

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.

