

By: Senator(s) Ross

To: Public Utilities

SENATE BILL NO. 2462

1 AN ACT TO REQUIRE WATER AND SEWER DISTRICTS TO GIVE NOTICE TO
 2 ALL PROPERTY OWNERS LOCATED IN AREAS IN WHICH THE DISTRICTS FILE
 3 TO EXTEND THEIR WATER AND/OR SEWER SERVICES; TO REQUIRE SUCH
 4 DISTRICTS TO DEMONSTRATE TO THE PUBLIC SERVICE COMMISSION
 5 SUFFICIENT CAPITAL TO PAY FOR SERVICING ADDITIONAL AREAS BEYOND
 6 THEIR BOUNDARIES; TO PROHIBIT SUCH DISTRICTS FROM REQUIRING ANY
 7 PROPERTY OWNER TO CONDUCT A FEASIBILITY STUDY WITH REGARD TO
 8 SEWAGE AND/OR INDIVIDUAL WASTE WATER MANAGEMENT SYSTEMS; TO AMEND
 9 SECTION 77-3-203, MISSISSIPPI CODE OF 1972, TO ALLOW A PROPERTY
 10 OWNER TO FILE A COMPLAINT WITH THE PUBLIC SERVICE COMMISSION UPON
 11 UTILITY'S FAILURE OR REFUSAL TO PROVIDE WATER AND/OR SEWER
 12 SERVICE; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) Notwithstanding any law to the contrary,
 15 whenever any district created or operated pursuant to the
 16 provisions of Sections 19-5-151 through 19-5-207 files to extend
 17 its water and/or sewer services to areas beyond the boundaries of
 18 such district, the district shall give written notice by mail to
 19 all property owners located in such areas and shall give
 20 instructions on how the property owners may appear before the
 21 Public Service Commission and make any objections.

22 (2) Notwithstanding any law to the contrary, whenever any
 23 district created or operated pursuant to the provisions of
 24 Sections 19-5-151 through 19-5-207 seeks to extend its water
 25 and/or sewer services to areas beyond the boundaries of such
 26 district, the district shall demonstrate to the Public Service
 27 Commission that it has sufficient capital or financial resources
 28 to pay for servicing the additional area and for the construction
 29 and installation of any facilities which will be owned by the
 30 district. If the district demonstrates that it has sufficient
 31 capital or financial resources for such purposes, then the Public
 32 Service Commission may issue a certificate of public convenience



33 and necessity without restriction. If the district fails to
34 demonstrate that it has sufficient capital or financial resources
35 for such purposes, then the Public Service Commission may issue a
36 certificate of public convenience and necessity only if the
37 certificate expressly provides that the district shall not require
38 property owners in the extended area to join its water and/or
39 sewer systems.

40 (3) Notwithstanding any other provision of law to the
41 contrary, no district created or operated pursuant to the
42 provisions of Sections 19-5-151 through 19-5-207 may require any
43 property owner to conduct a feasibility study with regard to
44 sewage and/or individual waste water management systems.

45 (4) In addition to any other remedies provided by law, the
46 Public Service Commission is hereby authorized to enforce the
47 provisions of this section.

48 **SECTION 2.** Section 77-3-203, Mississippi Code of 1972, is
49 amended as follows:

50 77-3-203. If any public utility, other than a municipality,
51 shall fail or refuse to construct within its certificated area any
52 facilities necessary to provide public utility service, or shall
53 fail or refuse to make written commitment to do so, within a
54 reasonable time after written request for such service by any
55 owner of property, which request shall specify with reasonable
56 particularity the type of service desired, such owner may, in
57 addition to any other legal or administrative remedy provided by
58 law and either separately or jointly with any other owner or
59 owners in the area affected, pursue either of the following
60 alternatives or a combination thereof:

61 (a) In the name of such owner or jointly with any other
62 person, firm or corporation, pursuant to the provisions of Section
63 77-3-13, apply to the Mississippi Public Service Commission for a
64 certificate of public convenience and necessity to construct the
65 appropriate facilities for furnishing such service or services and



66 to furnish the same within the area affected, and, provided the
67 commission finds that the cancellation of the outstanding
68 certificate would be in the best interest of the consuming public
69 as provided by Section 77-3-21, the fact that a certificate for
70 the same type service or services may have been previously issued
71 to the public utility failing or refusing to furnish such service
72 shall not be prejudicial to such application; * * *

73 (b) File with the Mississippi Public Service Commission
74 a set of proposed plans for construction of such facilities and
75 connection of the same with the system or systems of the utility
76 or utilities affected, such plans to conform in all respects to
77 all reasonable requirements of said commission and any other
78 public body having lawful authority to establish standards of
79 construction. The owner shall give twenty (20) days' notice of
80 such filing to said commission and any other public bodies
81 aforesaid and to the public utility or utilities holding a
82 certificate for the area affected. If, after such notice and
83 opportunity for protest and hearing thereon, the commission shall
84 approve such plans or any modification thereof as being supported
85 by present or future public convenience and necessity, the owner
86 may give notice as hereinafter provided and then proceed to let
87 contracts for the construction of the same or to construct the
88 same and, upon proper completion thereof and conveyance or
89 assignment of such facilities and easements to the utility, the
90 holder of the certificate for the area and service affected shall
91 be obliged promptly to connect the same to its systems and provide
92 such service; or

93 (c) File a complaint with the Mississippi Public
94 Service Commission for the determination of whether the failure or
95 refusal to construct the appropriate facilities for furnishing
96 such services was reasonable. The owner shall give twenty (20)
97 days' notice of such filing to the commission and to the public
98 utility holding a certificate for the area affected. If, after



99 such notice and opportunity for hearing thereon, the commission
100 finds that the failure or refusal was not reasonable, then the
101 commission may order the public utility to construct the
102 appropriate facilities.

103 **SECTION 3.** Section 1 of this act shall be codified as a
104 separate section within Title 77, Mississippi Code of 1972.

105 **SECTION 4.** This act shall take effect and be in force from
106 and after its passage.

