

Chapter 02 Definitions

Rule 2

For purposes of these rules, the following terms are defined as indicated:

- 100** “The Act” refers to Title 77, Chapter 3 of the Mississippi Code, as amended. Definitions contained therein are hereby incorporated into these Rules of Practice and Procedure.
- 101** “Appearance” means any act during the course of a proceeding by which a person, either in person or by counsel, recognizes and submits to the jurisdiction of the Commission for all purposes except where it is expressly stated to be limited to a particular purpose, such as challenging the jurisdiction of the Commission.
- 102** “Applicant” means any person filing or joining with others in filing an application.
- 103** “Certificate” means an Initial or Supplemental Certificate of Public Convenience and Necessity or Facilities Certificate, as the case may be, issued by the Commission.
- 104** “Commission” means the Mississippi Public Service Commission.
- 105** “Commission Attorney” refers to the attorney(s) employed to assist and advise the Commission.
- 106** “Commission Staff” refers to those individuals employed by the Commission pursuant to Miss. Code Ann. § 77-3-8.
- 107** “Complainant” refers to the person or entity whom initiates a complaint proceeding.
- 108** “Customer” means any person furnished utility service by a public utility.
- 109** “Declaratory Opinion” means an opinion rendered in accordance with the provisions of Miss. Code Ann. §25-43-2.103.
- 110** “Electronic Document” means any document created in digital format on a computer, in a format compatible with software in use by the Commission, and transmitted to the Commission via floppy disks, cd-rom, e-mail, facsimile or other electronic means implemented by the Commission.
- 111** “Executive Director” means the Executive Director of the Staff.
- 112** “Executive Secretary” means the Executive Secretary of the Commission.
- 113** “Filing Utility” means the public utility making a filing with the Commission through its Executive Secretary to initiate a proceeding.

- 114** “Filing” means any notice, application, formal request, formal complaint, petition or any other type of document filed with the Commission through its Executive Secretary.
- 115** “Interested Persons” means any persons entitled to notice of Commission proceedings as follows:
- 1.** In any proceeding filed by a utility other than a telecommunications utility, any person (a) presently holding a certificate authorizing it to provide utility service of the same type as that authorized, or proposed to be authorized, for the filing utility, and (b) which presently holds a certificate for the same type of utility service for a service area, any part of which lies within one mile of the area certificated, or proposed to be certificated to the filing utility; or (c) where known to the Petitioner, any person or entity currently providing utility service of the same type in the proposed area regardless of whether a Certificate has been issued by the Commission;
 - 2.** In any proceeding filed by a provider of telecommunications services, all other certificated providers offering the same type of telecommunications services, as entered into the utility database maintained by the Executive Secretary of the Commission;
 - 3.** In proceedings filed by non-utilities or proceedings initiated by the Commission or the Staff, any person having a substantial interest in the subject matter of the proceeding or whose rights and liabilities may be materially affected thereby;
 - 4.** In addition to the above, in the context of any rate proceeding filed under the provisions of RP 9 (Notice Filings), any person who was a party of record in the last proceeding in which a major change in rates was sought by the filing utility.
- 116** “Order” means a Commission action of particular applicability that determines the legal rights, duties, privileges, immunities or other legal interests of one or more specific persons. The term does not include a declaratory opinion.
- 117** “Party” is:
- 1.** The filing utility, petitioner, complainant or applicant;
 - 2.** The Public Utilities Staff in its capacity as a party;
 - 3.** Persons allowed to become an intervenor by Commission order;
 - 4.** Persons made a party by service of process upon them; and
 - 5.** The respondent.
- 118** “Person” means an individual, partnership, corporation, association, utility, body politic, water authority, receiver, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another state and/or federal agency.

- 119 “Petitioner” means a person or entity filing or joining with others in filing a petition.
- 120 “Provision of Law” or “Law” means the whole or a part of the federal or state Constitution, or of any federal or state (i) statute, (ii) case law or common law, (iii) rule of court, (iv), rule or order of an administrative agency or (v) executive order.
- 121 “Public Witness” means a person not a party and not called by a party to testify at a hearing.
- 122 “Respondent” means a person against whom relief is sought, against whom a complaint is initiated or against whom action by the Commission is directed.
- 123 “Rule-Making” means the process for formulation and adoption of a rule.
- 124 “Service” or “Served” is defined in Miss. Code Ann. §25-43-1.106 and is discussed in RP 6 of these rules.
- 125 “Staff Attorney” means the General Counsel and other attorneys for the Staff.
- 126 “Staff” means the Public Utilities Staff created pursuant to Miss. Code Ann. §77-2-1 et seq.
- 127 “Transcript” includes a written transcript, a printed transcript, an audible audiotape or videotape that is indexed and annotated so that it is readily accessible and any other means that the Commission has provided for the reliable and accessible preservation of the proceeding.
- 128 “Utility Attorneys” means the attorneys for the filing utility.
- 129 “Utility” means any person subject to the regulatory jurisdiction of the Commission.
- 130 “Verify” means the signing of a document before a notary public and under oath.
- 131 “Written” includes printed, handwritten, typewritten, electronic e-mail document, fax document or any other intentional reduction to readable form.

