

Chapter 21 Rate Base, Operating Expenses and Rate of Return

Rule 21

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103 Inclusions and Exclusions

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3. Specific Expense Items

The following expenditures are not considered allowable operating expenses:

- a. Any interest such utility paid, or credited, to its customers in connection with refunds in a rate proceeding in which its rates were finally determined to be excessive.
- b. The cost of legislative-advocacy expenses.
- c. Expenditures for business gifts and entertainment that the Commission determines not to be in the public interest.
- d. Expenditures of any kind which the Commission determines not to have been prudently incurred or not incurred in the interest of the public.
- e. Attorneys' fees, costs and expenses associated with any adversarial proceeding, excluding periodic formulary rate plan evaluations, in which the public utility, ultimately, (i) is ordered or agrees to make a refund to ratepayers or (ii) is found to have or admits to having acted illegally or committed any wrongdoing associated with a regulated activity, excluding ordinary negligence. Attorneys' fees, costs and expenses associated with parts (i) and (ii) of this paragraph will be considered allowable operating expenses upon a showing by the public utility that such expenses were prudent, in the public interest and result in just and reasonable rates. Nothing in this paragraph shall be construed to diminish or restrain the Commission's authority as recognized in paragraph "d." above.

Source: Mississippi Code Annotated § 77-3-45

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