



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

December 2, 2024

The Honorable Thomas G. McKenzie
Selectman, Ward 1, City of McComb
Post Office Box 667
McComb, Mississippi 39649

Re: Water Billing Errors; Underbilled Services

Dear Mr. McKenzie:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, the city of McComb (“City”) discovered water billing errors and faulty water meters resulting in many underbilled utility accounts. You now seek an opinion on the appropriate course of action.

Question Presented

Would it be an appropriate course of action for the City to forgive the underbilled account amounts, due to billing errors, and not bill the customers responsible for the actual water/sewer used?

Brief Response

“[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.” MS AG Op., *Frieson* at *1 (Sept. 7, 2018) (citing MS AG Op., *Williams* at *1 (Sept. 12, 2008)).

Applicable Law and Discussion

Article IV, Section 100 of the Mississippi Constitution states:

No obligation or liability of any person, association, or corporation held or owned by this state, or levee board, or any county, city, or town thereof, shall ever be remitted, released or postponed, or in any way diminished by the Legislature, *nor*

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shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value.

(emphasis added). This office has consistently concluded 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.” MS AG Op., *Frieson* at *1 (citing MS AG Op., *Williams* at *1); *see also* MS AG Op., *Tucker* at *1 (May 24, 2024). Accordingly, it is the opinion of this office that the City must collect underbilled account amounts.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo
Special Assistant Attorney General

OFFICIAL OPINION