

By: Representative Ladner

To: Public Utilities

HOUSE BILL NO. 30

1 AN ACT TO REQUIRE THE PUBLIC SERVICE COMMISSION TO REQUIRE
 2 ANY WATER OR SEWAGE DISPOSAL SERVICE BY NONPROFIT CORPORATIONS OR
 3 ASSOCIATIONS WHERE THE GOVERNING BODY OF SUCH CORPORATION OR
 4 ASSOCIATION IS ELECTED BY THE CONSUMERS THEREOF OR APPOINTED BY
 5 THE COUNTY BOARD OF SUPERVISORS TO MAKE CERTAIN ANNUAL FILINGS; TO
 6 AMEND SECTION 77-3-5, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
 7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) For any water or sewage disposal service by
 10 nonprofit corporations or associations where the governing body of
 11 such corporation or association is elected by the consumers
 12 thereof or appointed by the county board of supervisors, the
 13 Mississippi Public Service Commission shall require that such
 14 entities annually file with the commission the following
 15 information:

- 16 (a) Copies of meeting minutes;
- 17 (b) Bylaws including any amendments since the last
 18 filing;
- 19 (c) Names and addresses of officers;



20 (d) Audited financial statements for the most recently
21 completed fiscal year;

22 (e) Results of any water tests conducted by the State
23 Department of Health or any federal regulator; and

24 (f) Any other information the commission deems
25 necessary to provide the public with sufficient information to
26 determine that the entity is performing effectively and
27 efficiently.

28 (2) The commission may establish any rules, forms or
29 reporting standards necessary to implement this section, and may
30 issue any process necessary to obtain compliance with the
31 requirements of this section.

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

34 77-3-5. (1) Notwithstanding any other provision of law, and
35 subject only to the limitations imposed in this chapter and in
36 accordance with the provisions of this chapter, the Public Service
37 Commission shall have exclusive original jurisdiction over the
38 intrastate business and property of public utilities and, for
39 purposes of clarification of the existing scope of said exclusive
40 original jurisdiction, such exclusive original jurisdiction
41 extends, but is not limited to: the establishment of retail
42 rates; challenges, including customer complaints, to the amount of
43 a retail rate or customer bill or whether such rate is just and
44 reasonable; and challenges to the validity or accuracy of rates



45 charged by a public utility, or to the accuracy or reliability of
46 information submitted to the Public Service Commission by a public
47 utility or other person in support of or in opposition to a
48 proposed or approved rate, regardless of the legal theory upon
49 which any such challenge is made. However, the commission shall
50 not have jurisdiction over the production and gathering of natural
51 gas or the sale of natural gas in or within the vicinity of the
52 field where produced, or over the facilities and equipment
53 utilized in any such operations, including, but not limited to,
54 such facilities as separators, scrubbers and gasoline plants of
55 all types. Further, the commission shall not have jurisdiction
56 over the governance, management or other internal affairs of
57 entities as described by paragraphs (b) and (c) below. Moreover,
58 the commission shall not have jurisdiction to regulate the rates
59 for the sales and/or distribution:

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

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

67 (c) Of water or sewage disposal service by nonprofit
68 corporations or associations where the governing body of such



69 corporation or association is elected by the consumers thereof or
70 appointed by the county board of supervisors; or

71 (d) Of water by districts organized under the
72 provisions of Chapter 45, Laws of 1966-1967, Extraordinary
73 Session.

74 (2) The Mississippi Public Service Commission shall require
75 and enforce the provisions of Section 1 of this act regarding any
76 water or sewage disposal service by nonprofit corporations or
77 associations where the governing body of such corporation or
78 association is elected by the consumers thereof or appointed by
79 the county board of supervisors.

80 **SECTION 3.** This act shall take effect and be in force from
81 and after July 1, 2023.

