

RULES AND REGULATIONS

GOVERNING PUBLIC UTILITY SERVICE

ISSUED BY THE
MISSISSIPPI PUBLIC SERVICE COMMISSION
JACKSON, MISSISSIPPI

COMPILED WITH AMENDMENTS
March 2, 2011

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PART III: RULES AND REGULATIONS GOVERNING PUBLIC UTILITY SERVICE

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CHAPTER 01: APPLICABILITY

RULE 1.

100. TO WHOM APPLICABLE These Rules and Regulations shall apply to every public utility, as that term is defined in Section 77-3-3, Mississippi Code of 1972, as amended, over which the Commission is given any jurisdiction and to the extent of such jurisdiction.

105. PURPOSES These rules are intended to define good practice, insure adequate service, and prevent discrimination, unfair practices, and unreasonable demands.

110. EXEMPTIONS FOR HARDSHIP If hardships result from the application of any of these rules, or if unusual difficulty is involved in immediately complying with a rule, application may be made to the Commission for modification of the rule or for temporary or permanent exemption from its provision, but such application for modification or exemption shall be supported by a full and complete justification for such action.

115. DUTIES UNDER LAW These rules shall in no way relieve any utility of any of its duties under the law.

CHAPTER 02: DEFINITIONS

RULE 2.

100. "COMMISSION" means the Public Service Commission of the State of Mississippi.

105. "CUSTOMER" means a person, firm, corporation, association, municipality, the State of Mississippi, the United States, any federal or state department, subdivision or agency, and any institution or establishment whatsoever taking service from a public utility.

110. "RESIDENTIAL APARTMENT" means a room or group of rooms used only for living purposes by one family group and which contains the usual or customary kitchen facilities.

115. "SEPARATE PREMISES" (See Rule 10.115.)

120. "STANDARDS" means those instruments which have been calibrated to give accurate measurement, and are used for comparison with instruments being tested.

125. "PUBLIC UTILITY" or "UTILITY" means a public utility as that term is defined in Section 77-3-3, Mississippi Code of 1972, as amended.

CHAPTER 03: ACCOUNTS, RECORDS AND REPORTS

RULE 3.

100. **SYSTEM OF ACCOUNTS** Each utility shall establish and maintain a system of accounts in accordance with the orders of this Commission. From and after August 1, 1988:

1. All certified providers of local exchange telecommunication services shall maintain their accounts in accordance with the Uniform System of Accounts prescribed by the Federal Communications Commission.

.2. All certificated providers of gas and electric service shall maintain their accounts in accordance with the Uniform System of Accounts prescribed by the Federal Energy Regulatory Commission; and

3. All certificated providers of water or sewer services shall maintain their accounts in accordance with the requirements of the Uniform System of Accounts prescribed by the National Association of Regulatory Utility Commissioners.

This rule shall not be interpreted so as to prevent the Commission from requiring additional or supplemental accounting in addition to that provided for above where such do not conflict with those prescribed by the applicable Federal regulatory agency.*

105. **INSPECTION AND TESTS** Where practicable, a complete record shall be made of all inspections and tests required to be made under these rules as such tests shall contain complete information concerning the tests, including the date and place of inspection or test, the name of person or persons making the same, and the results of the tests.

110. **CUSTOMER RECORDS** Each utility shall keep a customer's ledge or other records from which can be determined the revenues derived from each customer, the dates of the periods for which bills were rendered, the readings of the meter on such dates, reference to the applicable rate schedule, and any additional data required in computing the bills.

115. **LOCATION OF RECORDS** The utility's records pertaining to operations in this state shall be kept at its office or offices in this state, or at such locations outside the state as may be authorized by the Commission, and shall be open and available at all reasonable hours for inspection in place by the Commission or its authorized representatives.

120. **DESTRUCTION OF RECORDS** No records required by rules of the Commission to be made shall be destroyed except in accordance with rules or orders of the Commission. In the absence of such rules or orders by this Commission, the applicable rules of the Federal Communications Commission, Federal Power Commission, Tennessee Valley Authority, or Rural Electrification Administration, pertaining to the destruction of records, may be followed.

125. **REPORTS TO COMMISSION** Each utility shall at such times and in such form as the Commission may reasonably prescribe report to the Commission any information contained in the utility's records pertaining to the business and operations over which the Commission has jurisdiction.

Each utility shall submit immediately upon publication one copy of the latest annual report to stockholders and any annual financial or statistical report regularly prepared and distributed to bond-holders, security analysts or industry associations. Reports for operating companies and for holding companies are to be included.

Each utility, the rates of which are subject to regulation by the Public Service Commission, shall file annually reports showing all its expenditures for business gifts and entertainment, and institutional, consumption-inducing and other advertising or public relations expenses which the utility claims should be allowed for rate-making purposes.**

*Rule 3, A., as amended, by Order of the Commission in Docket U-5092, effective August 1, 1988. Rule 3, A. is now known as Rule 3.100. (renumbering 2011).

**Rule 3. F., as amended, by Order of the Commission in Docket U-4408, effective February 2, 1984. Rule 3. F. is now known as Rule 3.125. (renumbering 2011).

CHAPTER 04: SYSTEM OPERATION AND RECORDS

RULE 4.

100. **MAINTENANCE AND OPERATION OF FACILITIES** Each utility shall have and maintain its entire system in such condition and will furnish reasonably adequate and efficient service. Each utility shall inspect its plant and other facilities in such manner as may be necessary to afford a reasonable knowledge as to their condition and adequacy. Such records shall be kept on the conditions found as the utility itself shall consider necessary for the proper maintenance of the system unless in special cases a more complete record is specified by the Commission.

105. **SYSTEM RECORDS** Each utility shall keep a record of the operations of its system, which, insofar as practicable, shall show the units of service made, purchased, sent out, fuels and other raw materials used, and the length of time each producing unit is in operation. The utility shall also keep, insofar as practicable, a record of such details of system operation as may be necessary to substantially reproduce its operations.

110. **INDUCTIVE EFFECTS** Power supply and communication companies shall cooperate and use all reasonable means to minimize inductive effects between power and communication circuits and to work out those general coordinated methods which are mutually applicable to power and communication systems. (Also See Rule No. 46)

115. **MAPS**

1. Each utility shall keep and maintain reasonably adequate maps, plans, and records showing the principal layout of every generating or producing plant and of each principal compressing, boosting or substation with the location size, and character or principal items of plant equipment, pipelines, connections, conductors, and other facilities used in the production and delivery of service.

2. Each utility shall keep and maintain reasonably adequate maps, plans, and records of its distributing system, showing the size, character, and location of each main or district regulator, street valve and drip, substation and conductor, together with such other information as will enable the utility promptly and accurately to advise prospective customers and others entitled to inquire as to its facilities available for serving any locality, Where the utility has only inadequate plans of existing facilities, special surveys to locate such facilities will not ordinarily be required, but the utility shall endeavor to keep its records complete by making entries whenever its operations disclose the location of facilities not already accurately recorded.

120. **REPORTS TO COMMISSION** Each utility shall, upon request of the Commission, file with the Commission a statement regarding the condition and adequacy of its plant, equipment, and facilities, and of its operations and service in such form as the Commission may request.

125. **CHANGES IN CHARACTER OF SERVICE** Each utility shall notify the Commission, in writing, at least 30 days prior to taking any action in regard to making any major change in the character of service rendered to its customers.

130. **EXTENSIONS, REPAIRS, AND IMPROVEMENTS** Within the limits of authority conferred upon it by law, the Commission may, upon its own motion or upon complaint and after proper hearing, require a utility to make repairs, improvements to or changes in, any main or line or additions or extension and should reasonably be made in order to promote the public convenience and necessity, or in order to secure reasonably adequate service of facilities.

CHAPTER 5: CONTINUITY OF SERVICE

RULE 5.

100. **RECORD OF INTERRUPTIONS** Each utility shall maintain or have available a record of interruptions of service affecting a major division of its system in this state, including a statement of the time, duration and cause of the interruption.

105 **INTENTIONAL INTERRUPTION** Whenever service is intentionally interrupted for any purpose, (other than as provided for in interruptible clauses of contracts for service) such interruption shall, insofar as practicable, except in emergencies, be at a reasonable time which will cause the least inconvenience to customers. Customers who will be most seriously affected by such interruption shall, insofar as may be practicable, be notified in advance.

110. REPORT TO COMMISSION The Commission shall be notified in writing of interruptions of service affecting the entire system or any major division thereof lasting more than 4 hours. The notice shall also state the cause of such interruption.

115. EMERGENCY OPERATION Each utility shall make reasonable provisions to meet emergencies resulting from failures of utility service, illness of operators, fire, storm, acts of God, or the sudden and extraordinary demands for service resulting from preceding causes, and each utility shall issue instruction to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruptions or impairment of service.

CHAPTER 6: CUSTOMER RELATIONS

RULE 6.

100. INFORMATION TO CUSTOMERS Each utility shall upon request give its customers such information and assistance as may be reasonable in order that customers may obtain efficient and reasonably adequate service. Residential customers may designate in writing another person to receive all notices regarding past due bills and disconnection of service. The utility shall make available to their customers at all offices appropriate forms for use by the customer in designating another person to receive such notices. The utility may require the use of such forms as the sole means to make said designation.**

105. CHANGES IN CHARACTER OF SERVICE Each utility shall use due diligence to notify each of its customers of any change made or proposed to be made in the character of its service that would substantially affect the efficiency of the services or the operation of the appliances or equipment which may be used by the customers. Whenever, after such a change is made, any inspection or minor adjustment of appliances or equipment is required, such inspection or adjustment shall be made by the utility without charge.

110. METER READINGS AND RATES

1. Each utility shall, upon request, inform its customers as to the method of reading meters.

2. It shall be the duty of the utility to supply or make available to the customer, either at the beginning of service or whenever the customer shall request it, a copy of the rates applicable to the type or types of service furnished the customer and to assist him in obtaining the rate which is most advantageous for his requirements for service.

115. CUSTOMER COMPLAINTS Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission. It shall keep a record of all complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, the adjustment or disposal made thereof, and the date of such adjustment or disposal. For purposes of this rule, the word "complaint" shall be construed to mean an objection to the application and/or computation of charges, facilities or service of a utility made during office hours to an employee on duty.

120. NOTICE TO CUSTOMERS Every utility over which the Commission has rate jurisdiction shall notify each of its affected customers by U.S. Mail of the filing of a rate increase, showing the date of filing of said increase, the amount of the increase requested, and the percentage of increase said amount represents. Such notice may be given by the utility by mailing by U.S. Mail, postage prepaid, to the last known address of the customer, If the utility employs monthly cycle billings, said notification may be included with or printed on bills of regular billing cycles beginning not later than fifteen days after the date of filing and shall continue with each billing cycle until all affected customers are notified, If the utility does not employ monthly cycle billing, said notification may be included with or printed on the first monthly bill rendered subsequent to the filing date. Alternatively, any utility may notify all affected customers by U.S. Mail, postage prepaid, within fifteen days after the date of filing. Each utility shall file with the Commission a sworn certificate of service to read as follows:

In compliance with Rule 6.120 of the Public Service Commission Rules and Regulations Governing Public Utilities Service, I, the undersigned officer of the filing utility, hereby certify that I have caused to be served, in a manner provided in said rule, notice of the rate increase filed the _____ day of _____ 20_____ said notice showing the date of the filing of said increase, the amount of increase requested and the percentage of increase said amount represents.

Such certificate shall be dated and signed by an appropriate officer of the utility. Such certificate shall, in the absence of fraud or bad faith, constitute compliance with this rule. A schedule of Rates, Terms and Conditions showing the present and proposed rates shall be made available for public inspection in the office of the utility. Nothing herein shall be deemed to affect the 30-day notice period required by Section 77-3-37 of the Mississippi Code of 1972.*

*Rule 6. E., as amended by Order of the Commission in Docket U-4605, effective December 20, 1984, (Initiated by Order in U-4074, effective October 1, 1981.) Rule 6. E. is now known as Rule 6.120. (renumbering 2011).

**Rule 6. A., as amended by Order of the Commission in Docket 2009-AD-347, effective September 3, 2010. Rule 6. A. is now known as Rule 6.100. (renumbering 2011).

CHAPTER 7: REFUSAL TO SERVE CUSTOMERS

RULE 7.

100. COMPLIANCE BY CUSTOMER Any utility may decline to serve a customer or prospective customer until he has complied with all state and/or municipal regulations governing the service applied for and has also complied with the reasonable rules and regulations of the utility.

105. INADEQUATE FACILITIES A utility may decline to serve an applicant for service, or materially change the service of any customer, if in its judgment, it does not have adequate facilities to render the service applied for or the desired service is of such character that is likely to affect unfavorably the service to other customers; provided, if the utility is otherwise obligated

to serve the applicant or change the service of the customer, it shall do so as soon as it may reasonably provide the required facilities.

110. HAZARDOUS EQUIPMENT The utility may refuse to serve a customer if, in its best judgment, the customer's installation of equipment is regarded as hazardous or of such character that satisfactory service cannot be given. This rule shall not be construed as imposing any duty upon a utility to determine the safety or suitability of a customer's installation of equipment for the use intended.

115. FOR INDEBTEDNESS

1. Residential Applicants

A utility may decline to serve any applicant who is indebted to the utility for the same kind of service as that applied for; provided, however, that in the event the indebtedness of the applicant for service is in dispute, the applicant shall be served upon complying with the deposit required in Rule 9 hereof, and, in addition thereto, making a special deposit in an amount equal to the lesser of the amount of the net balance in dispute or five-hundred dollars (\$500.00). Upon settlement of a disputed account, the balance, if any, of such special deposit due the applicant shall be promptly repaid.

2. Non-Residential Applicants

A utility may decline to serve any applicant who is indebted to the utility for the same kind of service as that applied for; provided, however, that in the event the indebtedness of the applicant for service is in dispute, the applicant shall be served upon complying with the deposit required in Rule 9 hereof, and, in addition thereto, making a special deposit in an amount equal to no less than fifty percent (50%) of the net balance in dispute. Upon settlement of a disputed account, the balance, if any, of such special deposit due the applicant shall be promptly repaid.

120. COMPLAINT TO COMMISSION In any case of a dispute concerning refusal of service, the utility should inform the customer that he is privileged to lodge a complaint with the Commission concerning the matter if he chooses to do so.

125. INSUFFICIENT GROUNDS FOR REFUSAL TO SERVE The following shall not constitute sufficient cause for refusal of service to a present or prospective customer:

1. Delinquency in payment for service by a previous occupant (not of the same household as the present applicant) of the premises to be served.
2. Failure to pay for merchandise purchased from the utility.
3. Failure to pay for a different kind of public utility service.
4. Violation of the utility's rules pertaining to operation of nonstandard equipment which interferes with service to others, or other services such as communication services, unless the customer has first been notified and been afforded reasonable opportunity to comply

with said rules; provided, however, that where a dangerous condition exists on a customer's premises, service may be refused or discontinued without notice.

130. EXPLANATION Residential customers may request a written explanation of the utility's decision to refuse service. The explanation shall include the reason service is being declined and what actions the customer must take in order to receive service. The ratepayer shall provide the utility company with a valid mailing address where the response can be mailed. The utility shall provide and make available to their customers at all offices appropriate forms for use by the customer to request an explanation of the utility's decision to decline service. The utility shall mail the written explanation within seven (7) business days after receipt of the written request by mailing U.S. Mail, postage prepaid, to the known address of the potential ratepayer.*

Source: Mississippi Code Annotated § 77-3-45.

CHAPTER 8: DISCONTINUANCE OF SERVICE

RULE 8.

100. FOR VIOLATION OF RULES AND REGULATIONS

1. No utility shall discontinue service to any customer for violation of its rules and regulations nor for nonpayment of bills without first having used due diligence to give the customer notice of such violation or delinquency and reasonable opportunity to comply with its rules and regulations or to pay his bills. In no case shall service be actually discontinued until after at least (5) five days written notice shall have been given to the customer by the utility; provided, however, for fraudulent, careless, negligent, or unlawful use of the commodity or service, or where a dangerous condition is found to exist on the customer's premises, service may be discontinued without advance notice. This notice shall include a date on or after discontinuance may occur. Such notice may be given by the utility by mailing by U.S. Mail, postage prepaid, to the known address of the customer. **

2. No utility shall discontinue service for nonpayment of bills to a residential customer on any Saturday or Sunday or any holiday observed by the utility unless the utility is open to accept payment (including, but not limited to, a money order) and restore service on those days.

3. The utility shall reconnect service in a prompt and efficient manner on the first business day after the balance due has been received by the utility, except under extreme circumstances where ongoing restoration efforts prevent reconnection from occurring within that time period.**

105. PAYMENT OF DELINQUENT ACCOUNTS

1. A customer shall have the privilege of paying any delinquent account at any time prior to the actual disconnection or turning off of service. Residential customers shall have the

right to negotiate with any electrical or natural gas company a delayed payment plan to avoid discontinuation of service for a delinquent account in accordance with the utility's terms and conditions.

2. No utility shall discontinue service to a residential customer for failure to pay a delinquent account if the residential customer has been approved for Low Income Home Energy Assistance Program (LIHEAP) benefits in an amount equal to the delinquent balance, payable within thirty (30) days, and the notice of the approval has been given to the utility provider.

3. Whenever a utility dispatches an employee to the premises of any customer for the purpose of discontinuing service for nonpayment, and the payment of such account is made to such employee without service actually being disconnected, a fee of \$1.00 shall be added to and collected as a part of such delinquent account to cover, in part, the cost of dispatching such employee to the customer's premises. When service has actually been discontinued on account of the failure of the customer to pay a delinquent account or for any other reason without fault of the utility, if the customer desires the service to be restored at the same location, the utility shall require the customer to pay a reconnection charge of \$2.00. The charges as set out in this paragraph and/or the application thereof, may be changed by the individual utility filing a tariff rate schedule, or service rule or regulation covering these charges as provided by law. **

110. **NOTICE OF DELINQUENCIES** Notice of delinquencies as required in Section 100 of this Rule shall be considered to be given to the customer when a copy of such notice is left with such customer, left at the premises where service is provided, or posted in the U.S. Mail, addressed to the customer at his last known address.

115. **CHANGE IN LOCATION OF SERVICE OR PREMISES SERVED** When at a customer's request, the utility changes the location or premises at which service is rendered, the service at the new and old locations or premises and the account therefore shall, for the purposes of these rules, be deemed one service and one account and the change of the location or premises to which service is rendered shall not be deemed to affect the rights of the utility with regard to the application of deposit or discontinuance of service for non-payment of the account.

120. **MID-WINTER UTILITY SERVICE CUTOFFS FOR ELECTRIC AND GAS RESIDENTIAL CUSTOMERS** For the months of December, January, February and March of each year, residential customers who are unable to pay the full amount of their utility bill because of extreme financial difficulty may qualify for mid-winter rule which prohibits disconnection of service in those cases where the customer has complied with the following:

1. The customer shall inform the utility of the customer's inability to pay the utility bill in full due to extreme financial difficulty and shall, prior to the cutoff time provided in the notice of cutoff (if such notice has been given), deliver to the local office of the utility a copy of the most recent bill along with a signed statement by the customer clearly identifying the service location involved and certifying the existence of the extreme financial difficulty claimed.

2. Upon receipt of the above, the utility shall be prohibited from disconnecting the customer's service during the months of December, January, February and March if the customer agrees to the following extended payment plan:

a. First, the customer shall pay the utility in full all amounts due utility on bills rendered to customer prior to November 11th.

b. Second, the utility shall determine the monthly amount the customer would pay for utility service under the utility's level payment plan as provided for in the utility's filed tariff or by adding the amounts charged to that customer for utility service for the previous twelve (12) months and dividing the sum by twelve (12). If the customer has not received service from the utility for a sufficient period of time to determine a level payment amount for that specific customer, the utility will use a level payment amount for an average residential customer in the same geographical location.

c. Third, the customer shall enter into a special payment plan, the first payment of which will be due upon execution of the plan, under which the customer shall pay the utility a sum equal to 133% of the levelized billing amount for the customer until such time as all amounts due the utility for previous utility service have been paid and the customer is current in his utility bill. Thereafter, at the option of the utility, the customer may be required to participate in the utility's level payment plan and shall pay the utility each month, the levelized billing amount applicable to that particular customer.

3. Should the customer enter into an agreement with the utility as set forth above and fail to abide by the terms of that agreement, the utility shall have the right to terminate service to the customer after giving at least five (5) days written notice to the customer. Provided, however, a customer's service shall not be terminated under circumstances during the months of December, January, February or March if the customer has provided the utility with a written statement signed by a licensed physician certifying that the discontinuance of domestic heating service to the customer would create a medical emergency for the customer or any member of the customer's household.

4. Any customer claiming the benefit of the "medical emergency" exception to this rule shall not have service terminated following the expiration of the midwinter period if, by April 1st following the mid-winter period the customer agrees to pay, and does pay, to the utility a sum equal to 133% of the levelized billing amount provided for above from and after April 1st and until such time as all amounts due the utility for previous utility service have been paid and the customer is current in his utility bill.

5. All public utilities subject to this rule shall provide and make available to their customers at all offices appropriate forms for use by the customer in certifying the claimed financial emergency or the medical emergency condition. Said forms shall be approved for use by the Public Service Commission. The utility shall issue a receipt to

the customer acknowledging receipt of any written notice or other material delivered by the customer pursuant to this rule and, in the event of a dispute between the utility and the customer, the customer's proof of delivery shall be the receipt.

6. Any customer claiming the privilege of this rule may be required to sign a waiver permitting the utility to obtain income or benefit information from any public or private agency or from any private employer. The utility shall not divulge this information to any person or entity other than the customer or the Public Service Commission without the consent of the customer.

7. Notwithstanding any other provision of this rule to the contrary, a customer shall not be allowed to carry forward any unpaid balance due under the provisions of this plan beyond December 1st of the following winter season.

8. Nothing herein shall prevent the utility and the customer from agreeing on a different payment plan more acceptable to the customer than the plan set forth above.*

125. OTHER EXCEPTIONS TO UTILITY DISCONTINUANCE OF SERVICE

1. LIFE THREATENING SITUATION

a. No utility shall discontinue service to any residential customer for a period of sixty (60) days for nonpayment when the utility receives written notice from a medical doctor licensed to practice in the State of Mississippi, or any adjoining state, certifying that discontinuance of service would create a life threatening situation for the customer or other permanent resident of the customer's household.

b. All public utilities subject to this rule shall provide and make available to their customers at all offices appropriate forms for use by the customer in certifying the life threatening situation. The utility shall issue a receipt to the customer acknowledging receipt of the written notice pursuant to this rule.

2. NON-UTILITY SERVICE No utility shall discontinue service to any customer for failure to pay the utility for non-utility services or products.

3. EXEMPTIONS FOR TEMPERATURE

a. No utility shall discontinue electrical or natural gas service to a residential customer for nonpayment of bills if, as of 8:00 a.m. on the scheduled disconnection day, a freeze warning has been issued by the National Weather Service for the county of the scheduled disconnection.

b. No utility shall discontinue electrical service to a residential customer for nonpayment of bills if, as of 8:00 a.m. on the scheduled disconnection day, an

Excessive Heat Warning has been issued by the National Weather Service for the county of the scheduled disconnection.**

*Rule 8. E., Initiated by Order of the Commission in Docket U-4793, effective December 10, 1986. Rule 8.E. is now known as Rule 8.120. (renumbering 2011).

**Rules 8.A, 8.B and 8.F., as amended by Order of the Commission in Docket 2009-AD-347, effective September 3, 2010. Rule 8.A. is now known as Rule 8.100. Rule E 8.B. is now known as Rule 8.105. Rule 8.F. is now known as Rule 8.125. (renumbering 2011).

CHAPTER 9: CUSTOMER DEPOSITS

RULE 9.

100. DEPOSIT REQUIREMENTS

1. **REGULAR CUSTOMER CLASSIFICATION** Each utility may require from any customer or prospective customer a cash deposit to guarantee the payment of any such bills due or which may become due from such customer and safe return of all property belonging to the utility installed at the customer's premises or elsewhere. Such required deposit shall not exceed an amount equivalent to a single estimated average bill in the case of residential customers and two estimated maximum bills for any other customers; provided, however, for all utilities as defined in 77-3-3(d)(3) of the Mississippi Code of 1972, the required deposit shall not exceed the average final bill of customers with similar class and type of service. Each utility may require a reasonable deposit to guarantee safe return of personal property placed in the possession of the customer.*

2. **SPECIAL CUSTOMER CLASSIFICATION** Upon request, each utility shall refund the Cash Deposit collected from a residential customer or waive any requirement of Cash Deposit from a residential customer when such person meets the following specific criteria:

- a. Presents satisfactory proof that his or her age is sixty (60) years or more. A birth certificate shall be considered satisfactory proof of age.
- b. indicates that he or she is a primary user of the utility service and subscribed for such service in his or her own name.
- c. Affirms responsibility for the payment of bills for the utility.
- d. Has demonstrated a reasonable payment pattern by having had no balance carried forward from one month's bill to the next during the prior twelve month period. In the event that such deposit has been refunded or waived and the customer's payment pattern changes from the foregoing to one of greater frequency of past due bills or bills with prior balances, customers will be required

to restore the deposit so refunded or waived plus any additional amount required to guarantee payment up to the limits set forth in paragraph (1) above.**

3. PAYMENT OF DEPOSITS Residential customers may negotiate monthly installments for initial service deposits in excess of One Hundred Dollars (\$100.00) provided that the entire amount of the deposit is paid within 60 days. *****

105. RECORDS OF DEPOSIT Each utility having on hand deposits from customers shall keep records to show (1) the name of the customer making the deposit, (2) the account number or other identification of the premises occupied by the customer making the deposit, (3) the amount and date of making the deposit, and (4) a record of each transaction concerning the deposit.

110. RECEIPTS Each utility shall issue to every customer from whom a deposit is received a non-assignable receipt. Each utility shall provide reasonable ways and means whereby the depositor who makes application for the return of his deposit or any balance to which he is entitled but is unable to produce the original receipt may receive his deposit or balance.

115. USE OF DEPOSIT Upon final discontinuance of service, the utility shall apply such deposit to any amount due by the customer for service and for damage or loss of all utility property. If any balance is due the customer, it shall be promptly refunded.

120. UPON SALE OR TRANSFER OF UTILITY Upon sale and transfer of any utility or one or more operating units thereof, the seller shall file with the Commission, under oath, a list showing the names of all customers served by such utility (or such unit, or units) who have to their credit a deposit, the date such deposit was made and the amount thereof.

125. ADDITIONAL DEPOSIT A new or additional deposit may be required upon reasonable written notice of the need for such a requirement in any case where a deposit has been refunded or is found to be inadequate as above provided for, or where a customer's credit standing is not satisfactory to the utility. The service of any customer who fails to comply with these requirements may be discontinued upon reasonable written notice.

130. INTEREST

1. Cash deposits made by customers which are held by any public utility for one (1) year or more, shall earn simple interest that is no less than the twelve month average of the 10-year Treasury Note Yield as published by the Federal Reserve System, but not to exceed the general interest rate established by Mississippi Code Ann. §75-17-1(1). The applicable interest rate will be determined and posted on the Commission's website on or before December 15th of each calendar year and will be effective for the prospective year.*****

2. All accrued interest held by a utility organization shall be paid in cash or credited to the customer's account on or before July 1st of each successive third year during which service is connected, The principal sum of the Cash Deposit and any unpaid interest shall

be applied to the customer's final bill, and any excess amount shall be paid to the customer in cash. Cash Deposits held for less than one full year shall earn no interest.***

*Rule 9. A.(1), as amended by Order of the Commission in Docket U-3761. effective February 5, 1980. Rule 9.A.(1). is now known as Rule 9.100(1). (renumbering 2011).

**Rule 9. A.(2). as amended by Order of the Commission in Docket U-3468, effective May 8, 1978. Rule 9.A.(2). is now known as Rule 9.100(2). (renumbering 2011).

****Rule 9, G., as last amended by Order of the Commission in Docket U-4859, effective August 6, 1986. (Sixth Amendment)* Rule 9.G. is now known as Rule 9.130 (renumbering 2011).

****Rule 9(G).(1) Amended by Order of the Commission in 2003-AD-161, effective October 1, 2003 (Seventh Amendment). Rule 9.G.(1). is now known as Rule 9.130(1). (renumbering 2011).

*****Rule 9.(A).(3) Amended by Order of the Commission in 2009-AD-347, effective September 3, 2010. Rule 9.A.(3). is now known as Rule 9.100 (3). (renumbering 2011).

135 VICTIMS OF DOMESTIC VIOLENCE

1. **TEMPORARY WAIVER OF DEPOSIT** A customer or applicant that has been determined to be a victim of domestic violence by a domestic violence shelter, as defined in Miss. Code Ann. § 93-21-101 (2014), shall be exempt from public utilities' initial deposit requirements, as established in that utility's tariff for new accounts at existing service locations, for a period of sixty (60) days. This determination shall be evidenced by submission of a certification letter to the utility. The certification letter must be printed on the letterhead of the certifying agency or accompanied by a letter on agency letterhead identifying the certifying individual. The certification letter expires after ninety (90) days.
2. **CONFIDENTIALITY OF CERTIFICATION LETTER** The utility shall deem the certification letter and the contents thereof as confidential. Any employee, contractor, volunteer or agent of a public utility in possession of information which would tend to identify a victim of domestic violence, who discloses any information that is exempt from disclosure under the Mississippi Public Records Act of 1983, or makes any observation or comment about the identity or condition of any person admitted to a shelter or receiving services of a shelter, unless directed to do so by an order of a court of competent jurisdiction, shall be subject to all applicable penalties imposed by Mississippi law for violation of Commission rules, and in addition, shall be civilly liable to the person whose personal information was disclosed in the amount of Ten Thousand Dollars (\$10,000.00), plus any compensatory damages that the individual may have suffered as the result of the disclosure and any penalties imposed.

Source: MISS. CODE ANN. § 77-3-45 (2006)

Certification Letter for Victim of
Domestic Violence for Waiver of Initial Utility Deposit

This letter serves to certify that _____(Name of Applicant for Service) is a victim of domestic violence, and therefore has demonstrated satisfactory credit for the purposes of establishing service.

Requirement of initial deposit must be waived for the above named customer for a period of sixty (60) days.

The following Certifying Entity has determined that the above named Applicant is a victim of domestic violence.

Domestic Violence Shelter (Shelter name): _____

By my signature I certify that the above named Applicant has been determined to be a victim of domestic violence, and I am qualified to make that determination.

Signature: _____ Date: _____

Printed name: _____

Job Title: _____ Phone Number: _____

Supervisor: _____ Phone Number: _____

Title of Supervisor: _____

This form expires ninety (90) days from the date of the signature of the certifying individual.

CHAPTER 10: BILLING

RULE 10.

100. RENDERING AND FORM OF BILLS Bills to customers shall be rendered regularly and shall show the meter reading and date at the end of the period covered by the bill, the quantity consumed, the gross and/or net amount of the bill, the dates of the bill or of delinquency, and if practicable, the designation of the applicable rate schedule and other essential facts upon which the bill is based.

105. DISPUTED BILLS

1. Residential Customers

In the event of a dispute between the customer and the utility respecting any bill, the utility shall forthwith make such investigation as shall be required by the particular case, and report the results thereof to the customer. When the amount to be paid is in question, the customer may make a deposit with the utility in an amount equal to the lesser of the amount of the disputed bill or five-hundred dollars (\$500.00), whereupon service shall not be discontinued pending settlement of the dispute. Upon settlement of the dispute by any means permitted or provided by law, the balance, if any, due the customer shall be promptly repaid.

2. Non-Residential Customers

In the event of a dispute between the customer and the utility respecting any bill, the utility shall forthwith make such investigation as shall be required by the particular case, and report the results thereof to the customer. When the amount to be paid is in question, the customer may make a deposit with the utility covering no less than fifty percent (50%) of the amount of the disputed bill, whereupon service shall not be discontinued pending settlement of the dispute. Upon settlement of the dispute by any means permitted or provided by law, the balance, if any, due the customer shall be promptly repaid.

110. METER ERRORS, CORRECTED AND PRO-RATED BILLS

1. Whenever a meter in service is found, upon tests made by the utility or Commission in response to customer complaints, to be in error in excess of three per cent (3%) (4% for electrical thermal demand meter) or two per cent (2%) (4% for electrical thermal demand meter) fast in case of meter found to have been in service without a record test for a period of longer than that prescribed by the Commission for each kind of meter as determined by the method herein prescribed by the Commission for finding the average error for each kind of meter, a correction to the customer shall be made as follows:

a. If the date the meter first became incorrect can be definitely ascertained, the correction shall be for the amount charged since that date over or below what the billing would have been had the meter registered with one hundred (100) per cent accuracy.

b. In all other cases, the correction shall be calculated as follows: The customer's metered consumption for a period of three (3) months, next preceding the date of the test or the date the meter was removed for the purpose of test, shall be reduced or increased by the application of the percentage of error related to one hundred (100) per cent accuracy as determined by the test. The rates effective during said period shall be applied to this adjusted consumption and the difference between the amount so obtained and the actual billing shall be refunded or charged to the customer; provided, however, that no refund shall be allowed in any case if the seal on the customer's meter or metering equipment is found to be broken or if there is any other evidence that the meter or metering equipment has been tampered with.

115. SEPARATE METERING AND BILLING Separate customer premises shall be metered and billed separately even if under common ownership, and combined metering or billing shall not be permitted, Such premises shall be considered separate when not on the same tract or contiguous tracts of land or served from separate services, or when each is a complete unit not physically integrated with, or essentially a part of the other or others. Tracts of land separated by public streets, roads or alleys shall be considered non-contiguous tracts. This rule does not require that existing office or apartment buildings separate the services to each office or apartment in the individual buildings.

Source: Mississippi Code Annotated § 77-3-45.

CHAPTER 11: METERS

RULE 11.

100. USE OF METERS REQUIRED

1. All water, gas and electric service furnished by a utility shall be charged for by meter measurements, except in instances where charges may otherwise be made by permission of the Commission. Service used by the utility or any of its departments shall be accounted for by meter measurements except for minor incidental use where metering would not be practical.
2. Unless otherwise authorized by the Commission, or contemplated or provided in any rate schedule or service rule or regulation, legally in effect, or in a franchise or lease agreement heretofore in effect, each utility shall provide and install, at its own expense (except as to accommodations for meters and metering equipment) and shall continue to so provide, maintain and operate all equipment necessary for the delivery, regulation and measurement of service to the point of delivery to its customers. Where additional meters or equipment are furnished by the utility only for the convenience of the customer, charges therefore shall be made in accordance with a schedule legally in effect.

105. RECORDS OF METERS

1. A record shall be kept of each meter used by each utility which shall indicate the identification, current location, when possible the purchase date, and a complete record of the last test.
2. When any service meter is tested, a copy of the test records shall be preserved, including the information necessary for identifying the meter, the reason for making the test, the reading of the meter upon removal from service, and the result of the test, together with all data taken at the time of the test in sufficiently complete form to permit a convenient check of the methods employed and the calculations involved.*

110. METER READING

1. Each service meter shall indicate clearly the units of service for which charge is made to the customer. In cases where the dial reading of the meter must be multiplied by a constant to obtain the units consumed, the proper constant to be applied shall be clearly marked on the face or dial of the meter.
2. Each utility shall, upon written request of any customer, furnish to the customer a statement showing the date that the meter on customer's premises was read for billing purposes, and either the total reading expressed in units of service recorded by the meter or showing the positions of the hands upon the dial of such meter at the time the reading was taken.

3. a. The meter reading date may be advanced or postponed but in no event shall a utility in the ordinary course of business, schedule a regular meter reading cycle for customers covering less than twenty-five (25) or more than thirty-five (35) calendar days. Initial bills, final bills or any bill for less than twenty-five (25) days or more than thirty-five (35) days may be adjusted.

b. Should acts of God, flood, strike or other emergency conditions beyond the control of the utility necessitate that the period between meter reading dates for monthly bills (excluding initial, final, rerouted, or reassigned account number bills) be more than thirty-five (35) days, the utility shall notify the Commission and may either bill residential customers based upon a meter reading adjusted back to thirty (30) to thirty-five (35) days or bill customers for the service rendered even though the bill covers more than thirty-five (35) days.

However, should any bill to any residential customer cover a period in excess of thirty-five (35) calendar days, that customer may deduct an amount equal to the average daily cost multiplied by the number of days for which service was billed in excess of thirty-five (35) calendar days and postpone payment of the amount so deducted until his next normal billing cycle. The utility shall carry forward the amount so deducted by the customer until the next normal billing cycle for the customer.

c. Bills for service shall be rendered within thirty (30) days from the reading of the meter except as may be otherwise specifically authorized by the Commission.**

4. Utilities utilizing meters shall not bill a customer for services rendered, except on the basis of the actual meter readings. Estimated meter readings may be utilized only when, for reasons beyond the control of the utility (such as inclement weather or inaccessible meters), an actual meter reading cannot be obtained. After the second consecutive monthly estimated reading, the utility must notify the customer in writing at the billing address on the customer's account record, explaining the reason for the estimate and any action required by the customer that would allow the utility to take actual readings.

This rule does not preclude a utility from entering into an agreement with a customer that would allow the utility to obtain estimated readings on a routine basis, nor does this rule preclude a utility from making application with the Commission to incorporate in the utility's service policy, pursuant to Commission Service Rule 15, a utility specified meter reading estimation program. ***

115. PREPAYMENT METERS The use of prepayment meters shall be at the option of the utility and each utility having prepayment meters in service shall at the end of each collection period, inform the customer of the reading of the meter at the beginning and end of the period and the amount of money taken from the meter for the period corresponding to the meter reading. Adjustments shall be made annually or at the end of the service period, if less than one

year, for the difference, if any, between the charges for the service received by the customer as indicated by the meter readings and the money collected from the meter.

120. **METER TESTS ON REQUESTS OF CUSTOMER** Each utility shall make a test of the accuracy of registration of a meter upon request of a customer. If such test shows the meter to be slow or within tolerance limit as to accuracy of registration, the customer may be required to pay a reasonable charge as set out in the company's rules and regulations, in advance, for each test so made. If the test shows the meter to be fast and in excess of the tolerance limit of accuracy, such test shall be made at the expense of the utility. Adjustment shall be made with the customer as provided under Rule 10.115.

*Rule 11. B.(2) , as amended by Order of the Commission in docket 92-UA-0383 effective December 15, 1992. Rule 11.B.(2) is now known as Rule 11.105(2). (renumbering 2011).

**Rule 11. C.(3), as amended by Order of the Commission in Docket U-3469, effective January 2, 1980. Rule 11.C.(3) is now known as Rule 11.110(3). (renumbering 2011).

***Rule 11.C.(4) Amended by Order of the Commission in Docket 1994-UA-5, Effective May 1, 2004. Rule 11.C.(4) is now known as Rule 11.110(4). (renumbering 2011).

CHAPTER 12: NEW CONSTRUCTION

RULE 12.

100. **REPORTS ON NON-CERTIFIED CONSTRUCTION** Within thirty (30) days after the end of each calendar quarter, each utility shall file with the Commission a report or map in such form as the Commission may approve showing all construction outside of municipalities in excess of one-half mile extensions for which no certificate of convenience and necessity was required under the Rules and Regulations of the Commission.

105. STANDARDS OF CONSTRUCTION, OPERATION AND MAINTENANCE

1. As part of the Commission's overall responsibility to assure the rendition of reasonably adequate and reliable utility service, Parts 2 and 3 and Section 9 of the 1993 Edition of the National Electrical Safety Code (NESC-1993) and the identical or substantially similar parts and/or sections of any effective superseding edition of the National Electrical Safety Code are prescribed to provide guiding principles for the installation, operation and maintenance of electric supply and communications lines (both overhead and underground) and for recognized adequate grounding methods. Compliance with the provisions of Parts 2 and 3 and Section 9 of the 1993 Edition of the National Electrical Safety Code and the identical or substantially similar parts and/or sections of any effective superseding edition of the National Electrical Safety Code shall constitute sound operational procedure and good engineering practice.*

2. The prescribed principles are deemed to be uniformly applicable to the various systems and diverse equipment operated by all public utilities rendering electric or telecommunications service under the jurisdiction of the Commission.

3. The operation, or effect, of any aspect of this rule shall not be retroactive, nor shall it be interpreted to require that any particular installation be modified to comply with any revised or upgraded requirement of later or future provisions of the National Electrical Safety Code.

4. The administrative authority referred to in the Code in this case is the Public Service Commission.

110. EXTENSIONS OF SERVICE. Each utility shall set forth in its tariffs, schedules or service rules filed with the Commission the conditions and circumstances under which line extension or extensions of service will be made, including the methods of computing and contribution required in aid of construction, and copies of such provisions shall be kept on file in the local business office(s) of the utility and thereby made available for public inspection. In consideration of the requirements of the Tax Reform Act of 1986, all contributions in aid of construction requested of a customer by a utility from and after August 1, 1988 shall be calculated so as to include the cost of any state or federal income taxes due from the utility on such contribution.**

*Rule 12.B.(1), as last amended, by Order of the Commission in Docket 81-UA-4071, effective December 15, 1992. (Fifth Amendment). Rule 12.B.(1) is now known as Rule 12.105(1). (renumbering 2011).

**Rule 12.C. As last amended by Order of the Commission in Docket U-5092, effective August 1, 1988. Rule 12.C. is now known as Rule 12.110. (renumbering 2011).

CHAPTER 13: JOINT OPERATION

RULE 13.

100. Where a utility supplies two or more kinds of service, or engages in non-utility enterprises, suitable instruments shall be installed and records maintained so that the services rendered to each of the utility's several operations may be accurately determined.

CHAPTER 14: POLES AND OTHER STRUCTURES

RULE 14.

100. IDENTIFICATION

1. Poles, towers, and other supporting structures shall be constructed, located, marked or numbered so as to facilitate identification thereof by employees authorized to work thereon. Date of installation or year of manufacture of each such structure shall be recorded by the owner by a year nail driven into the pole, or by other appropriate means or records.

2. Where two or more utilities maintain poles, towers, or other supporting structures within the same municipality, each utility shall, within a reasonable time after the adoption of these rules, mark each such pole, tower, or other supporting structure with the initials of its name, abbreviation of its name, corporate symbol, or other distinguishing mark by which the owner of each structure may be readily and definitely determined.

3. In the case of two or more utilities jointly owning any such pole, tower, or other supporting structure, the distinguishing mark of each utility shall be placed thereon.

4. In the case of poles, towers, or other structures erected upon private rights of way or on public ways, when of such character that the construction may be deemed to be a through line, marks shall be affixed more frequently than to every tenth structure.

5. The requirements herein shall apply to all future erected structures and to all changes in ownership and, as far as may be practicable, to all existing structures.

6. Every utility shall file with the Commission, in duplicate, a statement showing (a) the initials, abbreviations of name, corporate symbol or distinguishing mark used by it for the purposes herein specified, (b) the means of marking to be employed, and (c) the method intended to be followed in marking for identification structures upon through lines.

CHAPTER 15: SERVICE RULES AND REGULATIONS

RULE 15.

100. **TO BE FILED** Within sixty (60) days after the effective date of these rules, each utility shall file with the Commission a true copy of its Service Rules and Regulations, certified by an officer or the manager of the utility to be correct, unless the same have been previously filed pursuant to order of the Commission. If such utility does not have written Service Rules and Regulations in effect upon the effective date hereof, it shall within such sixty-day (60) period so notify the Commission in writing, shall adopt and put into effect written Service Rules and Regulations, and shall file a true written copy thereof, certified as above provided, with the Commission within ninety (90) days after the effective date of these rules.

105. **MUST BE APPROVED** Such Service Rules and Regulations shall be subject to the approval of the Commission. If the Commission finds that changes should be made therein before approval thereof, the utility will be invited to appear and be heard upon any such

proposed charges. Thereupon the Commission will approve such Service Rules and Regulations in their original or changed form.

SUBPART 2: SPECIAL RULES - ELECTRICITY

CHAPTER 16: LOCATION OF METERS

RULE 16.

100. The center of meters hereafter installed shall not be more than seven (7) feet nor less than four (4) feet from the ground or floor level except as modified below.

1. OUTDOOR METERS

a. Where meters are installed outside, they shall be placed on the exterior of buildings or on poles owned or used by the utility in locations readily accessible to authorized utility representatives for meter reading, testing and maintenance and shall not be subject to severe vibration.

b. Meters shall not be installed in locations where the meter readers or service men may inadvertently damage flower beds or shrubbery, or where it will be necessary for them to climb over fences or other obstructions to service the meters. Meters shall not be placed in locations where they may be accidentally damaged, such as on buildings where they will extend unguarded into alleys or driveways, or where they will cause inconvenience either to the customer or the utility's representative.

2. INDOOR METERS

a. Where meters are installed indoors, they shall be located on the first floor or in the basement where they will be readily accessible to authorized utility representatives for meter reading, testing and maintenance and shall not be subject to severe vibration or excessive dampness. Meters shall not be installed near belts or moving machinery that might endanger the safety of meter readers or service men.

b. Meters shall not be located in basements where the only entrance is through a trap door. Meters shall not be placed on lattices, in coal bins, wood bins, sheds, attics, bedrooms, bathrooms, toilet rooms, restaurant kitchens, stairways, ventilating shafts, elevator shafts, furnace rooms (the latter at the discretion of the utilities), or in any place where the visits of the meter reader will cause inconvenience either to the customer or the meter reader.

c. A utility may, at its option and at its expense, relocate meters, provided that relocations made necessary to prevent interference with a meter or the reading thereof, or a recurrence of discovered tampering, unauthorized diversion of service may be made at the expense of the customer.

CHAPTER 17: METER TESTING FACILITIES AND EQUIPMENT

RULE 17.

100. **STANDARDIZING LABORATORY** Whenever any utility is maintaining or shall hereafter establish and maintain a standardizing laboratory, periodic inspection by the Commission will be made of the instruments and methods in use, and if instruments and methods are acceptable to the Commission after such inspection, certification of meters and instruments for use by that or any other utility may be made by such laboratory. Utilities not maintaining standardizing laboratories may obtain authorization from the Commission to have certification of meters and instruments made for them by any approved standardizing laboratory.

105. **FACILITIES AND EQUIPMENT** Each utility furnishing metered electric service shall provide or have available for its purpose such meter testing facilities, standard meters, instruments and other equipment and facilities as may be necessary to make the tests required by these rules. Such equipment and facilities shall be acceptable to the Commission and shall be available at all reasonable times for the inspection of any authorized representatives of the Commission. Such equipment and facilities may, if the utility desires, be located outside the State of Mississippi, but wherever located, the Commission shall be informed in writing of the location thereof.

110. TEST STANDARDS

1. **PORTABLE TEST INSTRUMENTS** Each utility furnishing metered electric service shall provide or have available for its purposes, portable indicating electric testing instruments or watt-hour meters of suitable range and type for testing service watt-hour meters, demand meters, switchboard instruments, recording volt meters, and other electric instruments in use acceptable to the Commission.

2. **REFERENCE STANDARDS** For testing the accuracy of portable watt-hour meters, commonly called "rotating standards", and other portable instruments used for testing service meters, each utility shall provide or have available for its purposes, as reference or check standards, suitable indicating electrical instruments, watt meters, watt-hour meters, or any or all of them, hereinafter called "reference standards". Such standards may be of the service type of watt-hour meters, but if so, such watt-hour meters shall be permanently mounted in the meter laboratory of the utility and be used for no other purpose than for checking working rotating standards. Reference standards of all kinds will be tested and if necessary adjusted by the Commission at least once a year, unless a standardizing laboratory is maintained as provided for in Section 100 of this rule.

3. **PORTABLE WATT-HOUR METERS** All portable watt-hour meters (rotating standards), shall be compared with the reference standards at least once each three (3) months during the time such portable testing standards are being regularly used. Unless accompanied by a calibration card, if such check shows any portable watt-hour meter (rotating standards) to be in error more than one (1) per cent plus or minus at any load at

which the standard will be used, such meter shall be tested, adjusted and certified in the laboratory or by the Commission. Each portable watt-hour meter (rotating standards) shall at all times be accompanied by a certificate or calibration card, signed by the proper authority, giving the date when it was last certified and adjusted. Records of certification and calibration shall be kept on file in the offices of the utility for a period of at least one (1) year.

4. **PORTABLE TESTING INSTRUMENTS** All portable indicating electrical testing instruments, such as volt-meters, ammeters and watt meters, when in regular use for testing purposes, shall be checked against suitable reference standards at least once in three (3) months when continually in use and, if found appreciably in error at zero or in error by more than one (1) per cent of full scale value at commonly used scale deflections, shall, unless accompanied by a calibration card, be adjusted and certified in some approved laboratory or by the Commission. Portable equipment infrequently used shall be compared with a standard before using. All portable indicating electrical instruments used for the companies' own information or general testing purposes shall not be subject to these rules.

CHAPTER 18: ACCURACY REQUIREMENTS FOR SERVICE WATT-HOUR METERS

RULE 18.

100. INITIAL AND TEST ADJUSTMENTS

1. No watt-hour meter that has an incorrect register constant, test constant, gear ratio, or dial train, or that registers upon no load ("creeps") shall be placed in service or knowingly allowed to remain in service without adjustment and correction. A meter in service creeps when, with all load wires disconnected, the moving element makes one complete rotation in five (5) minutes or less.

2. No watt-hour meter that has an error in registration of more than plus two (2%) or minus four (4%) per cent at light load, or plus or minus two (2%) per cent at full load, shall be placed in service or knowingly be allowed to remain in service without adjustment. Whenever on installation, periodic or any other test, a meter is found to exceed any one of these limits, it must be adjusted. Light load shall be approximately ten (10%) to twenty (20%) per cent the rated capacity of the meter. Full load shall be approximately one hundred (100%) to two hundred (200%) per cent of the rated capacity of the meter.

3. Meters must be adjusted as closely as practicable to the condition of zero error. The tolerances are specified to allow for necessary variations, and meters must not be adjusted to the tolerance allowable.

105. AVERAGE ERROR In tests by the Commission or utility, in response to complaints by the customer, the average error of a meter shall be determined by the following method:

Take one-fifth of the algebraic sum of (1) the error at light load, (2) three times the error at normal load, and (3) the error at full load.

In determining normal load, the following percentages of the several classes of full-connected installations may be used:

1. Residence and apartment building25%
2. Elevator Service.....40%
3. Factories (individual drive), Churches, Offices.....45%
4. Factories (Shaft drive) theaters, clubs, hallways, entrances and general store lighting60%
5. Restaurants, pumps, air compressors, lee machines, and moving picture theaters.....70%
6. Sign and window lighting, blowers and battery charging100%

CHAPTER 19: ACCURACY REQUIREMENTS FOR DEMAND METERS

RULE 19.

100. Demand meters must be adjusted to meet the following accuracy requirements on installation and after periodic or any other test:

1. Curve drawing instruments:
Electrical element . . . Error shall not exceed two (2%) per cent of full scale deflection

Timing element (Rate) ... 0.25 per cent
2. Integrated-demand meters:
Electrical element . . . Tolerance specified in Rule 18 watt-hour meters.

Timing element . . . Where the timing element serves only to measure the demand interval it should be adjusted if its rate is more than plus or minus two (2%) per cent in error. Where the timing element serves also to keep a record of the time of day at which the demand occurs, it should be adjusted if its average rate is more than plus or minus 0.25 per cent in error.

3. Lagged-demand meters:
Electro-magnetic type . . . two (2%) per cent of full scale deflection
Thermal type . . . four (4%) per cent of full scale deflection

CHAPTER 20: SERVICING UTILIZATION AND CONTROL EQUIPMENT

RULE 20.

100. **SERVICING** Utilities shall service and maintain any equipment they use on customer's premises and shall adjust thermostats, clocks, relays or time switches, if such devices must be so adjusted to provide service in accordance with the rate provision.

105. **ADJUSTMENTS** The time switches used by the utility for controlling equipment such as water heaters and street lights shall be such quality that the timing mechanism may be adjusted so as to be accurate within ten (10) minutes per month. Time switches used by the utility for controlling street lighting or display lighting shall be inspected or operation observed at least once a month, and, if in error, adjusted and also adjusted upon complaint if found in error or when service interruptions cause them to be in error by one-half (1/2) hour or more. Time switches and control devices used by the utility for controlling off-peak appliances shall be inspected or operation observed periodically and adjusted if in error, and also adjusted upon complaint if found in error, or whenever service interruptions result in error of two (2) hours, or more, or in supplying service to off-peak appliances during peak periods.

CHAPTERS 21: PLACE AND METHODS FOR METER TESTING

RULE 21.

100. **TESTING IN PLACE** All tests on watt-hour meters and demand meters in service made upon complaint or request of the customer as provided for these rules shall, if practicable, be made in the place of permanent location on the customer's premises, with approved testing apparatus and under the local conditions of operation, unless otherwise stated in any rules or allowed by special order of the Commission.

105. **INSTRUMENT TRANSFORMER AND SHUNT** Watt-hour meters installed with instrument transformers or shunts shall be tested jointly with such transformers or shunts, unless the ratio and phase angle of the transformers and the resistance of the shunts have been previously determined within ten (10) years and are on file at the office of the utility for use in calculating results of test. All such calibration tests must have been made by a laboratory of recognized standing or by the utility, using apparatus and methods satisfactory to the Commission. Unless the accuracy of the transformer ratios is questioned, manufacturer's rating will be acceptable.

110. **ROUTINE METER TESTS** Meters may be removed from customer's premises and tested in the meter shop of the utility for routine tests.

CHAPTER 22: INSTALLATION TESTS

RULE 22.

100. ACCURACY All watt-hour and demand meters shall be tested and adjusted to register accurately to within the limits specified in Rules 18 and 19 before initial installation or within sixty (60) days after such installation. However, a utility may rely upon the statement of accuracy furnished by a meter company on meters purchased or repaired, provided that a test check shall be made on samples taken from each order to determine that said order is in accordance with the accuracy specified. Meters reinstalled shall be tested before such reinstallation or within sixty (60) days thereafter if more than three (3) years have elapsed since initial installation or prior test.

105. LOW POWER FACTOR Watt-hour meters that are to be used for customers found to have low power factor (lagging current) shall be tested and adjusted before installation to register correctly to within two (2%) per cent plus or minus, at a power factor of approximately fifty (50%) per cent, and at approximately one hundred (100%) per cent estimated current.

CHAPTER 23: PERIODIC TEST OF WATT-HOUR AND DEMAND METERS

RULE 23.

100. PERIODIC TEST All types of watt-hour meters and demand meters installed upon customer's premises, shall be periodically tested according to schedules below, and in accordance with Rule 18, 19, 21 and 22.

SCHEDULE

For periodic testing of watt-hour meters and curve drawing and integrating demand meters.

Rated Capacity of Meter	To be tested at least once in every....
-------------------------	---

Alternating Current Meters:

(1) Single Phase: Exceeding 50 amperes	60 months
50 amperes	120 months ¹
(2) Polyphase: Exceeding 50 kilovolt amps	60 months
50 amperes or less	60 months

SCHEDULE

For periodic testing of lagged-demand meters²

(1) Proportional timing	4 years
(2) Exponential timing	5 years

105. RECORD OF TEST All watt-hour and demand meters in service on and after the effective date of these rules, for which there is on file at the utility's office no record of test made within

the period of time specified for that class and rating of meter in schedules above, shall be tested as soon as practicable.

110. FAILURE TO MAKE TEST The Commission may relieve the utility from the requirements under this rule in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the utility's control.

¹ This time may be extended to 180 months provided meters purchased prior to January 1, 1937, are tested at least once in every ninety (90) months.

² When combined with the kilowatt hour meter the demand meter may, at the option of the utility, be tested at the same time and interval as the associated kilowatt hour meter.

CHAPTER 24: TESTS

RULE 24.

100. BY COMMISSION Upon written application by any customer to the Commission, a test will be made on the customer's watt-hour and/or demand meter by an inspector employed by the Commission, such test to be made as soon as practicable after receipt of the application. For such test a fee, as scheduled in Section 105 below, shall be paid by the customer at the time application is made for the test. The utility owning the meter will be notified that such test is to be made, and shall have a representative present to open the meter, assist in the test, and adjust and seal the meter after the test. If the meter is found to be more than three (3) per cent fast, that is, has an average error in excess of three (3) per cent as determined by the method specified in Rule 18, the amount of the fee will be refunded to the customer and collected from the utility owning the meter, provided the meter or metering equipment was found to be sealed and without evidence of tampering, Upon application to the Commission by any utility, the Commission will make a test of any of the utility's meters upon payment of the scheduled fee.

105. FEES The charges fixed by the Commission for making such tests are as follows:

SCHEDULE OF FEES

1. For single-phase alternating current watt-hour meters operating on constant potential circuits of not over 250 volts:

Rated Capacity.....	Fee
100 amperes or less.....	3.00
For each additional 50 amperes or fraction thereof.....	0.75

2. For polyphase alternating current watt-hour meters and for single-phase operating on circuits of over 250 volts, with or without instrument transformers:

Rated Capacity.....	Fee
25 kilowatts or less.....	3.00
over 25 to 100 kilowatts.....	6.00
over 100 to 500 kilowatts.....	15.00
over 500 kilowatts.....	30.00

If a test is required on any meter not included in either of the above classifications, the Commission will establish the fee therefore on application.

CHAPTER 25: VOLTAGE

RULE 25.

100. STANDARD NOMINAL VOLTAGE AND PERMISSIBLE VOLTAGE VARIATION

Each utility shall adopt a standard nominal voltage, or standard nominal voltages, as may be required by its distribution system for its entire constant voltage service, or for each of the several districts into which the system may be divided, and shall file with the Commission a statement as to the standard nominal voltages adopted. The voltage maintained at the utility's point of service to the customer, shall be reasonably constant and shall not vary more than ten (10%) per cent plus or minus of the nominal voltage adopted. A greater variation of voltage than specified above may be allowed when service is supplied directly from a transmission line, or in case of emergency service. In all cases, the best voltage regulation shall be provided that is practicable under the circumstances.

105. OTHER ALLOWABLE VARIATIONS Variations in the voltage in excess of those specified caused by (1) the operation of power apparatus on customer's premises, which necessarily requires large starting currents, (2) the action of the elements, and (3) infrequent and unavoidable fluctuations of short duration due to line and/or station operation, shall not be considered a violation of this rule.

110. CLASSIFICATION OF ELECTRIC POWER SUPPLY CIRCUITS

1. A secondary electric distribution circuit is defined as an electric power supply circuit in which the voltage existing between line conductors does not exceed a nominal 750 volts, and which is principally provided as a utilization circuit.

2. A primary electric distribution circuit is defined as an electric power supply circuit in which the voltage existing between line conductors exceeds a nominal 750 volts but does not exceed a nominal 35,000 volts.

3. An electric transmission circuit is defined as an electric power supply circuit in which the voltage existing between line conductors exceeds a nominal 35,000 volts.*

*Rule 25. C., initiated by Order of the Commission in Docket U-3868, effective August 19, 1980. Rule 25.C. is now known as Rule 25.110. (renumbering 2011).

CHAPTER 26: VOLTAGE SURVEYS AND RECORDS

RULE 26.

100. Each utility shall provide itself with one or more portable indicating voltmeters and each utility serving more than 250 customers shall have one or more recording (curve drawing) voltmeters. These instruments shall be of a type and capacity suited to the voltage supplied. Each utility shall make a sufficient number of voltage surveys to indicate the character of the service furnished from each center of distribution and to satisfy the Commission upon request of its compliance with the voltage requirements. All volt-meter charts so made shall be available for inspection by the Commission or its authorized representatives for a period of at least one (1) year.

CHAPTER 27: STATION INSTRUMENTS AND METERS

RULE 27.

100. Each utility shall install such instruments and meters as may be necessary to obtain a daily record of the load and a monthly record of the output of its plants. Each utility purchasing electrical energy shall install such instruments and meters as may be necessary to furnish full information as to the monthly purchases, unless the utility supplying the energy has already installed such instruments and meters from which the necessary information can be obtained.

CHAPTER 28: INTERSTATE OPERATION

RULE 28.

100. Where an electric utility transmits energy either into or out of the state, the company shall accurately meter and record the interchange of such energy.

**CHAPTER 29: SPECIAL RULE FOR COGENERATION &
SMALL POWER PRODUCTION**

RULE 29.

SECTION 100. DEFINITIONS

1. **GENERAL RULE** Terms defined in the Public Utility Regulatory Policies Act of 1978 (PURPA) shall have the same meaning for purposes of this rule as they have under PURPA, unless further defined in this rule.

2. **DEFINITIONS** The following definitions apply for purposes of this rule.

a. "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source.

b. "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a qualifying facility's own generation equipment during an unscheduled outage of the qualifying facility.

c. "Commission" means the Mississippi Public Service Commission.

d. "Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions and administrative costs actually incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility.

e. "Interruptible power" means electric energy or capacity supplied by an electric utility subject to interruption by the electric utility under specified conditions.

f. "Long-term contract" means a contract which is for a term greater than one year.

g. "Maintenance power" means electric energy or capacity supplied by an electric utility to a qualifying facility during scheduled outages of the qualifying facility.

h. "New qualifying facility capacity" means electric capacity of a qualifying facility, construction of which was commenced on or after November 9, 1978.

i. "Purchase" means the purchase of electric energy or capacity or both from a qualifying facility by an electric utility.

j. "Qualifying facility" means a cogeneration facility or a small power production facility which is a qualifying facility under Subpart B of the Federal Energy Regulatory Commission's Regulations under Section 201 of the Public Utility Regulatory Policies Act of 1978 as in effect on the effective date of this rule.

k. "Rate" means any price, rate, charge, or classification made, demanded, observed or received with respect to the sale or purchase of electric energy or capacity, or any rule, regulation, or practice respecting any such rate, charge, or classification, and any contract pertaining to the sale or purchase of electric energy or capacity.

l. "Sale" means the sale of electric energy or capacity or both by an electric utility to a qualifying facility.

m. "Supplementary power" means electric energy or capacity supplied by an electric utility and regularly used by a qualifying facility in addition to that which the facility generates itself.

n. "System emergency" means a condition on a utility's system which is likely to result in imminent significant disruption of service to the utility's customers or is imminently likely to endanger life or property.

SECTION 200. GENERAL PROVISIONS

1. **APPLICABILITY** This rule applies to the regulation of sales and purchases between qualifying facilities and electric utilities subject to the Commission's jurisdiction in this matter.

2. NEGOTIATED RATES OR TERMS

a. Any electric utility and qualifying facility may agree to a rate for any purchase, or terms or conditions relating to any purchase, which differ from the rate or terms or conditions which would otherwise be required by this rule.

b. Nothing in this rule shall affect the validity of any contract entered into between a qualifying facility and electric utility for any purchase.

c. Any contract entered into between a qualifying facility and an electric utility for any purchase shall comply with applicable rules, regulations, practices and procedures of the Commission in effect at the date of execution of the contract.

d. No electric utility may unreasonably refuse to negotiate and enter into a long-term contract for the purchase of energy and/or capacity from a qualifying facility in accordance with the provisions of this rule.

3. REVIEW AND APPROVAL OF CONTRACTS All contracts between the utility and any qualifying facility executed subsequent to the date of the adoption of these rules by the Commission shall be filed with the Commission, Upon filing, the commission may, within 30 days, approve the contract with a finding that it is just and reasonable, and in the public interest, or order further review of the contract prior to approval. If the Commission has not ordered further review of the contract within 30 days from the date of filing, the contract shall be automatically approved.

4. CONFIDENTIALITY

a. Any data or information furnished by a qualifying facility to a utility during negotiations which is specified as confidential and privileged shall be treated by the utility as confidential and privileged, and

b. Any data or information furnished by a utility to a qualifying facility during negotiations which is specified as confidential and privileged shall be treated by the qualifying facility as confidential and privileged.

SECTION 300. INTERCONNECTION AND WHEELING

1. OBLIGATION TO INTERCONNECT

a. Subject to (1) (b) and (4). of this section, any electric utility shall make such interconnections with any qualifying facility as may be necessary to accomplish purchases or sales under this rule.

b. No electric utility is required to interconnect with any qualifying facility if, solely by reason of purchases or sales over the interconnection, the electric utility would become subject to regulation as a public utility under Part 11 of the Federal Power Act.

c. Each electric utility shall offer to operate in parallel with a qualifying facility, provided that the qualifying facility complies with such standards for system safety and operating reliability as may be established by the Commission under (4) (c) of this section.

d. No qualifying facility may have at any one location or facility interconnection with more than one electric utility.

2.. TRANSMISSION TO OTHER ELECTRIC UTILITIES (WHEELING)

a. If a qualifying facility agrees, an electric utility which would otherwise be obligated to purchase energy or capacity from such qualifying facility may transmit the energy or capacity to any other electric utility. The cost of such transmission may be recovered by the transmitting utility from the qualifying facility pursuant to the regulatory authority having jurisdiction. Any electric

utility to which such energy or capacity is transmitted shall purchase such energy or capacity under this rule as if the qualifying facility were supplying energy or capacity directly to such electric utility. The rate for purchase by the electric utility to which such energy is transmitted shall be adjusted up or down to reflect line losses pursuant to Section 400 and shall not include any charges for transmission.

b. The Commission shall be informed by the qualifying facility of any request made by the qualifying facility to an electric utility for the transmission of energy and/or capacity to another utility.

3. INTERCONNECTION COSTS Each qualifying facility shall be obligated to pay any interconnection costs in excess of the costs to either party which would have been incurred had the facility not been a qualifying facility, Each utility shall make provisions in its contracts with qualifying facilities or in its standard rates for purchases for the repayment of excess interconnection costs. Should the parties fail to agree, the Commission may determine the manner for payments of interconnection costs, which may include reimbursement over a reasonable period of time. Such determination shall include, among other concerns, consideration of the adequacy of security for any deferred payments.

4. OPERATING SAFETY AND RELIABILITY

a. In no event shall a qualifying facility interconnect with an electric utility's system without the knowledge and written consent of the utility.

b. The qualifying facility shall be responsible for the design, installation and safe operation of all equipment and facilities on the qualifying facility's side of the point of interconnection and shall be subject to the requirements of all governmental agencies asserting safety jurisdiction and shall comply with all applicable codes, ordinances, rules and regulations thereof.

c. The Commission may establish reasonable standards to ensure system safety and reliability of interconnected operations.

d. Each electric utility shall establish reasonable standards for interconnection with qualifying facilities to ensure system safety and for the protection of the electric utility's equipment and personnel.

e. The qualifying facility shall be responsible for establishing, providing and paying the associated cost of appropriate operating communications with the utility. The utility shall advise the qualifying facility in meeting this requirement.

f. A qualifying facility shall be required to provide energy or capacity to an electric utility during a system emergency only to the extent:

i. provided by agreement between such qualifying facility and electric utility; or

ii. ordered under Section 202 (c) of the Federal Power Act.

g. During any system emergency, an electric utility may discontinue:

i. purchases from a qualifying facility if such purchases would contribute to such emergency; and

ii. sales to a qualifying facility, provided that such discontinuance is on a nondiscriminatory basis.

SECTION 400. PURCHASES FROM QUALIFYING FACILITIES

1. OBLIGATION TO PURCHASE Subject to paragraph (2) of this Section, each electric utility shall purchase, in accordance with this rule, any energy and/or capacity which is made available from a qualifying facility:

a. directly to the electric utility; or

b. indirectly to the electric utility in accordance with Section 300 (2)

2. PERIODS DURING WHICH PURCHASES NOT REQUIRED

a. During any period when, due to operational circumstances, a utility (or its system, in the case of a utility which belongs to a centrally dispatched pool) would be required, in order to accommodate purchases from qualifying facilities, to alter its dispatch of generating units in a manner which would result in a net increase in operating costs to the electric utility, the utility shall be allowed to discontinue those purchases which would otherwise necessitate such alteration of the utility's dispatching; provided, however, that the utility gives reasonable notice to each affected qualifying facility in time for the qualifying facility to discontinue the delivery of energy or capacity to the electric utility.

b. Any utility which fails to comply with the notification requirements of (2) (a). of this Section is required to pay the qualifying facility the same amount as would have been paid had purchases from the qualifying facility not been discontinued.

c. A claim by an electric utility that such a period has occurred or will occur is subject to such verification by the Commission as the Commission determines necessary or appropriate, either before or after the occurrence.

3. RATES FOR PURCHASES

a. Rates for purchases shall:

- i. be just and reasonable to the electric consumer of the utility and in the public interest; and
- ii. not discriminate against qualifying cogeneration and small power production facilities; and
- iii. not be required to exceed the avoided costs of the utility; and
- iv. be negotiated (except for rates set under Section 400(3)(c) of this rule) and if the parties fail to agree, either party may submit the issue to the Commission which will resolve the matter on a case by case basis.

b. Relationship to avoided costs.

- i. A rate for purchases satisfies the requirements of (3)(a)(i), (ii), and (iii) if the rate equals the avoided costs determined after consideration of the factors set forth in (3)(e) of this section; except that,
- ii. A rate for purchases from other than new qualifying facility capacity may be less than the avoided cost if the Commission determines that a lower rate is consistent with (3)(a) (i), (ii), and (iii), and is sufficient to encourage cogeneration and small power production.
- iii. Rates for purchases from new qualifying facility capacity shall be in accordance with (3)(b)(i) of this section, regardless of whether the electric utility making such purchases is simultaneously making sales to the qualifying facility.
- iv. In the case in which the rates for purchases are based upon estimates of avoided costs to be paid over the specific term of the contract or other legally enforceable obligation or are standard rates for purchases as provided in (3)(c) of this Section, the rates for such purchases do not violate this rule if the rates for such purchases differ from avoided costs at the time of delivery.

c. Standard rates for purchases

- i. There shall be put into effect, not later than six (6) months from the date this rule becomes effective, standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less.
- ii. Shall be filed for approval by the electric utility with the Commission.
- iii. Shall be consistent with Section 400(3)(a) (i), (ii), and (iii), and 400(3)(e); and

iv. May differentiate among qualifying facilities using various technologies on the basis of the supply characteristics of the different technologies; and

v. Shall specify those terms and conditions of service necessary for application of the rate.

d. Purchases "as available" or pursuant to a legally enforceable obligation. Each qualifying facility shall have the option either:

i. to provide energy as the qualifying facility determines such energy to be available for such purchases, in which case the rates for such purchases shall be based on the purchasing utility's avoided costs calculated at the time of delivery; or

ii. to provide energy or capacity pursuant to a legally enforceable obligation for the delivery of energy or capacity over a specified term, in which case the rates for such purchases shall, at the option of the qualifying facility exercised prior to the beginning of the specified term, be based on either:

(1) the avoided costs calculated at the time of delivery; or

(2) the avoided costs calculated at the time the obligation is incurred.

e. In determining avoided costs, the following factors shall, to the extent practicable, be taken into account:

i. Data provided by the utility pursuant to Section 292.302 of the Federal Energy Regulatory Commission's Regulations under Section 210 of PURPA.

ii. The availability of capacity and energy from a qualifying facility during the system's daily and seasonal peak periods, including:

(1) The ability of the utility to dispatch the qualifying facility;

(2) The expected or demonstrated reliability of the qualifying facility.

(3) The terms of any contract or other legally enforceable obligation, including the duration of the obligation, termination notice requirement and sanctions for non-compliance;

(4) The extent to which scheduled outages of the qualifying facility can be usefully coordinated with scheduled outages of the utility's facilities;

(5) The usefulness of energy and capacity supplied from a qualifying facility during system emergencies including its ability to separate its load from its generation;

(6) The individual and aggregate value of energy and capacity from qualifying facilities on the electric utility's system;

(7) The smaller capacity increments and the shorter lead times available when capacity is added from qualifying facilities

iii. The relationship of the availability of energy and capacity from the qualifying facility to the ability of the electric utility to avoid costs, including the deferral of capacity additions and the reduction of fossil fuel use; and

iv. The costs or savings resulting from variations in line losses from those that would have existed in the absence of purchases from a qualifying facility, if the purchasing electric utility generated an equivalent amount of energy itself or purchased an equivalent amount of electric energy or capacity.

4. RECOVERY OF COST OF PURCHASES All costs, net of costs associated with interconnection or otherwise recovered from the qualifying facility, incurred by an electric utility for purchases of power and/or energy from a qualifying facility pursuant to a standard rate for purchase or other legally enforceable obligations as provided in Section 400, Paragraph (3) hereof shall be treated by the electric utility as a cost of purchased power.

SECTION 500. SALES TO QUALIFYING FACILITIES

1. OBLIGATIONS TO SELL

a. Each electric utility shall sell to any qualifying facility any energy and capacity requested by the qualifying facility at such character of service as ordinarily available.

b. Upon request of a qualifying facility, each electric utility shall provide:

- i. supplementary power
- ii. back-up power
- iii. maintenance power and/or
- iv. interruptible power

c. The Commission may waive any requirement of (1)(a) of this section if, after notice in the area served by the electric utility and after opportunity for public comment, the electric utility demonstrates and the Commission finds that compliance with such requirement will:

- i. impair the electric utility's ability to render adequate service to its customers; or
- ii. place an undue burden on the electric utility.

2. RATES FOR SALES

a. Rates for sales shall:

- i. be just and reasonable and in the public interest and
- ii. not discriminate against any qualifying facility in comparison to rates for sales to other customers with similar load or other cost-related characteristics served by the electric utility.

b. Rates for sales of supplementary, back-up, maintenance and/or interruptible power may be negotiated by the parties, subject to Commission approval pursuant to Section 200(3) of this rule.

c. Rates for sales of back-up and maintenance power shall:

- i. not be based upon an assumption (unless supported by factual data) that forced outages or other reductions in electric output by all qualifying facilities on an electric utility's system will occur simultaneously or during the system peak or both and
- ii. take into account the extent to which scheduled outages of the qualifying facilities can be usefully coordinated with scheduled outages of the utility's facilities.

SECTION 600. RESOLUTION OF DISPUTES

1. PROCEDURE A proceeding to resolve a dispute between an electric utility, and a qualifying facility arising under this rule may be instituted by either party filing a complaint or a formal complaint with the Commission in accordance with the Rules of Practice and Procedure of the Commission.

2. COMMISSION RESOLUTION OF DISPUTES RELATED TO CONTRACTS If a contract has not been successfully negotiated within 90 days after submission of a written proposal by the qualifying facility or of a written request to the utility for a proposal or if there is an alleged breach of an existing contract or a dispute between the parties as to

interpretation of an existing contract, the Commission may, in its discretion on a case-by-case basis, provide a resolution of the specific matters at issue according to the following procedures:

- a. The qualifying facility or the electric utility may petition the Commission for informal arbitration of the specific matters in dispute, naming the other party as respondent.
- b. Upon receipt of a petition from either party and of a certificate of service of the petition upon the other party, the Commission shall assign the case to one or more members of its staff who will conduct informal arbitration on an expedited basis and issue a written decision within 30 days, except that:
- c. Within 30 days of the issuance of the staff decision either party may bring a formal complaint to the Commission from any part of the decision. If no formal complaint has been filed within 30 days, the staff decision will become final and binding upon the parties as an Order of the Commission.
- d. Commission proceedings upon the appeal of a staff decision will be conducted according to the Commission's existing rules for the formal adjudication of cases, except that to the extent possible, an expedited schedule will be maintained which will permit issuance of the Commission's final decision within 90 days of the staff decision from which the appeal was taken. The Commission's decision will be in the form of an Order and will be final and binding upon the parties subject to appeal.

SECTION 700. EXEMPTION FROM REGULATION

All qualifying facilities are exempted from Mississippi State laws and regulations, other than those promulgated herein, respecting:

- (1) The rates of electric utilities, and
- (2) The financial and organizational regulation of electric utilities.*

*Rule 29 was promulgated by Order of the Commission in Docket U-3986, effective September 19, 1983.

SUBPART 3: SPECIAL RULES - TELEPHONE COMPANIES

CHAPTER 30: DEFINITIONS

RULE 30.

100. In the interpretation of these rules, any word, term, or phrase used herein shall be taken to mean:

1. AREA OUTSIDE OF BASE RATE AREA - That area within the exchange service area which does not have continuous development and lies beyond the base rate area. Generally, rural multi-party service is furnished within this area. However, primary service may be furnished at base rate plus a charge based on mileage or zone differentials.
2. BASE RATE AREA - A continuous, closely built-up section of the exchange area in which the base rate applies without mileage charge.
3. CARRIER CIRCUITS - A circuit provided by the use of electronic carrier equipment whereby more than one conversation can be transmitted over one metallic circuit or radio path at the same time.
4. CENTRAL OFFICE - The inside equipment of the telephone company as an operating unit, where connections are made between subscriber's lines and trunk and toll lines.
5. COMMUTED MILEAGE AREA OR LOCALITY RATE AREA - A definite area outside the base rate area where service is furnished at base rates plus additional charge based on a uniform mileage measurement.
6. EXCHANGE - The telephone company system providing service within exchange service area.
7. EXCHANGE AREA - An area in which is located a telephone central office or offices within which area the telephone company holds itself to provide service.
8. EXTENDED AREA SERVICE - The type of telephone service that furnishes toll free local service between closely situated exchanges having a common community of interest.
9. EXTENSION OF SERVICE - Extension of existing facilities to serve a customer, customers or a new area not presently served.
10. FOREIGN CENTRAL OFFICE SERVICE - Exchange service furnished by means of a circuit connecting a customer's telephone with a central office of the same exchange but outside of the central office district in which the telephone is located.
11. FOREIGN EXCHANGE SERVICE - Exchange service furnished by means of a circuit connecting a customer's telephone with a central office outside of the exchange area in which the telephone is located.

12. **GROUND RETURN CIRCUITS** - That type of circuit that utilizes, in place of one of the two wires required for a metallic circuit, the ground as a returned circuit.
13. **JOINT USER** - The person, firm or corporation who shares a customer's service under a specific contract and in accordance with tariff provisions, but 17 would not otherwise be entitled to such joint use.
14. **METALLIC CIRCUITS** - That type of circuit that utilizes more than one wire.
15. **OUTSIDE PLANT** - The telephone company equipment installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations, or between central offices.
16. **PRIMARY SERVICE** - Generally considered to be 1, 2, or 4-party service.
17. **RURAL SERVICE AREA** - That area within the exchange service area which is sparsely developed and lies outside the base rate area. See definition for "Outside Base Rate Area."
18. **SERVICE CONNECTION CHARGE** - A charge made to a customer for the purpose of reimbursing or partially reimbursing the telephone company for the cost involved in connecting telephone facilities upon customer's premises.
19. **SERVICE LINES** - Those lines which are owned and maintained by the subscriber.
20. **STATION** - The telephone instruments and associated equipment installed for the use of a subscriber on his premises.
21. **SUBSCRIBER** - Same as "customer".
22. **SWITCHING SERVICE** - That service performed when calls are switched from a service line to another line terminated in the company's board.
23. **TELEPHONE COMPANY** - Any person, firm, partnership, or corporation engaged in furnishing telephone service to the public under the jurisdiction of the Public Service Commission. Each telephone company shall file with the Commission regulations enumerating and comprehensively defining the classification of service available to subscribers in its exchange or exchanges.

CHAPTER 31: GRADES OF SERVICE

RULE 31.

100. Within a base rate area no telephone company shall connect more subscribers to any line than are contemplated under the grade of service charged the subscriber on such line. Beyond the

base rate area where multi-party service is, provided, no more than eight (8) subscribers shall be connected to any company owned line. All circuits now serving a greater number of subscribers than is permitted by this rule shall change to conform to these requirements within one year from the effective date of these rules. The telephone company may regroup subscribers in such manner as may be necessary to carry out provisions of this rule, but it shall not deny service to any person now receiving service. In an emergency, up to ten (10) subscribers may be connected to one line pending the construction of additional facilities or the obtaining of enough additional subscribers in the area to justify the construction of an additional circuit. Ten party selective ringing may be supplied outside the base rate area with the approval of the Commission.

CHAPTER 32: SERVICE AREAS

RULE 32.

100. Each company shall maintain on file with the Commission a map of each of its exchange service areas. Such maps shall show the exchange service area boundaries in sufficient detail that they may be located in the field. Such maps shall show the company's existing lines and facilities outside the base rate area and, its lines or extensions thereof under construction, and such maps shall be supplemented or amended from time to time by the filing of work orders or other construction, so as to enable the Commission to have reasonable complete information as to the general location of the existing facilities of the telephone company within an exchange service area or a portion thereof but outside the initial or base rate area. In lieu of complying with the provisions of Rule 12, telephone companies may supply work orders, or other documents for rural extensions of over one mile in length if within 60 days of the end of each calendar year they supply a system map showing all extensions made.

CHAPTER 33: BASE RATE AREA BOUNDARIES

RULE 33.

100. Each telephone company shall maintain on file with the Commission a map of suitable scale, showing the base rate area and/or zone boundaries in sufficient detail that they may be located in the field.

The boundaries of the base rate area in each exchange service area shall be established in accordance with an order or tariff approved by the Commission, and no change shall be made in a base rate area boundary without the authority for same having been first obtained from the Commission. However, the companies shall make continuing studies to determine the advisability of revising their base rate area boundaries.

CHAPTER 34: EXTENSIONS OF SERVICE

RULE 34.

100. Pole line and aerial wire extensions necessary to furnish telephone service shall be made by the company in accordance with the tariff schedules. Any contribution in aid of construction shall be computed in accordance with the regulations set forth in the tariff schedules, and the payment of such charges gives the subscriber no ownership or control of the extension.

105. The company may permit the subscriber to furnish and set necessary poles in accordance with the construction standards of the company in lieu of part or all of the above pole line extension charges but in all such cases, ownership of the extension shall be vested in the company.

110. Contracts for the telephone service where a line extension at filed charges is necessary may be required by the company as a condition incident to the establishment of service, for a period not to exceed five (5) years. In lieu of, or in addition to the contract as set out above, the company may require advance payment of the first year's local exchange rental as a prerequisite to the construction of an extension into a new rural area.

115. All line extensions referred to in Sections 100, 105, and 110 above shall be owned and maintained by the company.

120. The routing of line extensions shall be determined by the company except when modified under the provisions of Section 125 below.

125. A departure from any of the above may not be made without prior approval by the Commission.

CHAPTER 35: ADEQUACY OF SERVICE

RULE 35.

100. **EQUIPMENT REQUIRED** Each exchange should maintain sufficient switchboard capacity, a sufficient operating force or sufficient automatic equipment to handle traffic at all times with reasonable facilities, and each telephone utility shall provide and maintain adequate telephone facilities so as to have available at all times sufficient plant and equipment to supply any reasonable potential demand for service. Traffic studies shall be made and recorded during the busy hours, to the extent and frequency required to demonstrate to the Commission that sufficient equipment is in use and that an adequate operating force is provided.

105. **HOURS OF SERVICE** Each telephone utility shall provide emergency out-vice in all exchanges operated, in which regular service is not available at certain periods during the 24 hours of the day. When service is not continuous for the full 24 hour day, proper arrangements

shall be made for handling emergency calls during the off periods, by the use of alarms maintained in proper conditions and with someone conveniently available so that emergency calls will be given prompt attention.

CHAPTER 36: RATES AND TARIFF CHANGES

RULE 36.

100. Rates and charges shall not be changed except in accordance with law. Tariff changes shall not be effective until approved by the Commission or become effective by compliance with the law.

CHAPTER 37: TRAFFIC RULES

RULE 37.

100. OPERATING METHODS Suitable rules and instructions shall be adopted by each telephone utility and followed by telephone operators governing the phraseology and operating methods to be employed by operators on regular, special, and toll calls.

105. TRAFFIC RULES Traffic rules so adopted by each telephone utility, including instructions and the methods to be used by the operators, shall be followed as closely as possible. The Commission may review the practice of any telephone utility with regard to the adopted rules and compliance therewith, and may make suggestions relative to changes in practice.

110. INSTRUCTIONS TO OPERATORS

1. Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all subscriber calls.

2. All communications between subscribers of telephone utilities shall be considered as confidential in nature, and operators or employees shall not listen to any conversation between subscribers except when an operating necessity. Operators shall not repeat or divulge the nature of any local or long distance conversation, nor divulge any information inadvertently overheard.

115. SUPERVISION All calls shall be carefully supervised by the operator and disconnects made promptly after supervisory signals are received by the operator.

CHAPTER 38: SERVICE INTERRUPTIONS

RULE 38.

100. When a subscriber's telephone is reported or found to be out of order, it shall be restored to service as promptly as possible but, in the event it remains out of order in excess of forty-eight (48) consecutive hours after knowledge by the company of the interruption, the utility shall, upon request, refund to the subscriber the pro rata part of that month's charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

CHAPTER 39: SERVICE STATION LINES

RULE 39.

100. Each telephone utility furnishing switching service for service lines shall file with the Commission reasonable Rules and Regulations covering conditions under which the telephone performs switching service for subscribers. These rules may provide reasonable regulations covering the construction and the maintenance of such lines and equipment connected thereto as may be required to prevent an adverse effect on the general character of service rendered by the telephone utility. Such rules may provide for the discontinuance of service to an entire line requiring repairs, but only after written notice of intention to discontinue service has been given to the owner or owners thereof, which notice shall specify particular repairs necessary to make the service proper, and a reasonable period of time shall be allowed after the written notice before discontinuance of service within which to make the necessary corrections. However, if the condition of the line is such that it is actually adversely affecting the service to other customers of the utility, service may be discontinued immediately pending repairs to the service line and/or equipment.

In case of disagreement relative to the extent of repairs necessary to place the line in satisfactory and serviceable condition, the matter shall be referred to the Commission.

CHAPTER 40: CONSTRUCTION STANDARDS

RULE 40.

100. All construction of telephone facilities shall comply with applicable minimum standards as set out in the National Electrical Safety Code.

CHAPTER 41: HELD APPLICATIONS FOR SERVICE

RULE 41.

100. During periods when a telephone company is unable to supply telephone service to applicants within ten (10) days following application, the telephone company shall keep a record of each exchange showing the name and address of each applicant, the date of application, the class and rate of service applied for, and the reason for inability to provide such service. Each company shall prepare reports to the Commission of such held applications in any month in which the number of held applications exceeds five (5%) per cent of the number of stations in any central office. Such report shall show the number of held applications, the class of service applied for, and the reason in general, for the inability to provide such service. The term, applicant, as used herein shall mean a prospective customer who has applied for service using the company's regular application form.

CHAPTER 42: PRECEDENCE OF SERVICE

RULE 42.

100. PRIORITY OF SERVICE APPLICATIONS

Applications for service shall be completed in accordance with the chronological order of their receipt, insofar as practicable, and in accordance with economical administration, except in the following cases in which deviation may be made in the following order in accordance with the facilities available:

1. Application for service in case of real emergency shall be given priority over all other applications included in Paragraphs (2) and (3) below.
2. Applications of a party who has been a subscriber of the company within a one month period immediately prior to the date of the application and at a different address, shall be given priority over other applications referred to under Paragraph (3) below.
3. Application for business service shall as far as practical be given priority over applications for resident service which has been held for a period of less than two months.

CHAPTER 43: USE OF TELEPHONE

RULE 43.

100. FOR USE OF SUBSCRIBER Telephone service, other than "public" and "semi-public" service, is furnished for the use of the subscriber, his family and persons residing in his home or his employees or representatives, except as service may be extended to "joint users".

105. **FLAT RATE AND MESSAGE RATE SERVICE** Flat rate and message rate services shall not be installed on premises of a public or semi-public character in a location where the telephone would be accessible for use by the patrons of the subscriber or the public in general.

110. **PUBLIC USE OF PRIVATE PHONES** If it is found that the subscriber is permitting public use of service furnished him for his private use, the company shall thereafter provide "public" or "semi-public" service in accordance with its regulations or tariffs, except where the subscriber consents to the instrumentalities being so located as to be inaccessible to the public or permits no further public use after the matter has been called to his attention. No charge will be made for the relocation of a telephone instrument under such circumstances.

115. **JOINT USER SERVICE** If it is found that a subscriber is sharing the use of his business service with an individual or concern other than an employee member or officer of the subscriber's concern or of a "joint user", the company shall thereafter require the subscriber to take "joint user" service thereof, except where the subscriber permits no further joint use of the service after the matter has been called to his attention or where the "joint user" vacates the subscriber's premises or becomes a subscriber to business service in the same exchange.

CHAPTER 44: BUSINESS AND RESIDENCE TELEPHONES

RULE 44.

100. The applicability of business and resident rates is governed by the actual and obvious use made of the service. The use which is to be made of the service shall be ascertained from the applicant at the time of application for service.

1. BUSINESS RATES APPLY AT THE FOLLOWING LOCATIONS:

- a. In offices, stores, factories and all other places of a strictly business nature
- b. In boarding houses and rooming houses with more than five rooms available for rent (except as noted under Subparagraph (e) below), colleges, clubs, lodges, schools, (except private or parochial school now served under a residential rate) libraries, churches (except in the pastor's study), lobbies and halls of hotels, apartment buildings, hospitals and private and public institutions
- c. At any location when the listing of "office" is provided or when any title indicating a trade, occupation or profession is listed (except as modified under the directory listing schedule) and at any location classified under Paragraph (2) below regardless of the form of listing when extension of service is provided to a place not a part of a domestic establishment
- d. At a residence location when the subscriber has no regular business telephone service and the use of the service by himself, members of his household or his

guests is more of a business than residential nature as might be indicated by advertising through newspapers, hand-bills, billboards, circulars, business cards or otherwise

e. In general, in any place where the substantial use of the service is occupational rather than domestic

2. RESIDENCE RATES APPLY AT THE FOLLOWING LOCATIONS:

a. In private residence or residential apartment or hotels and apartment houses when business listings are not provided and when all stations are in locations which are a part of a domestic establishment

b. In the homes of nurses (but not nurses' dormitories)

3. CHANGE FROM RESIDENCE TO BUSINESS SERVICE If it is found that a subscriber is using residential service for business purposes, the company shall thereafter require the subscriber to take a business service except in cases where the subscriber thereafter uses the service for residence and domestic purposes only.

CHAPTER 45: DIRECTORIES

RULE 45.

100. RULES FOR ISSUING A telephone directory shall be regularly published for each exchange listing the name, address, and telephone number of all subscribers except those having unlisted numbers who can be called without a long distance charge and a copy of the directory shall be furnished each subscriber. However, listings for two or more exchanges owned by the same company may be included in one directory. All telephone directories shall be revised at least once each year, Exemptions from these requirements may be allowed by the Commission upon application if it can be shown that it is unnecessary to revise the directory within the time limit due to a relatively small change resulting from new listings or changed numbers. The revision of directories may at times be required more often than specified to keep the directory correct and up to date. The directory shall remain the property of the telephone company.

105. ERROR IN LISTED NUMBER In the event of an error in the listed number of any subscriber, and until a new directory is published, the telephone utility shall, if practical, intercept all calls to the listed number and give the calling party the correct number of the party being called. In the event of an error in the name or address listing of any subscriber, such subscriber's correct name, address and telephone number shall be in the files of the information operator and furnished any caller upon request. In lieu of the preceding, a correction sheet may be mailed to each customer.

110. CHANGE IN SUBSCRIBER'S NUMBER Whenever any subscriber's telephone number is changed for any reason after a directory is published, if practical, the telephone utility shall intercept all calls to the former number for a reasonable period and give the calling party the new number for that subscriber. The correct number shall be in the files of the information operator and furnished any caller upon request.

115. INFORMATION SHOWN IN THE DIRECTORY The name of the telephone utility, the exchanges included in the directory and the month and the year of issue and other essential or pertinent information shall appear on the front cover. Telephone numbers for emergency calls, such as the police and fire departments, shall be printed conspicuously either on the cover or on the first inside pages of the directory, All directories shall contain such instructions and rules governing local and toll service and methods of payment for service as may be necessary to inform subscribers of their rights and obligations, Upon issuance, a copy of each new directory shall be distributed to all subscribers of the telephone utility and a copy of each shall be filed with the Commission.

120. ASSIGNMENT OF NUMBER The assignment of a telephone number to a subscriber's telephone service shall be made at the discretion of the telephone company. The subscriber has no proprietary right in the number, and the company may make such reasonable changes in telephone numbers and central office designations as may be required in order for the company to render efficient telephone service. The company shall give the subscriber who may be affected by such change in telephone numbers as reasonable notice thereof as circumstances will permit.

CHAPTER 46: GROUNDED CIRCUITS

RULE 46.

100. Telephone utility shall provide full metallic circuits or equivalent for all subscribers located within the base rate area and insofar as economically feasible to all rural multi-party subscribers located beyond the base rate area. Telephone utilities operating ground return rural circuits, which are affected by inductive interference, should cooperate to the fullest extent possible with all interested parties in correcting this condition and, where necessary to eliminate inductive interference, full metallic or equivalent circuits properly transposed shall be provided by the company at its own expense

CHAPTER 47: EXTENDED AREA SERVICE

RULE 47.

100. The company will provide extended area service between closely situated exchanges or central offices when it is the desire of a majority of the customers or subscribers of the exchange or central office affected and, when it is feasible for the company to do so, rates and conditions pertaining to extended area service shall be subject to the approval of the Commission.

Where exchanges in which extended area service is provided are owned by different companies, an equitable distribution of the telephone revenue shall be worked out between the companies involved.

CHAPTER 47.1 SLAMMING

RULE 47.1

100. DEFINITIONS:

1. **COMPETITIVE LOCAL EXCHANGE CARRIER (CLEC)** - A competitive local phone company.
2. **CUSTOMER** - The party responsible for paying local or toll charges and any party whom the carrier, in reliance on the verification requirements in Section 115 (1), (2), and (3) of this rule, believes in good faith to have authority to authorize any conversion of telecommunications service provider.
3. **INTEREXCHANGE CARRIER (LXC)** - A telephone company that provides long distance service. Some IXC's may now also be allowed to provide local service.
4. **LETTER OF AGENCY (LOA)** - A written authorization by the customer allowing a telecommunications company to act on their behalf to change the customers carrier of local and/or long distance service.
5. **LOCAL EXCHANGE CARRIER (LEC)** - A local phone company.
6. **PRIMARY INTEREXCHANGE CARRIER (PIC)** - The long distance company to which traffic from a given location is automatically routed when dialing 1+ in equal access areas. The PIC is identified by the Carrier Identification Code which is assigned by the LEC or CLEC to the telephone numbers of all the subscribers to that carrier to ensure the calls are routed over the correct network. When a subscriber switches long distance carriers, it often is referred to as a PIC change.
7. **RESELLER** - A local or long distance company that does not own its own transmission lines. It buys lines and services from other carriers and resells them to its subscribers.
8. **TELECOMMUNICATIONS SERVICE PROVIDER** - Any person, firm, partnership or corporation engaged in furnishing telephone service to the public.

105. No telecommunications service provider shall provide for, bill for, nor solicit any service that could involve intrastate services within Mississippi; without a Certificate of Public Convenience and Necessity from the Commission. If the telecommunications service provider provides, bills, or solicits for, interstate service only, then all intrastate services must be blocked

by the telecommunications service provider. Mississippi intrastate service currently includes calls which originate and terminate within Mississippi. Telecommunications service providers unable to block intrastate services must obtain a Certificate of Public Convenience and Necessity to operate from the Commission.

110. All telecommunications service providers operating under a Certificate of Public Convenience and Necessity will, upon notice from the Commission, cease to provide telecommunications service, including interconnection service, directly to or on behalf of an uncertified telecommunications service provider that is required to be certified and which is providing telecommunications service in Mississippi, unless the uncertified telecommunications service provider is exempt from the Commission's certification requirements pursuant to state or federal law or explicit Commission order.

115. No telecommunications service provider, including LECs and CLECs, authorized to provide service in this state shall submit to a customer's LEC or CLEC a local change and/or primary interexchange carrier change order unless confirmed by one of the following methods:

1. obtaining the customer's written authorization by Letter of Agency (LOA). The LOA must conform to Section 120 herein.
2. obtaining the customer's electronic authorization by a toll-free number called from the telephone number(s) on which the telecommunications service provider is to be changed;
3. or obtaining by audio recording the customer's oral authorization and verified by an independent third party. The audio recording should contain both the original solicitation and verification. The third party must:
 - a. state the name of the person calling and the name of the carrier on whose behalf he is calling;
 - b. state that he is calling to confirm the customer's agreement to change providers to the named carrier for local, local toll or long distance service (as may be applicable);
 - c. inquire whether the consumer is the decision-maker/person authorized to change the telecommunications service for the telephone number(s); and
 - d. inquire whether the consumer is at least 18 years old.

The above rule does not apply to inbound calls initiated by the customer.

120. The LOA must contain the following information:

1. The LOA shall be a separate document whose sole purpose is to authorize a change in the customer's telecommunications service provider. The LOA must be signed and dated by the customer to the telephone line(s) requesting the telecommunications service provider change.

2. The LOA shall not be combined with inducements of any kind on the same document. The LOA must not be associated with or attached to any display promoting anything other than telecommunications service. This includes, but is not limited to, the use of contests or sweepstakes entries of any kind.

3. Notwithstanding paragraphs (1) and (2) of this section, the letter of agency may be combined with checks that contain only the required LOA language prescribed in this Rule and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The LOA check shall continue, in easily readable, bold-face type on the front of the check, a notice that the customer is authorizing a telecommunications service provider change in the telecommunications service provider by signing the check. The LOA language also shall be placed near the signature line on the back of the check.

4. At a minimum, the LOA must be printed with a type of sufficient size and readable type to be clearly legible and must contain clear and unambiguous language that confirms:

- a. the customer's billing name and address and each telephone number to be covered by the telecommunications service provider change order; and
- b. the decision to change the telecommunications service provider carrier from the current carrier to the prospective carrier; and
- c. that the customer designates the telecommunications service provider to act as the customer's agent for the telecommunications service provider change; and
- d. that the customer understands that any telecommunications service provider the customer chooses may involve a charge to the customer for changing the telecommunications service provider.

125. All telecommunications service providers shall within 10 days mail to the customer a confirmation letter which includes:

1. the name and address of the soliciting telecommunications company;
2. the name, address and telephone number of the customer of record;
3. a description of any terms, conditions or charges that will be incurred; and
4. a toll-free telephone number of the soliciting telecommunications company for consumer complaints.

The above Rule does not apply to inbound calls initiated by the customer.

130. Any telecommunications service provider shall cooperate with the customer to return the customer to the telecommunications service provider from which the customer was changed, or the telecommunications service provider of the customer's choice, within three business days of the customer's request. The LEC or CLEC obligations are covered separately in Section 140.

135. Any telecommunications service provider in violation of this rule shall:

1. pay or credit, if not previously credited, all usual and customary charges associated with returning the customer to the original telecommunications service provider as soon as feasible;
2. provide upon request of the customer's previous carrier, all billing records to the original telecommunications service provider that are related to the unauthorized provision of service to the customer within 45 business days of the customer's request to return the customer to the original telecommunications service provider;
3. pay the original telecommunications service provider any amount paid to it by the customer that would have been paid to the original telecommunications service provider if the unauthorized change had not occurred, within 30 business days of the customer's request to return the customer to the original telecommunications service provider; if the unauthorized carrier has already made payment to the customer's original carrier pursuant to any federal laws/regulations, the payment under this rule shall be reduced by the amount already paid pursuant to such federal laws/regulations;
4. return to the customer any amount paid by the customer in excess of the charges that would have been imposed for identical services by the original telecommunications service provider if the unauthorized change had not occurred, within 30 business days of the customer's request to return the customer to the original telecommunications service provider; and
5. maintain a record related to customers that experienced an unauthorized change in telecommunications service providers that contains:
 - a. the name of the telecommunications service provider that initiated the unauthorized change;
 - b. the telephone number(s) that were affected by the unauthorized change;
 - c. the date the customer requested that the telecommunications service provider that initiated the unauthorized change return the customer to the original carrier; and
 - d. the date the customer was returned to the original telecommunications service provider.

140. The customer's LEC or CLEC shall change the customer back to their previous carrier or another carrier of the customer's choice within 24 hours of being notified of the unauthorized switch, if feasible. The customer's LEC or CLEC shall not disconnect for non-payment of disputed charges related to a slamming incident.

145. The original telecommunications service provider from which the customer was changed may:

1. provide the telecommunications service provider that initiated the unauthorized change with the amount that would have been imposed for identical services by the original telecommunications service provider if the unauthorized change had not occurred, within 10 business days of the receipt of the billing records required under Section 125(2) ; and shall
2. provide to the customer all benefits associated with the service(s), e.g., frequent flyer miles, that would have been rewarded had the unauthorized change not occurred, on receipt of payment for service(s) provided during the unauthorized change.

150. All telecommunications service providers shall cooperate completely and fully with any request of the Commission regarding investigation of unauthorized changes in a customer's telecommunications service provider. All telecommunications service providers shall provide to the Commission a contact person and phone number to assist the Commission in resolving consumer slamming complaints.

155. All letters of agency, audio recordings of both the original solicitation and verification, or other evidence of change orders shall be maintained by the soliciting telecommunications company for one year. Failure to maintain such records shall constitute prima facie evidence that consent from the customer was not obtained.

160.) All telecommunications service providers must provide to the Commission a copy of the letter of agency, recording other evidence of change order, and if applicable. scripts used for customer solicitation and/or verification, upon request by the Commission within ten (10) days.

165. Companies shall not engage in abusive telemarketing practices. These practices shall include but not be limited to:

1. Threats, intimidation or the use of profanity;
2. Repeatedly causing a prospect's telephone to ring, repeatedly engaging a prospect in annoying continuous conversation with intent to harass or abuse the prospect;
3. Engaging in calls to a prospect other than between the hours of 9:00 AM. to 9:00 P.M. unless the prospect has given prior consent to such a call; and

4. Falsely purporting to be associated with a local exchange company or another long distance interstate or intrastate carrier. Being a reseller of a company's services does not constitute being associated with or an agent of such company.

170. Any bill for telecommunications service must contain the following information:

1. The certificated name or d/b/a name of the telecommunications service provider and the four (4) digit MPSC Utility ID Number; and
2. a toll-free number directly to the telecommunications service provider. Each telecommunications service provider shall provide a live operator or shall record end user complaints made to its customer service number 24 hours a day, 7 days a week. A combination of live operators and recorders may be used. All calls must be answered within a reasonable time frame. If a recorder is used, the telecommunications service provider shall attempt to contact each slamming complainant no later than the next business day following the date of the recording and each subsequent day until the customer is reached. Alternatively, if the telecommunications service provider is unable to contact the complainant after two telephone calls, then the telecommunications service provider may respond to the complainant in writing mailed to the complainant by U.S. mail, postage prepaid.

If both local and toll charges are on the same bill, the bill should include a name and toll-free number for providers of both servers, if different.

175. Notwithstanding any other provisions of this order, all Mississippi facility based interexchange carriers and facility based Resellers are hereby exempt from the original audio recording provisions of paragraphs 47.1 .115(3) and 47.1 .155. Other Resellers may request a waiver from such provisions, which may be granted by the Commission upon good cause shown.

180. Penalties:

Any willful or intentional violation of this article may subject the telecommunications service provider to a penalty not to exceed \$5,000.00 for each day during which such violation continues. Violations may also constitute grounds for forfeiture after a public hearing, of a telecommunications service provider's Certificate of Public Convenience and Necessity to provide service in Mississippi. Notwithstanding anything to the contrary contained elsewhere in this article, any other activity or conduct engaged in during the course of changing a customer's carrier which is intended to mislead, deceive, confuse, or perpetrate a fraud or unfair or deceptive act or practice shall constitute cause, with the discretion of the Commission, to invoke the penalties or revocation, or both, provided for in this article. *

* Rule 47.1 was promulgated by Order of the Commission in Docket 1998-AD-90, effective December 21, 1998.

SUBPART 4: SPECIAL RULES - GAS

CHAPTER 48: PLANT METERS, RECORDS AND PURCHASED GAS PROVISION

RULE 48.

100. **STATION METERS** Each gas utility shall install, where practicable, such station meters as may be necessary to obtain a daily and monthly record of the amounts of gas made or purchased and gas sent out with readings being taken at sufficiently frequent intervals to show the characteristics of the load. Distribution companies shall not be required to install such station meters and instruments where such information is available from the supplier's metering equipment.

105. **RECORDS** Records shall be kept, insofar as practicable, of the pressure supplied to low or utilization pressure distributing system from plants or district regulators and may be in the form of pressure gauge charts. These records shall be available for inspection by the Commission.

110. PURCHASED GAS ADJUSTMENT PROVISION

1. The specified costs which a public utility distributing gas shall be allowed to recover in its purchased gas adjustment clause (PGA) for retail billings include:

a. Any increase or decrease in the cost of gas per unit sold (including but not limited to applicable transportation charges and BTU adjustments) over or under the cost of gas recovered per unit sold under the rate schedules to which such PGA shall apply.

b. Adjustments for municipal franchise tax (gross receipts tax) and other tax adjustments resulting from or arising in connection with any increase or decrease in the utility's cost of gas.

c. Such other costs as may be approved by the Commission after notice and hearing.

2. Purchased gas adjustment clauses heretofore approved by the Commission may be continued in full force and effect subject to the provisions of the Public Utilities Act, Section 77-3-1, et. seq. Miss. Code, as amended.*

*RULE 48, as amended by Order of the Commission in Docket U-4408, effective February 2, 1984.

CHAPTER 49: DEFINITION

RULE 49.

100. CUBIC FOOT

1. Laboratory Testing. For the testing required by these rules, one cubic foot of gas shall be taken to the amount of gas which occupies a volume of one cubic foot when saturated with water vapor and at 60 degrees Fahrenheit and under pressure of thirty inches of mercury.
2. Metering. For the purposes of measurement of gas to a customer, a cubic foot of gas shall be taken to be the amount of gas which occupies a volume of one cubic foot under the conditions existing in such customer's meter, as and where installed, except for installations requiring correction for pressure and temperature due to pressure requirements of the customer's equipment,

CHAPTER 50: METER TESTING

RULE 50.

100. FACILITIES Each utility shall, unless specifically excused by the Commission, provide such laboratory, meter testing equipment and other equipment and facilities as may be necessary to make tests required of it by these rules or other orders of the Commission. The apparatus and equipment so provided shall be subject to the approval of the Commission, and it shall be available at all times during business hours for inspection or use on the premises of the utility by any authorized representative of the Commission.

105. TESTS REQUIRED Each utility shall make such tests as are prescribed under these rules with such frequency and in such manner and at such places as are herein provided, as may be approved or ordered by the Commission. Unless otherwise directed by the Commission, the methods and apparatus recommended by the National Bureau of Standards shall be used.

110. METER PROVER

- a. Each utility furnishing metered gas service shall own an approved type of meter prover, preferably of not less than five (5) cubic feet capacity, equipped with suitable thermometers and other necessary accessories, and it shall maintain such equipment in proper adjustment so that it shall be capable of determining the accuracy of any service meter to within one-half of one per cent. Each meter prover shall be so placed that it will not be subject to drafts or excessive temperature variations.

b. The accuracy of all provers and methods of operating them shall be established by the utility subject to approval and changes from time to time by a representative of the Commission, All alterations, accidents or repairs which might affect the accuracy of any meter prover or the method of operating it shall be promptly reported in writing to the Commission.

CHAPTER 51: METERS

RULE 51.

100. **LOCATIONS** Customers shall provide a safe and adequate location for meters and regulators and no customer's meter shall be installed in any location where it may be exposed to traffic, where it would be difficult to maintain or read or where it would be exposed to any conditions that might cause its undue deterioration or affect its accuracy in normal service.

105. **ACCURACY** Every gas service meter whether new, repaired or removed from service for the purpose of repairing or testing, shall be in good order and shall be correct to within 2% before being installed for the use of any customer. A utility may rely upon the meter proof furnished by a meter company on each meter purchased or repaired, provided that a test check shall be made of at least 10% of each order to determine that said order is in accordance with the proof specified. Also, provided that a utility which has less than 500 customers in any single operation and which has no facilities for opening meter cases and adjusting the mechanism, it may put a meter back into service if it is not found to be in error by more than two per cent fast and appears otherwise to be in good order.

110. **TESTING** All tests to determine the accuracy of registration of any gas service meter shall be made with a suitable meter prover.

115. **SPECIAL** Any orifice meter, the readings or records of which are based on the differential pressure in such meter or upon the measurement of any portion of the total gas delivered to a consumer, shall be tested for accuracy before installation in a manner satisfactory to the Commission.

120. **AVERAGE ERROR** In tests made by the Commission or utility in response to customer complaints, the average error of a meter shall be defined as one-third of the algebraic sum of error at full load plus twice the error at light load or such other definitions as may be approved by the Commission.

125. **PREPAYMENT METERS** No utility shall use prepayment meters geared or set so as to cause a rate or amount higher than would be paid if a standard type meter were used except under such special rate schedule as may be approved by the Commission for this class of service.

130. **PERIODIC TESTING**

1. No gas service meter hereafter installed shall be allowed to remain in service more than twenty (20) years from the time when last tested. *

The Commission may relieve the utility from the requirements under this rule in any particular case in which it is shown that the failure to make the periodic test was due to causes beyond the control of the utility.

135. METER TEST BY THE COMMISSION

1. Upon written application to the Commission by a customer after reasonable notice to utility, a test will be made of the customer's meter as soon as practicable by a representative of the Commission. The application for such test shall be accompanied by a remittance of the amount fixed below as the fee for such test. This fee shall be retained by the Commission. However, if the meter is found to be more than three per cent fast, the utility shall repay to the customer the amount of the fee paid by the customer to the Commission for such meter test. No charges will be made by the Commission for test on a meter where such tests do not require extra traveling or other expense or where it is practical to make the test incident to other Commission work.

2. The amount of the fee to be paid for a meter test made by the Commission shall be as follows:

For each gas meter

not exceeding 1 1/4 inches or smaller..... \$1.50

exceeding 1 1/4 inches..... \$2.50

An exception to the above fees will be that for large industrial type meters. The fee shall be based upon the expense to the Commission for making such test.

3. This rule shall not interfere with the practice of a utility with reference to its tests of gas service meters, except that in the event of any application by a customer to the Commission for a test as herein provided, the utility shall not knowingly remove, interfere with, or adjust the meter to be tested without the written consent of the customer, approved by the Commission.

140. REPLACEMENT OF METERS Whenever a customer requests the replacement of the service meter on his premises, such request shall be treated as a request for the test of such meter and shall fall under the provisions of Rule 11.120.

145. CHANGE OF LOCATION OF SERVICE Whenever a customer moves from the location where gas is used by him and thereby requires the disconnecting and connecting at a new location of the gas supply and the same work has been done for him within one year preceding, the utility may make a charge as set out in its rate schedules, tariffs or rules and regulations on file as approved by the Commission.

*Rule 51.G.(1) as amended by Order of the Commission in Docket 1993-UA-318, effective September 10, 1993. Rule 51.G.(1) is now known as Rule 51.130(1). (renumbering 2011).

CHAPTER 52: PRESSURE

100. **NORMAL** Each gas utility shall establish a normal pressure at which gas will be supplied to its connection with the customer's facilities.

105. **VARIATION** Gas pressure supplied at the point of delivery shall not drop below one-half of normal pressure or exceed twice the normal pressure as established in Section 100 above.

110. VIOLATIONS

1. No utility shall be deemed to have violated the preceding paragraph of this rule if it can be shown to the satisfaction of the Commission that the variations occurring in gas pressure were due to unforeseen demand or to temporary conditions beyond the control of the utility.

2. No utility shall be deemed to have violated any stipulation of this rule with respect to individual cases if it can be shown to the satisfaction of the Commission that, in any such individual case, the service line or any pipe lines on customer's property are of such size or condition as to render the maintenance of the pressure and pressure variation impracticable.

115. **TESTING EQUIPMENT** Each utility shall maintain on its distribution system in each city in which it supplies gas, at least one recording gas-pressure gauge for each 50 miles of mains or fraction thereof. No utility shall maintain less than two recording gauges, of which one should be portable.

120. **RECORDS** Each utility shall regularly make records with such recording gauges of the pressures in various parts of its distribution system. The charts of records thus obtained shall bear the date and place where the pressure was taken and shall be available for inspection.

CHAPTER 53: CALORIMETER EQUIPMENT

RULE 53.

100. **REQUIREMENT** Each utility whose gas output exceeds 10,000 cubic feet per year shall provide and maintain a calorimeter of a type approved by the Commission and all necessary accessories therefor, except when the utility purchases its entire requirements for natural gas and

has access to sufficient records of tests made by its supplier or has sufficient tests by an accredited laboratory as provided for in Rule 54.105.

105. ACCURACY The accuracy of all calorimeters as well as the method of making heating value tests, shall be subject to the approval of the Commission or its representatives.

110. STANDARD FORM RECORDS Each utility making heating value determination shall adopt, subject to the approval of the Commission, a standard form for recording the results of each such test. Each determination of the heating value shall be recorded originally upon the form adopted for that purpose and such forms shall be retained as a record of the utility.

CHAPTER 54: HEATING VALUE

RULE 54.

100. AVERAGE Each utility shall file with the Commission the minimum heating value of gas as a part of its Schedule of Rates or Rules and Regulations.

105. TESTS The utility supplying natural gas shall make or shall have made at an accredited laboratory sufficient tests. It shall have access to such tests made by its suppliers so as to determine the heating value.

110. LOCATION OF TESTS These tests shall be made at a location or locations which will insure a representative sampling of the gas being sent out to the distribution system.

CHAPTER 55: ODORIZATION

RULE 55.

100. REQUIREMENTS All natural gas supplied by gas companies within the state shall be continuously odorized under the following conditions:

1. All gas served from any city or town distribution system
2. In all private residences, apartment houses, hotels, schools, churches or other public buildings served in any other way than through city or town distribution systems

It is not intended by these rules to require the odorization of gas used in natural gasoline extraction plants, carbon black plants, natural gas gathering lines or gas used in lease and field operations or in repressuring wells. Industrial customers served in any other way than through city or town distribution systems or where gas consumed by residential and commercial customers can be odorized without the necessity of odorizing gas to

industrial consumers, the utility shall not be required to odorize the gas sold to industrial customers.

105. PROPERTIES

1. The malodorant agent to be introduced into natural gas shall indicate by distinctive odor the presence of gas when such gas is present in concentrations not greater than one per cent by volume. By this, it is meant that the gas shall be given an odor in concentrations of not more than one part gas to ninety-nine parts air by adding an agent that will vaporize, dissolve in or be so mixed with the gas as to produce an odor readily perceptible to normal average olfactory senses of a person coming from fresh, ungasified air into an area where gas is present.
2. The malodorant agent in any concentration likely to be encountered shall be harmless and neither toxic nor nauseating. It shall be non-corrosive to steel, iron, brass, bronze, or leather and it shall be insoluble in water.
3. The products of combustion from the malodorant shall be such that they are neither toxic nor nauseating to a person breathing air containing them, and they shall also be such as not to corrode or be harmful to the normal materials with which they would come in contact in places where gas is burned.

CHAPTER 56: PURITY OF GAS

RULE 56.

100. All gas supplied to customers shall contain no more than a trace of hydrogen sulfide, 30 grains of total sulphur per 100 cubic feet or 5 grains of ammonia per 100 cubic feet. No gas shall contain impurities which may cause excessive corrosion of mains or piping or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

CHAPTER 57: SYSTEM MAINTENANCE BY UTILITY

RULE 57.

100. Each gas utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient, and proper condition all of the facilities and instrumentalities used in connection with the regulation, measurement, and delivery of gas to any customer, up to and including point of delivery into the piping of the customer.

CHAPTER 57.1: REPORTING OF CONSTRUCTION WORK

RULE 57.1

100. All construction work involving gas facilities in which the estimated cost of proposed facilities is in excess eight thousand dollars and related facilities that would be governed by the Federal Minimum Safety Requirements, parts 191 and 192, and the amendments thereto, will be reported in writing, or via telephone to the MS Public Service Commission prior to starting date of such construction. Exception to this requirement will be in an emergency condition where emergency service to protect people or property is required. Notification via telephone should be made as soon as possible after commencing with emergency service but at no time will exceed forty-eight hours.*

*Rule 57.1, Initiated by Order of the Commission in Docket U-3894, effective November 20, 1980. Rule 57.1 is now known as Rule 57.1.100. (renumbering 2011).

**CHAPTER 57.2: NATURAL GAS QUALIFICATION PROGRAM
PURPOSE AND APPLICABILITY:**

RULE 57.2.

100. PURPOSE AND APPLICABILITY:

To ensure that every Natural Gas Distribution system in Mississippi is in compliance with 49-CFR-191-199, as is or hereinafter amended, and promotes full compliance with said code. This includes but is not limited to natural gas distribution and natural gas transmission facilities.

105. OPERATOR QUALIFICATIONS:

RESPONSIBILITY FOR COMPLIANCE:

Responsibility for the safety and sustained prudent operation of the gas system shall be shared by the governing body of the gas system. Regardless of retention or release of an operator, the governing body shall assume all responsibility for the safe operation of the gas system action(s) and shall be held accountable by the Mississippi Public Service Commission.

Gas Districts/Cities/Townships/Private establishments providing natural gas to consumers shall retain a natural gas operator. The candidate for the operator position shall complete qualification as stated by the authority of the Mississippi Public Service Commission. Each operator, prior to operating a pipeline facility in the state of Mississippi shall complete the requirements as follows:

(1) INITIAL QUALIFICATION:

- a. 100 hours of training specific to operation of pipeline facilities. A master meter or other operator may be given credit toward his or her hours of training at 20 hours

per year for a maximum of five years. The Mississippi Public Service Commission shall determine the amount of credit given.

- b. The covered tasks list as shown below may present a certain amount of danger to the public and consumers. These tasks require a deeper understanding of the subject material than most other tasks. These tasks are referred to as critical covered tasks and should be understood prior to an operator directing a gas system. New operators shall be allowed 90 days to be trained and qualified for the eight tasks. The operator shall be in compliance with all covered tasks as addressed in the Operator Qualification Program of the gas system that is being operated by said operator. The operator shall accomplish the complete training and qualification on all tasks within twelve months from the date appointed. The tasks referred to herein shall be known as “Critical Covered” tasks:

- 1- Leak Investigations and odor complaints
- 2- Accidental Release of natural gas
- 3- Purging of natural gas pipelines
- 4- Pressure testing to establish gas service
- 5- Odorant/Odorization
- 6- Gas System Connect/Disconnect
- 7- Inspecting Pressure regulating stations
- 8- Operation and Maintenance of Valves

(2) CONTINUING QUALIFICATION

Classroom instructional training:

- a. Minimum of 21 hours for master meter operators;
- b. Minimum of 36 hours for all other operators.

After completing his or her initial qualification, a master meter operator must maintain 21 hours of continuing education, 7 minimum hours per year. All other operators must maintain 36 hours of continuing education, 12 minimum hours per year. Continuing education hours shall be obtained by attending a Mississippi Public Service Commission approved course of instruction. An operator shall have 3 years after completing his or her initial qualification to accumulate his or her continuing education hours.

(3) LOSS OF OPERATOR

In the event of loss of operator, due to illness, death, discharge or other legitimate cause, notice shall be given to the Commission within twenty four (24) hours, and the continued operation of such system without a certified operator may proceed on an interim basis for a period not to exceed 180 days as long as the system is in good standing as determined by the Director of Pipeline Safety. A petition for extension showing good cause must be presented to the Mississippi Public Service Commission.

(4) GENERAL

- a. Hours may not be transferred to any other individual.

- b. No system subject to the provisions of this rule shall be required to have more than one operator meeting the qualifications set forth in paragraph A of this rule.

110. DEFINITIONS:

ASSOCIATION: The Mississippi Natural Gas Association

COMMISSION: The Mississippi Public Service Commission.

GAS: As defined by 49 CFR 192, gas means natural gas, flammable gas, or gas which is toxic or corrosive.

HAZARDOUS LIQUID: Petroleum, petroleum products, CO2 or anhydrous ammonia.

MASTER METER OPERATION: A pipeline system for distributing gas within, but not limited to a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as rents.

MUNICIPALITY - A city, county, or other political subdivision of a state.

OPERATOR - An individual having primary responsibility operating, maintaining pipeline facilities.

SYSTEM - Any individual, firm, joint venture, partnership, corporation association, municipality, cooperative association, or joint stock association and including any trustee, receiver, assignee, or personal representative therefore.

PIPELINE SYSTEM: A pipeline system that may be natural gas distribution, natural gas transmission or hazardous liquid pipeline.

STATE - The State of Mississippi.

TRANSPORTATION OF GAS - The distribution of natural gas or hazardous liquids to the public for compensation.

CLASSIFICATION OF DISTRIBUTION SYSTEMS:

CLASS A SYSTEMS:

Natural gas distribution systems of 20,000 or more meters or 100 miles or more of transmission pipelines and satisfy the requirements of this administrative rule by demonstrating to the Commission that by training and education the operators of the systems have met the standards for certification and therefore do not need to have individually named operators.

CLASS B SYSTEMS:

Natural gas distribution systems of less than 20,000 meters and more than 3,000 meters or less than 100 and more than 50 miles of transmission pipelines may elect to meet Class A standards or Class C standards.

CLASS C SYSTEMS:

Natural gas distribution systems of less than 3,000 meters or less than 50 miles of transmission pipelines are required to have individually named operators.

CLASS D SYSTEMS: MASTER METER OPERATION

Those persons who manage or are responsible for a Master Meter operation.

115. DUTIES, MEMBERSHIPS, MEETINGS AND EXPENSES:

1. There shall be an Advisory Committee established to assist the Commission and Association in the certification of natural gas operators and the regulatory program thereafter. The duties of the Committee shall be to consult with these agencies in all matters pertaining to certification programs and make appropriate recommendations regarding rules and procedures. The Committee shall consist of (7) members as follows: Four (4) persons, each representing the four (4) classes, elected in staggered terms by the Association, two (2) persons, at large selected by the Committee to serve at pleasure of the Committee, one (1) appointed representative of the Mississippi Public Service Commission.

2. The Chairman of the Advisory Committee shall be elected by and from the Committee membership. The Committee shall meet at least twice per year at the call of the Chairman. Members of the Committee shall be reimbursed by their respective organization only, and not by Committee, Association, or Commission.

3. The minutes shall be recorded and filed with the Public Service Commission.

120. APPEALS

Any operator, system, or master meter operation aggrieved by this administrative rule, must file a petition stating the grievance to the Committee. The Committee will recommend to the Mississippi Public Service Commission the possible solution that the Committee feels is appropriate. Final decision in all grievances rests with the Mississippi Public Service Commission.

125. PENALTIES

Any operator of system found by the Commission, or any duly designated hearing officer appointed thereby, to be in violation of any of these provisions or any rule, regulation or order of the Public Service Commission, shall be subject to fines and/or penalties as provided by law. *

* Rule 57.2 As amended by Order of the Commission in Docket 1997-AD-508, effective January 1, 1998.

* Rule 57.2 As amended by Order of the Commission in Docket 2013-AD-196, effective February 15, 2014.

SUBPART 5: SPECIAL RULES - WATER

CHAPTER 58: PURITY OF WATER SUPPLY

RULE 58.

100. All water furnished by any utility for human consumption or for domestic uses shall be pure, wholesome, potable, not dangerous to health and insofar as practicable, free from objectionable odor and taste. All water furnished by any utility for human consumption or household purposes shall comply with all requirements of the Mississippi State Board of Health.

CHAPTER 59: ANALYZES AND RECORDS

RULE 59.

100. The Commission reserves the right to require under its supervision (a) an extended bacteriological as well as physical and chemical examination when deemed advisable for any particular water furnished, (b) that the results of all tests made either by the State Board of Health or by the utility shall be kept on file in the office of the utility for public inspection.

These records shall indicate when, where and by whom these tests were made. The standard method of testing recommended by the American Public Health Association shall be followed as regards the examinations and collection of water and any departure therefrom shall be specifically stated. Whenever tests made by the State Board of Health, the utility or made for any other purposes disclose the presence of bacillus coli or any unnecessarily high bacterial count, the utility shall immediately take action to make its water supply safe for human and domestic purposes.

CHAPTER 60: NEW SOURCE OF SUPPLY

RULE 60.

100. When any utility proposes to use water from a new or different source of supply, it shall be required to obtain a Certificate of Convenience and Necessity from the Commission. Before the issuance of such Certificate of Convenience and Necessity, the utility shall be required to furnish a permit from the State Board of Health approving the use of a new supply.

CHAPTER 61: PROTECTION OF WATER SUPPLY

RULE 61.

100. GENERAL REQUIREMENTS The water supply system, including wells, pumping wells, pumping equipment, treatment works, mains and service pipes, shall be free from sanitary defects.

105. CONNECTIONS PROHIBITED No physical connection between the distribution system of a public potable water supply and that of any other water supply shall be permitted unless such other water supply maintains a safe, sanitary quality in accordance with these rules and regulations and the inter-connection of both supplies is approved by the State Board of Health.

110. ALGAE The growth of algae in the water at the source of supply in reservoirs or other basins and in the water mains shall be controlled by proper treatment.

115. WELLS Utilities obtaining water supplies from driven or drilled wells shall maintain the tightness of well casing and provide protection at the surface of the ground to prevent the infiltration of water other than that from the strata tapped by such wells.

CHAPTER 62: OPERATION OF "DEAD ENDS"

RULE 62.

100. "Dead Ends" in the distribution mains should be avoided as far as possible. If such "dead ends" exist, they shall be flushed not less than each ninety (90) days or more if conditions require. To insure compliance with this requirement, all "dead ends" or mains of four (4) inches in size or larger shall be equipped with hydrants or blow-off valves. Records shall be kept of all flushing of mains showing the date, place and duration of flushing.

CHAPTER 63: ADEQUATE SERVICE REQUIREMENTS

RULE 63.

100. **PRESSURE** Water utilities shall make every effort to maintain a pressure on their distribution systems which shall not at any time fall below the minimum of 35 PSI or rise above the maximum pressure of 125 PSI at customer's service connections. However, on rural lines where fire protection is not furnished, the minimum pressure may be as low as 25 PSI.

105. **FIRE HYDRANT SERVICE** In addition to furnishing domestic and commercial service, each utility furnishing fire hydrant service must be able, within a reasonable period of time after notice, to supply fire hydrant service to local fire fighting equipment and facilities. No utility shall, however, be required to install larger mains or fire hydrants or otherwise supply fire service unless proper contractual arrangements shall have been made with the utility by the municipality, agency or individual desiring such service.

CHAPTER: 64: STATION METERS AND PRESSURE SURVEYS

RULE 64.

100. **STATION METERS** Each utility furnishing water service shall install at each operation such station meter and instruments as may be necessary to obtain a daily and monthly record of the total amounts of water delivered into the mains.

105. **PRESSURE GAUGES**

1. Each utility furnishing water service in cities of 1,000 inhabitants or more shall maintain a graphic recording pressure gauge at its plant, downtown office or at some central point in the distributing system or each subdivision thereof where continuous records shall be made of the pressure in the mains at that point.

2. Utilities operating in cities of 5,000 or more inhabitants shall equip themselves with one or more graphic recording pressure gauges in addition to the foregoing and shall make frequent records during periods of maximum use, each covering intervals of at least 24 hours' duration of the water pressure at various points on the system. All records or charts made by these meters shall be identified, dated and kept on file, available for inspection.

CHAPTER 65: METERS

RULE 65.

100. **DEFECTS AND ERRORS IN MEASUREMENTS** No service water meter shall be allowed in service which has an incorrect gear ratio or dial train or is in any way mechanically defective or shows an error in measurement in excess of three (3%) per cent, plus or minus,

when registering water at stream flow equivalent to approximately one-tenth, one-half and full normal rating under average service pressure. However, a water utility may, with the approval of the Commission, follow the American Water Works Association's standard procedure for testing water meters.

105. ADJUSTMENT When adjustment is necessary, such adjustment shall be made as accurately as practicable for average rate of flow under actual conditions of installation. Test for accuracy shall be made with suitable testing device in accordance with the best modern water meter practices,

110. AVERAGE ERROR For purposes of application, the average error of a water meter is defined as one-third of the algebraic sum of the errors when tested in accordance with Section 100 above, provided, however, that a water utility may, with approval of the Commission, follow the American Water Works Association's standard procedure for testing water meters.

CHAPTER 66: METER TESTS

RULE 66.

100. AT REQUEST OF CUSTOMER Each utility furnishing metered water service shall make a test of the accuracy of any water service meter upon request of a consumer in accordance with the provisions of Rule 11.120. The consumer shall be notified of the time and place of such test so that he may be present to witness same should he so desire.

105. REPORT TO CUSTOMER A written report giving the result of such test shall be made to the customer requesting same, the original record being kept on file at the office of the utility.

110. METER TESTS BY COMMISSION

1. Upon written application to the Commission by a customer or the utility, a test shall be made of the customer's meter as soon as practicable by a representative of the Commission. The application for such test shall be accompanied by a remittance of the amount fixed below as the fee for such test. This fee shall be retained by the Commission. However, if the meter is found to be more than three (3%) per cent fast, the utility shall repay to the customer the amount of the fee paid by the customer to the Commission for such meter test. No charges shall be made by the Commission for test on meters where such test does not require extra traveling or other expense or where it is practical to make the test incident to other Commission work.

2. The amount of the fee to be paid for a meter test made by the Commission shall be as follows:

For each meter not exceeding 1 inch capacity - \$2.50

For each meter exceeding 1 inch but not exceeding 2 inch capacity - \$4.00

For meters exceeding 2 inches capacity - \$8.00

CHAPTER 67: METER TESTING

RULE 67.

100. WATER METER TESTERS Each utility furnishing metered water service shall maintain suitable water meter testers at each plant having 100 or more meters and shall keep same in proper adjustment so as to register accurately the condition of the meter at all times.

105. CERTIFICATE OF CALIBRATION REQUIREMENTS Each water meter tester shall be accompanied by a certificate of calibration indicating that the volumes or weighting devices used have been referred to proper standards, which standards have been certified by the National Bureau of Standards or some testing laboratory or other authority of recognized standing.

110. LOCATION OR METER TESTER Meter testers shall be located in suitable working space, easily accessible and equipped with all necessary facilities and accessories. They shall be available for inspection and use at all reasonable hours by the authorized representatives of the Commission.

115. PERIODIC TESTS Unless otherwise ordered by the Commission, each service water meter installed shall be periodically removed, inspected and tested and in accordance with the following schedule or as often as the results obtained may warrant to insure compliance with the provisions of Rule 64.

Five-eighths inch meters, ten years or for each 20,000 cubic feet of registration.

Three-fourths inch meters, eight years or for each 300,000 cubic feet of registration.

One inch meters, six years or for each 400,000 cubic feet of registration.

All meters above one inch, every four years.

CHAPTER 68: CONSTRUCTION RECORDS

RULE 68.

100. Every water utility, in accordance with Rule 4.115(2), shall prepare or cause to be prepared and shall keep on file permanent and adequate records in the form of maps or clearly descriptive tabular statements or both showing the size, kind and location of all of its underground mains or

other hidden construction and shall define locations of all valves and shut-off cocks. For all new construction work done, the records shall show date of construction by year and month.

CHAPTER 69: SHORTAGE OF SUPPLY AND INTERRUPTION OF DELIVERY

RULE 69.

100. **SHORTAGE AND INTERRUPTION** The utility shall exercise reasonable diligence to furnish a continuous and adequate supply of water to its customers and to avoid any shortage of interruption of delivery thereof. It can not, however, guarantee complete freedom from interruption.

105. **TEMPORARY SUSPENSION FOR REPAIRS** The utility shall have the right to suspend service temporarily to make necessary repairs or improvements to its system and shall notify the customers affected as soon as circumstances permit and shall prosecute the work with due diligence and with the least possible inconvenience to its customers.

110. **APPORTIONMENT OF SUPPLY DURING TIME OF SHORTAGE** During times of threatened or actual water shortage, the utility shall apportion its available water supply among its customers as directed by the City or Commission. In the absence of direction from the City or Commission, it shall apportion the supply in the manner that appears most equitable under the circumstances then prevailing with due regard to public health and safety.

CHAPTER 70: WASTE OF WATER

RULE 70.

100. **DISCONTINUANCE OF SERVICE** Where negligent or wasteful use of water exists on a customer's premises seriously affecting the general service, the utility may discontinue the service if such conditions are not corrected within five (5) days after giving customer written notice of intent to do so.

105. **METERING OF FLAT RATE CONNECTIONS** In order to protect itself against serious and unnecessary waste or misuse of water, the utility may meter any flat rate service connection and apply the regularly established meter rates where the customer continues to waste or misuse water five days after the utility has notified him in writing to discontinue such practice.

110. **WATER SAVING DEVICES** The utility may require water saving devices to be installed on air conditioning and refrigeration devices of over three tons. The company may require the use of cooling towers or other water saving devices on air conditioning and refrigerating equipment of more than three tons capacity.