Mississippi Public Service Commission

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March 19, 2020

IN RE: MISSISSIPPI PUBLIC SERVICE COMMISSION OMNIBUS DOCKET

DOCKET NO. 2018-AD-141

CLARIFICATION STATEMENT FROM THE MISSISSIPPI PUBLIC SERVICE COMMISSION'S GENERAL COUNSEL REGARDING THE ORDER TEMPORARILY SUSPENDING DISCONNECTION OF CERTAIN UTILITY SERVICES

THE MISSISSIPPI PUBLIC SERVICE COMMISSION ("Commission"), in consultation with, and at the suggestion of both the Mississippi Emergency Management Agency ("MEMA") and the Mississippi State Department of Health ("MSDH"), and after the Governor entered his Declaration of a State of Emergency related to the COVID-19 pandemic, entered its Order Temporarily Suspending Disconnection of Certain Utility Services ("Disconnection Order") at a special meeting held on Sunday, March 15, 2020. The Disconnection Order temporarily suspends disconnection by any public utility in the State of Mississippi of water, sewer, gas, and electricity services for a period of sixty (60) days from the entry of said order. The availability of such utility services is vital in order to help prevent transmission of the novel coronavirus that causes COVID-19 by ensuring that the citizens of the State of Mississippi have access to the utility services required to implement the recommended preventative actions of myriad public health agencies.

Since the entry of the Disconnection Order, the Commission received numerous inquiries from public utilities that do not typically fall under the Commission's jurisdiction regarding whether or not the Disconnection Order applies to them. As confirmed by the Office of the Attorney General of the State of Mississippi, the Disconnection Order applies to all public utilities in the State of Mississippi, notwithstanding whether said public utilities, under normal circumstances, fall under the Commission's jurisdiction. According to the Mississippi Attorney General's Office:

> The [Commission's] application of its disconnection order to municipal utilities and services not ordinarily within its regulatory jurisdiction is consistent with the Governor's Declaration, and the broad statutory authority upon which it relies. Miss. Code 33-15-11(c)(1) authorizes the Governor to "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with a disaster or emergency." Citing that Section, the Governor's

Declaration of Emergency directs that "the provisions of state statutes, rules, regulations or order may be temporarily suspended or modified if compliance would prevent, hinder, or delay action necessary to cope with this outbreak." The [Commission] issued its order following consultation with the [MSDH] and MEMA.[1]

Therefore, and for purposes of clarification, the Commission's Disconnection Order **applies to all public utilities in the State of Mississippi**, including, but not limited to, municipal utilities, utility districts, water associations, electric power associations, and investor-owned utilities, and others, not specifically named.

RESPECTFULLY SUBMITTED . . .

MISSISSIPPI PUBLIC SERVICE COMMISSION

/s/ Frank F. Farmer[2]
Frank F. Farmer
General Counsel

ATTEST: A True Copy

/s/ Katherine Collier
Katherine Collier
Executive Secretary

Clarification entered this the 19th day of March, 2020.

[1] *See* electronic mail from Whitney Lipscomb, Deputy Attorney General, to Frank Farmer, General Counsel (March 18, 2020 at 1:26 PM CDT).

[2] This Clarification Statement was signed electronically due to the remote work status of Commission staff during the State of Emergency related to COVID-19.