

By: Representative Bounds

To: Public Utilities

HOUSE BILL NO. 288

1 AN ACT TO AMEND SECTION 77-2-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN PERSONNEL AND MEMBERS OF THE PUBLIC UTILITIES
3 STAFF SHALL BE FILLED BY CONSULTING CONTRACT IN ADDITION TO BEING
4 COMPETITIVELY APPOINTED BY THE EXECUTIVE DIRECTOR; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 77-2-9, Mississippi Code of 1972, is
8 amended as follows:

9 77-2-9. (1) The executive director shall have general
10 charge of the operations and administration of the Public
11 Utilities Staff. It shall be the duty and responsibility of the
12 executive director to supervise and manage the offices and
13 personnel on the Public Utilities Staff and formulate written
14 policies and procedures for the effective and efficient operation
15 thereof. The executive director shall be responsible for hiring
16 persons on the staff who meet established qualifications for
17 comparable positions of duty and responsibility. The Public
18 Utilities Staff as formerly created in Section 77-3-8, Mississippi
19 Code of 1972, which consists of the Economic and Planning



20 Division, Legal Division, Engineering Division, Accounting
21 Division and Administrative Services Division, and has a State
22 Personnel Board organizational code of twenty thousand (20,000) or
23 larger, is abolished from and after August 31, 1990. All such
24 former employees shall be eligible to be rehired by the executive
25 director for positions on the Public Utilities Staff created
26 pursuant to Section 77-2-1. Such former employees shall not, by
27 virtue of abolishing such staff, lose any vacation or sick leave
28 benefits previously accrued and, if rehired, shall continue
29 vacation and sick leave as if they had not been terminated. For a
30 period of one (1) year after July 1, 1990, the personnel actions
31 of the Public Utilities Staff shall be exempt from State Personnel
32 Board procedures in order to give the Public Utilities Staff
33 flexibility in making an orderly, effective and timely transition
34 to the mandated reorganization.

35 (2) The following personnel and members of the Public
36 Utilities Staff shall be filled by consulting contract or
37 competitively appointed by the executive director and shall have
38 at least the knowledge, skills and abilities set forth herein.
39 These requirements shall not be waived, and possession thereof
40 shall be certified by the State Personnel Board:

41 (a) A chief engineer who is a graduate licensed
42 engineer and who has a thorough knowledge of engineering
43 principles as applied to the design, construction, operation,
44 maintenance and expansion of utility facilities and rate structure



45 determination. The chief engineer shall possess a thorough
46 knowledge of techniques and practices of public utility service
47 and regulation and shall have the ability to evaluate same and to
48 formulate accurate conclusions therefrom.

49 (b) A certified public accountant who possesses a
50 thorough knowledge of standard accounting procedures, techniques
51 and systems with specific reference to the utility industry. Such
52 accountant shall be experienced in public utility accounting and
53 shall have a thorough knowledge of the financial and
54 organizational structure of public utility companies to include
55 knowledge of the methods by which financing of major additions and
56 extensions to utility operations is acquired.

57 (c) A director of economics and planning who holds at
58 least a bachelor's degree in economics and possesses a thorough
59 knowledge of the principles and techniques of economic and
60 financial research and statistical analysis. The director of
61 economics and planning shall have a thorough knowledge of the
62 sources of economic, financial and statistical information and the
63 methods of utilizing these sources, as well as considerable
64 knowledge of capital markets with specific reference to utility
65 financing. This employee shall be experienced in conducting
66 analyses of the utility industry, the economy, cost of money,
67 availability and cost of fuel and energy and other related matters
68 within the authority of the commission.



69 (d) Supportive technical personnel consisting of rate
70 analysts, accountants, inspectors and statisticians as authorized
71 and appropriated by the Legislature.

72 (e) A general counsel, who shall be a member of The
73 Mississippi Bar, shall have practiced law for a minimum of five
74 (5) years and who shall possess considerable knowledge of utility
75 regulation generally and of the case law, statutory law and the
76 common law relating thereto.

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

79 (a) In uncontested matters review, investigate and make
80 appropriate written recommendations to the commission with respect
81 to the reasonableness of rates charged or proposed to be charged
82 by any public utility and with respect to the consistency of such
83 rates with the public policy of assuring an energy supply adequate
84 to protect the public health and safety and to promote the general
85 welfare;

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

89 (c) When deemed necessary by the executive director, in
90 the broad public interest of the State of Mississippi, the using
91 and consuming public, and the public utilities, make written
92 recommendations and reports to the commission regarding all



93 commission proceedings affecting the rates or service of any
94 public utility;

95 (d) When deemed necessary by the executive director, in
96 the broad public interest of the State of Mississippi, the using
97 and consuming public, and the public utilities, petition the
98 commission to initiate proceedings to review, investigate and take
99 appropriate action with respect to the rates or service of public
100 utilities. Receipt of such petition shall be spread on the
101 minutes of the Public Service Commission. The commission shall,
102 within thirty (30) days of receipt of such petition, spread upon
103 its minutes and forward to the Executive Director of the Public
104 Utilities Staff a response detailing actions taken or proposed to
105 be taken;

106 (e) When deemed necessary by the executive director, in
107 the broad public interest of the State of Mississippi, the using
108 and consuming public, and the public utilities, make written
109 recommendations and reports to the commission regarding all
110 certificate applications filed and provide assistance to the
111 commission in making the analysis and plans required;

112 (f) When deemed necessary by the executive director, in
113 the broad public interest of the State of Mississippi, the using
114 and consuming public, and the public utilities, make written
115 recommendations and reports to the commission regarding all
116 proceedings wherein any public utility proposes to reduce or
117 abandon service to the public;



118 (g) Make studies with respect to standards,
119 regulations, practices or service of any public utility; however,
120 the Public Utilities Staff shall have no duty, responsibility or
121 authority with respect to the enforcement of natural gas pipeline
122 safety law, or the federal railroad safety laws, rules or
123 regulations;

124 (h) When deemed necessary by the executive director, in
125 the broad public interest of the State of Mississippi, the using
126 and consuming public, and the public utilities, make written
127 recommendations and reports to the commission regarding all
128 commission proceedings with respect to transfers of franchises,
129 mergers, consolidation and combination of public utilities;

130 (i) When deemed necessary by the executive director, in
131 the broad public interest of the State of Mississippi, the using
132 and consuming public and the public utilities, review and
133 investigate contracts of public utilities with affiliates or
134 subsidiaries;

135 (j) When deemed necessary by the executive director, in
136 the broad public interest of the State of Mississippi, the using
137 and consuming public, and the public utilities, advise the
138 commission with respect to regulations and transactions;

139 (k) When deemed necessary by the executive director, in
140 the broad public interest of the State of Mississippi, the using
141 and consuming public and the public utilities, review and make



142 recommendations to the commission on all miscellaneous uncontested
143 filings;

144 (1) Advise the Public Service Commission in writing as
145 to the broad public interest of the State of Mississippi, the
146 using and consuming public, and the public utilities in all major
147 rate cases and automatic adjustment clauses;

148 (m) When deemed necessary by the executive director, in
149 the broad public interest of the State of Mississippi, the using
150 and consuming public, and the public utilities, review and
151 investigate the justness and reasonableness, to both the public
152 and the public utility, of rates charged or proposed to be charged
153 by any public utility, the rates of which are subject to
154 regulation under the provisions of this chapter; and

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

158 (4) The Executive Director of the Public Utilities Staff
159 shall employ the resources of the staff to furnish to the
160 commission, in a timely and expeditious manner, such information
161 and reports or conduct such investigations and provide such other
162 assistance as may be required in order to enforce the laws
163 providing for the regulation of public utilities.

164 (5) All written recommendations and reports provided to the
165 Public Service Commission from the Public Utilities Staff shall
166 bear the signature of the executive director, who shall maintain a



167 record thereof, including the date such recommendation or report
168 was submitted to the commission.

169 (6) In no event shall the duties and responsibilities of the
170 Public Utilities Staff be exercised with regard to matters not
171 within the jurisdiction and powers of the Public Service
172 Commission.

173 **SECTION 2.** This act shall take effect and be in force from
174 and after July 1, 2023.

