

By: Representative Powell

To: Public Utilities

HOUSE BILL NO. 1664

1 AN ACT TO AMEND SECTION 77-1-11, MISSISSIPPI CODE OF 1972, TO
2 REVISE PROVISIONS RELATING TO THE ACCEPTANCE OR OFFER OF GIFTS; TO
3 BRING FORWARD SECTION 77-3-14, MISSISSIPPI CODE OF 1972, FOR
4 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 77-1-11, Mississippi Code of 1972, is
7 amended as follows:

8 77-1-11. (1) It shall be unlawful for any public service
9 commissioner, any candidate for public service commissioner, or
10 any employee of the Public Service Commission or Public Utilities
11 Staff to knowingly accept any gift, pass, money, campaign
12 contribution or any emolument or other pecuniary benefit
13 whatsoever, either directly or indirectly, from * * * a covered
14 person * * *. Any person found guilty of violating the provisions
15 of this subsection shall immediately forfeit his or her office or
16 position and shall be fined not less than Five Thousand Dollars
17 (\$5,000.00), imprisoned in the State Penitentiary for not less
18 than one (1) year, or both.



19 (2) It shall be unlawful for * * * a covered person * * * to
20 offer any gift, pass, money, campaign contribution or any
21 emolument or other pecuniary benefit whatsoever to any public
22 service commissioner, any candidate for public service
23 commissioner or any employee of the Public Service Commission or
24 Public Utilities Staff. Any party found guilty of violating the
25 provisions of this subsection shall be fined not less than Five
26 Thousand Dollars (\$5,000.00), or imprisoned in the State
27 Penitentiary for not less than one (1) year, or both.

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

34 (4) For purposes of this section, the term "Covered Person"
35 shall include (i) any person interested as owner, agent or legal
36 representative of any telephone, gas, water, wastewater or
37 electric public utility as defined in Section 77-3-3(d); (ii) any
38 person acting at the request or direction of an owner, agent or
39 legal representative of any telephone, gas, water, wastewater or
40 electric public utility as defined in Section 77-3-3(d); (iii) any
41 person, entity or any owner, agent or legal representative of such
42 person or entity that submits any filing in a Public Service
43 Commission proceeding in the forty-eight (48) months preceding the



44 date of the gift, pass, money, campaign contribution or any
45 emolument or other pecuniary benefit; or (iv) any person acting at
46 the request or direction of any person, entity or any owner, agent
47 or legal representative of such person or entity that submits any
48 filing in a Public Service Commission proceeding in the
49 forty-eight (48) months preceding the date of the gift, pass,
50 money, campaign contribution or any emolument or other pecuniary
51 benefit. Notwithstanding anything to the contrary, a person shall
52 not be considered a "Covered Person" under this section based
53 solely on such person submitting a customer complaint or other
54 inquiry, formal or informal, to the Public Service Commission or
55 Public Utilities Staff concerning service, billing or any other
56 aspect of the service provided by a public utility to such person.

57 (* * *5) For purposes of this section, a person who is a
58 member of a water, gas, electric or other cooperative association
59 regulated by the Public Service Commission shall not, by virtue of
60 such membership, be deemed an owner, agent or representative of
61 such association unless such person is acting in any respect for
62 or as an owner, agent or representative of such association; nor
63 shall a person who owns less than one-half of one percent (1/2 of
64 1%) in stock, the value thereof not to exceed Ten Thousand Dollars
65 (\$10,000.00), of any public utility that is regulated by the
66 Public Service Commission, or of any holding company of such
67 public utility, by virtue of such ownership, be deemed an owner,
68 agent or representative of such public utility unless such person



69 is acting in any respect for or as an owner, agent or
70 representative of such public utility.

71 **SECTION 2.** Section 77-3-14, Mississippi Code of 1972, is
72 brought forward as follows:

73 77-3-14. (1) Notwithstanding the provisions of Section
74 77-3-11, Mississippi Code of 1972, and Section 77-3-13,
75 Mississippi Code of 1972, no public utility or other person shall
76 begin the construction of any facility for the generation and
77 transmission of electricity to be directly or indirectly used for
78 the furnishing of public utility service in this state, even
79 though the facility be for furnishing the service already being
80 rendered, without first obtaining from the commission a
81 certificate that the public convenience and necessity requires, or
82 will require, such construction.

83 (2) The commission shall develop, publicize and keep current
84 an analysis of the long-range needs for expansion of facilities
85 for the generation of electricity in Mississippi, including its
86 estimate of the probable future growth of the use of electricity,
87 the probable needed generation reserves, the extent, size, mix and
88 general location of generating plants and arrangements for pooling
89 power to the extent not regulated by the Federal Energy Regulatory
90 Commission and other arrangements with other utilities and energy
91 suppliers to achieve maximum efficiencies for the benefit of the
92 people of Mississippi, and shall consider such analysis in acting
93 upon any petition by any utility for construction. Each public



94 utility engaged in the generation, transmission and distribution
95 of electric energy shall, upon request of the commission, submit
96 to the commission its forecasts and plans for the addition of
97 generating capacity planned by the utility for an ensuing
98 five-year period and shall furnish to the commission such
99 documents and proof with respect to the need therefor as the
100 commission may reasonably require. In considering these analyses
101 and forecasts, the commission shall consult with the University
102 Research Center, the utilities commissions or comparable agencies
103 of neighboring states, the Federal Energy Regulatory Commission
104 and other agencies having relevant information and/or duties and
105 responsibilities in this area, and particularly with the
106 Department of Economic and Community Development with reference to
107 the accomplishment of the Mississippi Energy Plan provided for in
108 Section 57-39-11, Mississippi Code of 1972.

109 (3) In acting upon any petition for the construction of any
110 facility for the generation of electricity, the commission shall
111 take into account the utility's arrangements with other electric
112 utilities for interchange of power, pooling of plant, purchase of
113 power and other methods for providing reliable, efficient and
114 economical electric service.

115 (4) As a condition for receiving such certificate, the
116 utility shall file an estimate of construction costs in such
117 detail as the commission may require. The commission shall hold a
118 public hearing on each application, and no certificate shall be



119 granted unless the commission has approved the estimated
120 construction costs.

121 (5) The commission shall maintain an ongoing review of such
122 construction as it proceeds, and the applicant shall submit at
123 such times as the commission shall require during construction a
124 progress report and any revisions in the cost estimates for the
125 construction.

126 (6) The certification requirements of this section shall not
127 apply to persons who construct an electric generating facility
128 primarily for that person's own use and not for the primary
129 purpose of producing electricity, heat or steam for sale to or for
130 the public for compensation; and the commission may provide for
131 exemption from certification requirements for cogeneration
132 facilities and small standby facilities; provided, however, that
133 such persons shall, nevertheless, be required to report to the
134 commission the proposed construction of such a facility before
135 beginning construction thereof.

136 (7) With respect to any facility or contract for a facility
137 serving a customer under Section 22 of Senate Bill No. 2001, 2024
138 Second Extraordinary Session, nothing in this section shall
139 supersede the provisions of Section 22 of Senate Bill No. 2001,
140 2024 Second Extraordinary Session.

141 **SECTION 3.** This act shall take effect and be in force from
142 and after July 1, 2024.

