

By: Representative Moak

To: Public Utilities

HOUSE BILL NO. 385

1 AN ACT TO AMEND SECTION 19-31-51, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT NOTICE MAY BE GIVEN BY PUBLICATION IN A NEWSPAPER  
3 OF GENERAL CIRCULATION WITHIN THE COUNTY OR COUNTIES OF THE PUBLIC  
4 IMPROVEMENT DISTRICT BY PUBLIC UTILITIES FOR CERTIFICATES OF  
5 PUBLIC CONVENIENCE AND NECESSITY TO ANY PERSON FOR SERVICE IN  
6 UNCERTIFICATED AREAS WITHIN PUBLIC IMPROVEMENT DISTRICT  
7 BOUNDARIES; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 19-31-51, Mississippi Code of 1972, is  
10 amended as follows:

11 19-31-51. (1) No public improvement district established  
12 under this chapter shall provide any utility service described in  
13 Section 77-3-3(d) to or for the public for compensation without  
14 first obtaining a certificate of public convenience and necessity  
15 from the Public Service Commission.

16 (2) Nothing contained in this section shall prohibit the  
17 Public Service Commission from issuing a certificate of public  
18 convenience and necessity to any person for service in  
19 uncertificated areas within public improvement district  
20 boundaries.

21 (3) Notwithstanding any law to the contrary, water and/or  
22 sewer districts that petition the Public Service Commission for a  
23 certificate of public convenience and necessity for any  
24 uncertificated area shall give written notice. Such notice may be  
25 given by publication in a newspaper of general circulation within  
26 the county or counties wherein the described district is located  
27 or by regular mail to all property owners located in such area, as  
28 reflected on the tax rolls of the county or counties at the time  
29 of filing the petition, at the address listed on the tax rolls of

30 the county or counties within such area, and to public improvement  
31 districts and other public entities located in such area. Such  
32 notice shall give the property owners and the governmental  
33 entities instructions on how they may appear before the Public  
34 Service Commission and make any objections or otherwise  
35 participate as an interested party.

36         **SECTION 2.** This act shall take effect and be in force from  
37 and after July 1, 2004.