

By: Representative Powell

To: Public Utilities

COMMITTEE SUBSTITUTE  
FOR  
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 (6) This section shall stand repealed on December 31, 2027.

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

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

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



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

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

116 (4) As a condition for receiving such certificate, the  
117 utility shall file an estimate of construction costs in such  
118 detail as the commission may require. The commission shall hold a



119 public hearing on each application, and no certificate shall be  
120 granted unless the commission has approved the estimated  
121 construction costs.

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

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

137 (7) With respect to any facility or contract for a facility  
138 serving a customer under Section 22 of Senate Bill No. 2001, 2024  
139 Second Extraordinary Session, nothing in this section shall  
140 supersede the provisions of Section 22 of Senate Bill No. 2001,  
141 2024 Second Extraordinary Session.

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

