188 automatic adjustment clauses;

189 (m) When deemed necessary by the executive director, in  
190 the broad public interest of the State of Mississippi \* \* \* and  
191 the using and consuming public, \* \* \* review and investigate the  
192 justness and reasonableness \* \* \* to \* \* \* the public \* \* \* of  
193 rates charged or proposed to be charged by any public utility, the





194 rates of which are subject to regulation under the provisions of  
195 this chapter; and

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

199 (4) The Executive Director of the Public Utilities Staff  
200 shall employ the resources of the staff to furnish to the  
201 commission, in a timely and expeditious manner, such information  
202 and reports or conduct such investigations and provide such other  
203 assistance as may be required in order to enforce the laws  
204 providing for the regulation of public utilities.

205 (5) All written recommendations and reports provided to the  
206 Public Service Commission from the Public Utilities Staff shall  
207 bear the signature of the executive director, who shall maintain a  
208 record thereof, including the date such recommendation or report  
209 was submitted to the commission.

210 (6) In no event shall the duties and responsibilities of the  
211 Public Utilities Staff be exercised with regard to matters not  
212 within the jurisdiction and powers of the Public Service  
213 Commission.

214 (7) This section shall stand repealed on July 1, 2022.

215 **SECTION 3.** This act shall take effect and be in force from  
216 and after July 1, 2019.

