



March 18, 2019

Dear Members:

As you have likely been informed already, Governor Tate Reeves, pursuant to Mississippi Code Section 33-15-11(b)(17), has signed a Proclamation declaring a State of Emergency in Mississippi in regard to the pandemic Coronavirus (COVID-19) now existing in not only Mississippi but throughout the nation and, indeed, the World. Section 33-15-11(b)(17) gives the Governor the Authority to declare a State of Emergency in Mississippi under the following circumstances:

To proclaim a state of emergency in an area affected or likely to be affected thereby when he finds that the conditions described in Section 33-15-5(g) exist, or when he is requested to do so by the mayor of a municipality or by the president of the board of supervisors of a county, or when he finds that a local authority is unable to cope with the emergency. Such proclamation shall be in writing and shall take effect immediately upon its execution by the Governor. As soon thereafter as possible, such proclamation shall be filed with the Secretary of State and be given widespread notice and publicity. The Governor, upon advice of the director, shall review the need for continuing the state of emergency at least every thirty (30) days until the emergency is terminated and shall proclaim a reduction of area or the termination of the state of emergency at the earliest possible date that conditions warrant.

When such an emergency exists, Section 33-15-11 also gives the Governor the broad authority (1) to assume many Executive powers that he would not otherwise possess; (2) make the State eligible to receive emergency funding to overcome the emergency declared; and (3) to disregard or amend existing laws or statutes that otherwise exist to protect the rights of citizens or organizations such as our Mississippi Rural Water Association, Inc. (MsRWA) in a free society.

Under existing Mississippi law, our member water providers have the right to set their own water rates for customers and to “cut-off” water service to our members for non-payment of monthly water bills or other violations of a customer’s “water service agreement” between the water association and its customer/members.

As we know, most of the members of MsRWA are non-profit corporations which are essentially owned by the water customers of the water association, and are governed by each corporation’s Board of Directors, elected annually at the water association’s annual meeting. As you know, the water/sewer rates of our member organizations are not regulated by the Mississippi Public Service Commission (MPSC) and, in fact, Section 77-3-5 clearly states that the MPSC has “no jurisdiction over the governance, management, or other internal affairs” of any of our non-profit water associations. In addition, federal law gives our water associations broad protection from municipalities and other public bodies and prevents such government bodies from “curtailing” the rights of our water associations so long as they are indebted to the United States Department of Agriculture/Rural Development (USDA/RD).

However, the Governor’s emergency Proclamation mentioned above, dated March 14, 2020, gave the Mississippi Department of Health (MSDH), the Mississippi Emergency Management Agency (MEMA) and other state agencies emergency powers to protect the people of our State. The Mississippi Public Service Commission (MPSC) thereafter issued an Order, dated March 15, 2020, which directs that. . .

No utility shall disconnect any water, sewer, gas, or electricity service to any customer unless there exists a threat to public safety unrelated to non-payment for services for a period of sixty (60) days from the date of this order.”

In this special situation, all health officials, both state and national, proclaim that it is absolutely necessary for our citizens to “wash their hands” regularly for their own safety and for the safety of others. Thus, it is logical and responsible for those leading our effort in Mississippi to defeat the spread of the Coronavirus to ask that our rural water utilities in Mississippi keep the water flowing and to refrain from discontinuing water service to the thousands of customers of our state for a period of time.

Your Board of Directors therefore believes that the Order of the Public Service Commission to refrain from cut-offs of water service for non-payment of water bills for sixty (60) days is reasonable and that we as good citizens should comply with that request. We all need to work as a team to defeat the deadly virus as soon as possible so that we can return to normal and bring to an end this state of emergency, which threatens us all.

Enclosed herewith are copies of three documents:

1. Governor Reeves’ Proclamation, dated March 14, 2020;
2. Email from a representative of MEMA to Kirby Mayfield of MsRWA and others, dated March 14, 2020; and
3. Order of the Mississippi Public Service Commission dated March 15, 2020.

Please let us know if you have any questions.

Sincerely yours,

Kirby Mayfield, CEO  
Mississippi Rural Water Association, Inc.

cc: All member of the Board of Directors of  
Mississippi Rural Water Association, Inc.