

April 27, 2023



FROM THE DESK OF  
COMMISSIONER  
BRENT BAILEY  
CENTRAL DISTRICT OFFICE

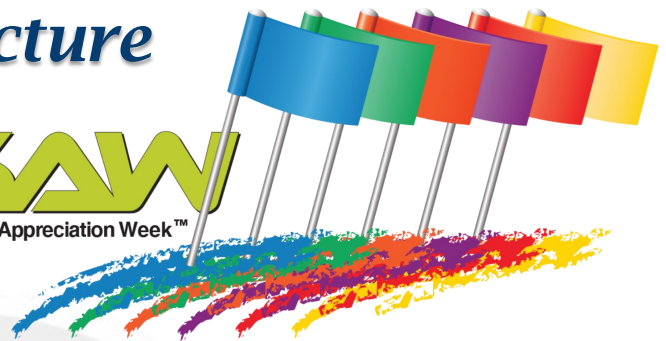


*The Central District is pleased to bring you the latest information concerning utility rates, project developments, Public Service Commission actions and other news you can use. I hope you will find this information to be a useful resource to learn about the Public Service Commission, consumer issues and the continuous work we are doing for the citizens in the Central District and across the state of Mississippi. Thank you again for allowing me to serve you in this capacity.*

*Brent Bailey*

## Utility Locators Help Protect Underground Infrastructure

**I**t is the last full week of April, so it must also be **Locator Safety & Appreciation Week!** Locator Safety & Appreciation Week is held in conjunction with [National Safe Digging Month](#) and helps to kick off the busiest time of year for digging activities – Springtime! While utility locators deserve praise and recognition year-round, this week provides an opportunity for all excavation interest groups to recognize and share an appreciation for an often underappreciated role in the excavation process.



A utility locate technician is a professional who is responsible for locating, identifying, and marking underground utilities before the start of construction or other digging projects. Locators are required to read maps and blueprints and use certain electronic tools to determine where utilities are located. Locators will then use paint and/or flags to mark the approximate location and protect those underground utilities from damage during excavation.

Locators are the unsung heroes of the damage prevention industry. They often work in difficult, challenging, and sometimes dangerous locations to identify, mark and protect underground utilities. Accurate marks help ensure that excavation professionals tasked with exposing, installing, removing or servicing underground infrastructure do not damage existing underground utility systems. Or at least that is the outcome we hope for.

Digging without knowing the approximate location of underground utilities can result in serious injury or death, inconvenient service disruptions, and costly fines and repairs. Unfortunately, according to the [Common Ground Alliance](#), more than 49.3 million Americans will put themselves and their communities at risk by not contacting 811 and getting buried utility lines marked before digging. Regardless of how shallow the project is, contact 811 beforehand to have buried utilities marked by a locate professional. Accurate marks and careful excavation will get workers home safely and protect the community.

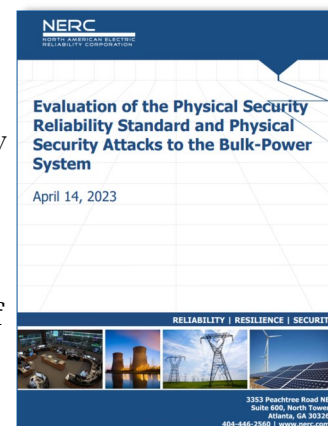
Please take a moment to participate in Locator Safety & Appreciation Week by thanking a utility locator for the work these men and women do day in and day out to protect the public and protect the underground infrastructure that delivers the critical utility services that we all rely on. And please take two minutes to [check out our new video](#) in recognition of Locator Safety & Appreciation Week. Those little colored flags are not placed around for fun. Those flags represent specific systems that need to be protected.



## NERC Announces Actions Addressing Physical Security

This month, the North American Electric Reliability Corporation (NERC) submitted its report on its study evaluating the Physical Security Reliability Standard CIP-014. The Federal Energy Regulatory Commission ordered NERC to study the adequacy of CIP-014 and assess whether a minimum level of physical security protections should be established for all power system transmission stations, substations and primary control centers. There were almost 1,700 physical security incidents in 2022, an increase of 10.5% from 2021. Typical physical security incidents against the grid involve vandalism, tampering, arson and ballistic damage.

In the report, [\*Evaluation of the Physical Security Reliability standard and Physical Security Attacks to the Bulk-Power System\*](#), NERC found that although CIP-014 is an adequate standard and contains appropriate criteria to conduct effective risk assessments of applicable substations, there is a need to evaluate additional reliability, resiliency and security measures designed to mitigate risks associated with physical security attacks. That said, the report did not recommend a common minimum level set of physical security protections at this time. Physical hardening of substations can be expensive. Therefore, a risk-based review is necessary to determine what level of investment, if any, is needed to mitigate the impact of a physical attack.



## 2023 Legislative Session Recap and Summary

The 2023 Regular Session of the Mississippi Legislature wrapped up work on Saturday, April 1. While some people may say that some business was left unfinished, the Legislature took on a fairly aggressive agenda for the last year of a four term. Below is a summary of many of the bills we monitored throughout the session. Most of this legislation goes into effect on July 1, the beginning of the 2024 Fiscal Year. Please note that any commentary below is solely the view, opinion and/or position of myself and not that of the Mississippi Public Service Commission.

### House

- [\*\*HB 288\*\*](#): *Public Utilities Staff; authorize certain personnel to be filled by consulting contract.*
  - This bill will provide that certain personnel and members of the Public Utilities Staff shall be filled by consulting contract in addition to being competitively appointed by The Executive Director. Because of the state's hiring protocols, a critical position could be vacant for months until filled. This authorization could allow a position to be filled temporarily. Also, this could allow the Public Utilities Staff to contract with consultants that are subject matter experts in certain topic areas. Current Status: **Signed by Governor 03/13/23**
- [\*\*HB 698\*\*](#): *Municipal water, wastewater, and sewer services; require equity-based billing based on use of.*
  - This bill is intended to ensure just, reasonable, and transparent billing for municipal water, wastewater, and sewer services. The rates at which water, wastewater, and sewer services are supplied shall be just and reasonable, and rates may not be unreasonably preferential, prejudicial, or discriminatory. Furthermore, the calculation of a bill shall be based on the actual amount of volumetric usage, plus those reasonable and necessary fees for the cost of capital expenses, system operation and maintenance, and debt service.





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The bill allows municipal utilities that currently charge a flat fee rate to continue to do so until such time as system upgrades allow for volumetric billing. This legislation was put forth in response to the City of Jackson's court-appointed, third-party water division administrator's proposal to establish a billing system based on assessed property value, household income and ability to pay. Current Status: **Signed by Governor 04/14/23**

- **HB 809**: *Executive Director of Public Utilities Staff; remove Public Service Commission from the process of appointing.*
  - This legislation removes the requirement that the Public Service Commission (PSC) submit to the Governor a list of qualified candidates for the position of executive director of the Public Utilities Staff (PUS). Of all legislation impacting the PSC, this is the one that I am most disappointed. It is vital that PSC Commissioners must have full faith and trust in the PUS Executive Director and in the organizational structure of the PUS as it is the PUS that is charged with the responsibility to review, investigate, and make written recommendations to the PSC with respect to the reasonableness of rates and fees charged to customers, assurance of an adequate energy supply, quality of services furnished by a utility, and issuance of certificates to allow utilities to construct facilities and serve customers. Furthermore, the PUS shall not exercise any actions or investigations on matters not within the powers or jurisdiction of the PSC. The candidate review process allowed PSC Commissioners to engage each candidate directly, communicate expectations, and begin to build a foundation of trust that is critical to the success of each agency. Because of the complexity of issues that come before the PSC and that are investigated by the PUS, this process is vital to ensure efficient and effective regulation for Mississippi utilities and the ratepayers they serve. The Commission's involvement in the process of vetting, nominating and appointing an executive director to the PUS was reasonable, sufficient, and served the public interest. Removing the PSC from the vetting process eliminates transparency in the selection of the director of an agency that is half of the state's utility regulatory construct. The legislation further centralizes executive power, encourages political patronage and is a solution in search of a problem. Current Status: **Signed by Governor 03/22/23**
- **HB 1060**: *Electric vehicles; authorize charging by non-utilities.*
  - This will clarify the definition of the term "public utility" which shall not include any person not otherwise a public utility, who purchases electricity on a metered retail basis from the electric public utility that holds a certificate of public convenience and necessity for the area in which the person is located, and provides or furnishes a portion of that electricity, but not electricity from any other source, to the public for compensation directly and exclusively to charge battery-powered electric vehicles and plug-in hybrid electric vehicles. The bill also authorizes electric vehicle charging by non-utilities. This legislation was needed to create a uniform, statewide method to allow third-parties to engage in the retail sale of electricity for the purpose of electric vehicle charging services. Current Status: **Signed by Governor 03/13/23**
- **HB 1225**: *Telephone solicitation; bring forward provisions of law relating to.*
  - This bill, which relates to the Mississippi Telephone Solicitation Act (MTSA), transfers the state's Telephone Solicitation administrative, investigative, and enforcement responsibilities and duties from the Public Service Commission (PSC) to the Mississippi Attorney General. Among other changes, the bill removes the repealer of July 1, 2024, on the provision of law relating to expenses of the agency and fees collected; removes the requirement for a hearing, and penalty for failure to appear for a hearing; provides the court where the attorney general may bring an action to enforce this act; provides for the utilization of a single "do not call" registry; and clarifies that the "do not call" registry is a federal registry.



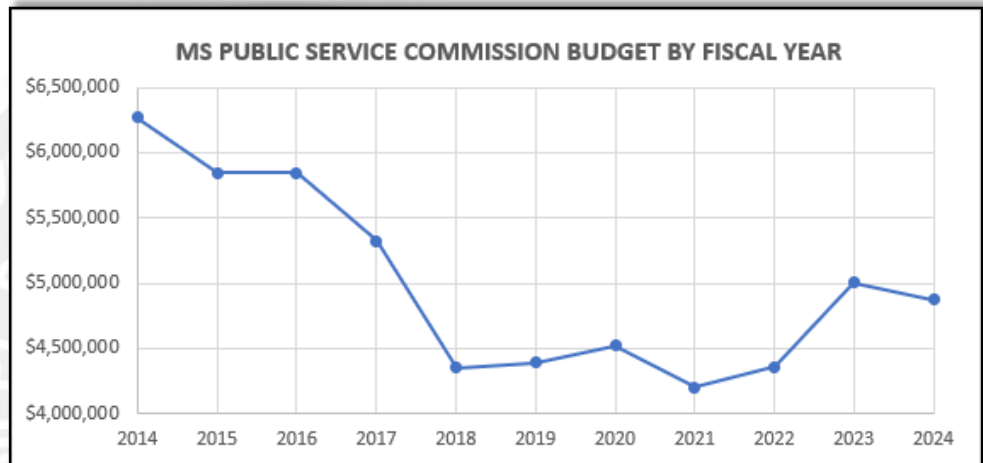
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It is important to note that at the time the MTSA was created in 2003, the MPSC enjoyed full regulatory jurisdiction over telecommunication services. However, nearly all telecommunication services were deregulated in 2012. The PSC's lack of jurisdiction over the telecommunications industry makes enforcement of the MTSA challenging. It is my hope that moving MTSA jurisdiction to the Attorney General will streamline and create a more efficient method for investigating, identifying and penalizing flagrant violators of the MTSA and greatly reduce the number of scam calls, robocalls and texts that Mississippians receive at their home, business or cell phone. Current Status: **Signed by Governor 03/22/23**

- **HB 1620:** Appropriation; Public Service Commission.

- This bill establishes the general appropriation to the Public Service Commission for the fiscal year 2024. The PSC's general appropriation for FY 2024 is \$4,872,897. This is slightly lower than FY 2023's \$5,005,703. The PSC also received FY 2024 Special Funds of \$282,500 for an

upgrade of our digital case tracking system. The PSC also received a federal Pipeline Safety grant of \$464,494 to support the salaries and operations of our Pipeline Safety Division. The PSC managed to



maintain the same number of positions across the agency. Current Status: **Signed by Governor 04/19/23**

- **HB 1715:** Appropriation; Health Department for funding the ARPA Rural Water Associations Infrastructure Grant Program.

- This bill makes an additional appropriation of \$74,000,000 to the State Department of Health for the purpose of funding the ARPA Rural Water Associations Infrastructure Grant Program for the period beginning upon the passage of this act and ending June 30, 2024. Current Status: **Signed by Governor 04/14/23**

- **HB 1716:** Appropriation; DEQ for funding the MS Municipality and County Water Infrastructure Grant Program.

- This bill makes an additional appropriation of \$41,000,000 to the Department of Environmental Quality for the purpose of funding the Mississippi Municipality and County Water Infrastructure Grant Program for the period beginning on the passage of this act and ending June 30, 2024. Current Status: **Signed by Governor 03/22/23**

**Senate**

- **SB 2102:** *Impending emergency excavation; define, establish advance notice requirements and require premarking for.*

- This bill amends the "Safe Digging Law" through several changes. First, the period to locate buried utilities was extended from two (2) working days to three (3) working days. Second, the new law reduces from four (4) hours to (2) hours that an underground utility owner/operator must contact the excavator who sees evidence of and reports an unmarked utility after the period to locate has expired.



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Third, the new law clarifies that false emergencies is a fineable offense and adds the term "impending emergency" that includes pre-excavation notice of at least twelve hours prior to excavation. It also requires an excavator to provide contact information for a person readily available to discuss the impending emergency excavation with utility operators. Fourth, any prevailing party in a buried utilities damage suit may recover reasonable legal expenses, including attorney's fees. While there are other aspects of the Safe Digging Law that need further review, these changes should create more time for locators to do their work as the volume of MS811 notifications continues to increase. In 2022, MS811 received 533,705 notifications that generated up to 2,482,658 utility locate requests. Current Status: **Signed by Governor 03/21/23**

- **SB 2339**: *Provision of law establishing energy efficiency standards for building construction; extend repealer on.*
  - This legislation extends the date of the repealer that requires certain standards that promote efficient energy use to be implemented during the design, direction, construction, and alteration of certain buildings. The bill also provides that state, county or municipal building codes may not prohibit or limit the use of federally approved substitute refrigerants. Current Status: **Signed by Governor 04/20/23**
- **SB 2341**: *Electric transmission infrastructure; maintain state jurisdiction over integrity of.*
  - This bill is meant to maintain state jurisdiction over the integrity of electric transmission infrastructure to assure landowner safeguards, transparency and oversight of customer rates, reliability and relief. The legislation also prescribes the requirements for the issuance of a certificate of public convenience and necessity to build certain electric transmission facilities in a regional transmission organization. When first introduced, this legislation was the most anti-competitive, protectionist measure I have seen in a long time. It would have prevented a third party from constructing transmission infrastructure in the areas of Mississippi within a regional transmission organization. However, the final version of the bill did allow for third party participation as long as certain oversight was agreed upon. Current Status: **Signed by Governor 03/06/23**
- **SB 2433**: *Regulation of public utilities; exempt distribution of water by eligible homeowners' association to its own residents from.*
  - This is to exempt eligible homeowners' associations in eligible municipalities from certain utility regulation when providing water to their own residents and to create a new section 77-3-99, Mississippi code of 1972, to clarify continuing obligations on the part of the eligible municipality. The PSC evaluates financial viability and revenue ability of new utilities. It makes me uneasy that homeowner associations can avoid certain regulations and not certify to the Commission its financial stability and ability to support system operations. Current Status: **Signed by Governor 03/08/23**
- **SB 2512**: *Counties; authorize to designate ARPA funds to rural water and sewer associations for infrastructure projects.*
  - Authorizes county boards of supervisors to directly allocate coronavirus state and local fiscal recovery funds made available under the American rescue plan act of 2021 to any publicly constituted water or sewer association, district, or authority and to municipalities for water and sewer infrastructure projects. Current Status: **Signed by Governor 04/14/23**
- **SB 2562**: *Transportation; allow public and private partnerships to establish electric vehicle charging stations.*
  - This will allow for public-private partnerships to establish electric vehicle charging stations and to allow the Mississippi Transportation Commission to provide grants to private companies for the purpose of providing electric vehicle charging stations. Current Status: **Signed by Governor 03/03/23**





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- [SB 2698](#): *Ad valorem tax; extend fee-in-lieu qualifying period for renewable energy project.*
  - This will extend the period in which certain renewable energy projects may begin construction in order to be eligible for a partial ad valorem tax exemption and extends the time period within which county boards of supervisors and municipal governing authorities may authorize a partial ad valorem tax exemption for certain renewable energy projects. The bill also authorizes county boards of supervisors and municipal governing authorities to enter into agreements with certain enterprises granting a fee-in-lieu of ad valorem taxes, and to extend the time period within which county boards of supervisors and municipal governing authorities may enter into such agreements with certain renewable energy projects. Current Status: **Signed by Governor 03/16/23**

## Last Week at the MPSC

- 📁 **Cooperative Energy** filed a [Petition](#) for a Certificate of Public Convenience and Necessity (CPCN) to authorize **Cooperative Energy** to construct, maintain and operate a new single circuit 115 kV transmission line, to rebuild one existing 115 kV transmission line, to construct one new 3-way 115kV GOAB (Gang Operated Air Break) switch, and to construct one new 115 kV switching station with circuit breakers on existing and new right-of-way in **Claiborne, Copiah, and Hinds** Counties (also known as the [Utica Loop Reliability Project](#)). The purpose of the electric transmission lines, GOAB, and switching station facilities is to improve reliability and quality of service to the existing delivery points in the areas of **Utica** as well as surrounding portions of **Claiborne, Copiah, and Hinds** Counties by providing loop transmission service. The estimated cost of the project is approximately \$26,710,000.
- 📁 **Enhanced Communications Network, Inc.** filed its [Voluntary Surrender](#) of Authority to provide IXC-Reseller service in the State. **Enhanced Communications Network, Inc.** ceased all operations in Mississippi and has no plans to re-enter the market and has no customers in the State.
- 📁 **The Commission** issued Orders retiring the following matters to the file subject to reinstatement at the request of the applicant:
  - [Order Retiring to File](#): Petition of **Utility Services, LLC**, for a CPCN Authorizing It to Construct, Operate, Maintain and Repair Water Facilities Within its Certificated Area in **Adams, Hancock, Harrison, and Jackson** Counties. (Reason: **Utility Services, LLC** requested this matter be retired to file after the **Utility Services, LLC** systems were acquired by **Great River Utility Services, LLC**)
  - [Order Retiring to File](#): Petition of **Utility Services, LLC** for a CPCN Authorizing It to Construct, Operate, Maintain and Repair Wastewater Facilities Within its Certificated Area in **Adams, Hancock, Harrison, Lamar, Oktibbeha, Rankin, Warren, and Jackson** Counties. (Reason: **Utility Services, LLC** requested this matter be retired to file after the **Utility Services, LLC** systems were acquired by **Great River Utility Services, LLC**)
  - [Order Retiring to File](#): Proceeding to Investigate and Review the Adoption of a Uniform Formula Rate Plan Applicable to both **Entergy Mississippi, Inc.**, and **Mississippi Power Company** (Reason: The two utilities' formula rate plans have been amended to function similarly)
  - [Order Retiring to File](#): Notice of Intent of **Entergy Mississippi, LLC** to Begin Offering Community Solar to Customers (Reason: Commission created Docket 2022-AD-007 to investigate the creation of a community solar program in the state)
  - [Order Retiring to File](#): Formal Complaint against **Rock Hill Community Water Association, Inc.** for its Failure to Provide Water Services (Reason: The matter was resolved)





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- [Order Retiring to File](#): Formal Complaint against **Wilco Sewer and Water** (Reason: The matter was resolved)
  - [Order Retiring to File](#): Order Establishing Docket to Combat Malicious Robocalls, Caller ID Spoofing, and Related Matters (Reason: The Legislature has transferred Mississippi Telephone Solicitation Act authority to the Office of the Attorney General)
- ☞ **The Commission** issued an [Order](#) Canceling CPCN in regard to **Enhanced Communications Network, Inc.**'s Voluntary Surrender of Certificate and Withdrawal of Tariff.
- ☞ **Sierra Club** filed [Comments](#) in regard to **Mississippi Power Company's** 2024 Integrate Resource Planning Cycle pursuant to **Commission Rule 29.**

## CENTRAL DISTRICT SNAPS



*We enjoyed an early morning trip Tuesday to Southwest Electric in Lorman, MS, for their line worker appreciation breakfast. We appreciate Kevin Bonds, their CEO, for the opportunity to express our appreciation to their line worker crews and staff. Thank you for the hospitality and delicious breakfast! And a HUGE thanks to their hard-working crews and MANY others who work everyday to keep the power on for you 24/7/365.*



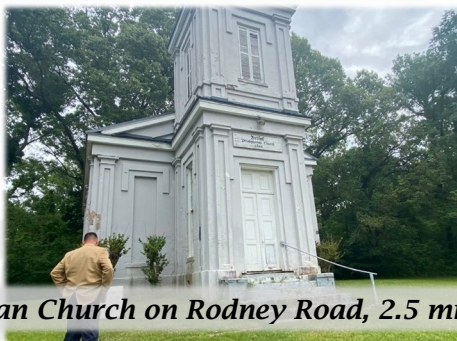
*People travel for hours for the delicious food at The Old Country Store Restaurant in Lorman, Mississippi. The restaurant is on US 61 between Port Gibson and Natchez just off the Natchez Trace Parkway.*



# FROM THE DESK OF COMMISSIONER BRENT BAILEY CENTRAL DISTRICT OFFICE



*Windsor Ruins, located in Claiborne County, was built facing the Mississippi River by Smith Daniell before the Civil War. Windsor was one of the largest plantations in the area that stood from 1861 to 1890.*



*Historic Bethel Presbyterian Church on Rodney Road, 2.5 miles south of Windsor Ruins*



*Battle of Raymond historic site on the Natchez Trace— The Battle of Raymond was fought on May 12, 1863, near Raymond, during the Vicksburg campaign of the American Civil War.*



*Cleveland, MS, and Bolivar County are truly special places as exemplified in Wednesday's Mississippi Economic Council's Road Show event held in collaboration with the Cleveland Rotary. Mayor Nowell is moving the city forward. From agribusiness to higher education to musical museums, there is a lot going for the area. Not identified as a challenge is the cost of energy. Keeping energy costs affordable and competitive helps to attract new business and helps existing companies to grow.*



Last week, our Consumer Complaint Specialists handled a total of **44** complaints in the Central District.

Electric Companies	30
Water/Sewer	7
Telecommunications	4
Natural Gas	3

Last week, the Central District received a total of **91** complaints from consumers against potential telemarketers through our no call app, website and mail-ins. *We encourage consumers to file telemarketing complaints with the Federal Trade Commission at <http://www.donotcall.gov/> in addition to filing complaints with the Mississippi Public Service Commission.*