

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

September 7, 2018

Renetha L. Frieson, Esquire
Attorney for the Town of Tutwiler
Post Office Box 1811
Greenville, Mississippi 38702-1811

Re: Adjustment of water bills

Dear Ms. Frieson:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

Background

You state that in July 2013 the Town of Tutwiler installed an automated water meter reading system and that some commercial accounts were improperly set up in the billing program. This resulted in billing inaccuracies for some commercial accounts from July 2013 through April 2018. It is our understanding that some commercial accounts were underbilled for that period and, as a result, now have substantial outstanding water usage balances.

You cite Article 4, Section 100 of the Mississippi Constitution which prohibits a municipality from compromising or forgiving claims which are not doubtful.

Issue presented

You ask if the Town of Tutwiler may reduce the outstanding unpaid water bills of the affected commercial accounts that were underbilled due to an error in setting up an automated water meter reading system.

Response

No. We have previously opined that a utility debt may not be adjusted or forgiven when a customer has received the benefits of the utility service, regardless of a municipality's error in billing, as such would result in a violation of Mississippi Constitution Article 4, Section 100. MS AG Op., Williams (September 12, 2008).

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If a municipality is owed a lawful debt, such debt may not be released or extinguished except by payment into the municipal treasury. MS AG Op., Thomas (September 4, 2007).

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Phil Carter
Special Assistant Attorney General

OFFICIAL OPINION