BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

MISSISSIPPI POWER COMPANY
EC-120-0097-00

DOCKET NO. 2015-UN-80

IN RE: NOTICE OF INTENT OF MISSISSIPPI POWER COMPANY FOR A CHANGE IN RATES SUPPORTED BY A CONVENTIONAL RATE FILING OR, IN THE ALTERNATIVE, BY A RATE MITIGATION PLAN IN CONNECTION WITH THE KEMPER COUNTY IGCC PROJECT

ORDER DENYING MOTION TO RECUSE

THIS CAUSE is before the Mississippi Public Service Commission (hereinafter "Commission") on the Motion to Recuse filed by Intervenor Thomas A. Blanton. The Commission, having reviewed the facts and the law before it, hereby finds that the Motion to Recuse should be denied:

On October 1, 2015, Thomas A. Blanton ("Blanton") filed a Motion to Recuse Commissioner Lynn Posey from all future proceedings in this docket. In support of his Motion, Blanton presents two primary arguments. For the reasons that follow, the Commission finds that neither argument has merit. Instead, Blanton's Motion appears to have been filed for the purpose of delaying further Commission action in this docket.

Blanton first alleges, without any corroborating evidence, that Commissioner Posey knowingly and unlawfully accepted improper campaign contributions from agents of Mississippi Power Company (hereinafter "MPC" or "Company") in violation of Mississippi Code Ann. § 77-1-11. Those agents, according to Blanton, include anyone who has ever done any work for MPC concerning the Kemper IGCC

plant. The Commission cannot accept such a broad reading of Section 77-1-11. Under Mississippi agency law and numerous Attorney General Opinions, Section 77-1-11 does not automatically apply to independent contractors who have current or previous contracts with a regulated utility. Blanton has not produced one piece of evidence to show that the campaign contributors identified in his motion made their contributions: (1) at the direction of MPC, or (2) in exchange for some financial benefit to be provided by MPC. As a result, his argument that Commissioner Posey violated Section 77-1-11 necessarily fails.

Blanton's second argument, that Commissioner Posey should recuse himself due to an unspecified conflict of interest, also fails. Blanton has neither argued nor presented any evidence that overcomes the presumption of honesty and integrity afforded to those serving as adjudicators in administrative proceedings. Stated simply, neither Commissioner Posey nor Commissioners Renfroe or Presley hold any personal animus toward Blanton, and none of the Commissioners have any personal or financial interest in the Kemper project or the outcome of this docket. As a result, recusal is not warranted.

Finally, Commissioner Posey's recusal (or any Commissioner's recusal) in this case could thwart the statutory scheme and deny the parties and the public interest their proper forum – a result completely at odds with the legislative intent and policy declarations supporting the Public Utility Act. For all of these reasons, Blanton's Motion to Recuse is denied in its entirety.

I. A contractor working at a power plant is not an agent or representative of a public utility.

Whether it is a company hired to construct a combined cycle unit or a company hired to deliver lunches, independent contractors are not agents or representatives of public utilities and may exercise their right to contribute freely to the campaigns of those running for Mississippi Public Service Commissioner. Section 77-1-11 prohibits, among other things, certain campaign finance activities, as follows:

> It shall be unlawful for any public service commissioner, any candidate for public service commissioner, or any employee of the Public Service Commission or Public Utilities Staff to knowingly accept any gift, pass, money, campaign contribution or any emolument or other pecuniary benefit whatsoever, either directly or indirectly, from any person interested as owner, agent or representative, or from any person acting in any respect for such owner, agent or representative of any common or contract carrier by motor vehicle, telephone company, gas or electric utility company, or any other public utility that shall come under the jurisdiction or supervision of the Public Service Commission. Any person found guilty of violating the provisions of this subsection shall immediately forfeit his or her office or position and shall be fined not less than Five Thousand Dollars ($ 5,000.00), imprisoned in the State Penitentiary for not less than one (1) year, or both.[1]

Blanton does not allege that improper campaign contributions were made by or accepted from a regulated utility. Instead, he suggests that anyone who "provided services at the Kemper County IGCC Plant and/or mine during 2013"[2] is prohibited from contributing to a Public Service Commissioner's campaign because

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[1] Miss. Code Ann. § 77-1-11(1).

[2] Mot. to Recuse at ¶¶ 2-3.

that person or entity is "interested as owner, agent or representative" of MPC. This Commission adamantly disagrees.

Because Section 77-1-11 provides for criminal penalty, a fundamental rule of statutory construction requires that the prohibitions in the statute be construed narrowly.[3] The rationale for such a rule of construction is nearly self-evident: the law should precisely inform a person how to conduct his affairs so as to avoid any criminal sanction.[4] Moreover, the party seeking recusal in this context bears the burden of proving that a Commissioner knowingly accepted campaign funds from an agent of a public utility. As set out by our Supreme Court:

> Whether an agency has in fact been created is to be determined by the relations of the parties as they exist under their agreements or acts, with the question being ultimately one of intention. The burden of proof as to the existence of an agency relationship rests with the party asserting it.[5]

The Public Utility Act does not define agent; therefore, following the lead of the Mississippi Supreme Court, the Commission looks, first, to the plain language of the statute and consults the work of lexicographers. Black's Law Dictionary defines "agent," as follows:

> A person authorized by another (principle) to act for or in place of him; one intrusted [sic] with another's business. ... One who represents and acts for another under the contract or relation of agency (q.v.). A business representative, whose function is to bring about, modify,

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[3] *The Mississippi Bar v. Attorney G.*, 630 So. 2d 344, 348 (Miss. 1994).

[4] Indeed, Mississippi follows the Void for Vagueness doctrine, which states that "a statute which either forbids or requires the doing of an act in terms so vague that men and common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process." *Leuer v. City of Flowood*, 744 So. 2d 266, 268 (Miss. 1999) (citing *Meeks v. Tallahatchie County*, 513 So. 2d 563, 565 (Miss. 1987)).

[5] *Aladdin Constr. Co., Inc. v. John Hancock Life Ins. Co.*, 914 So. 2d 169, 176-77 (Miss. 2005) (internal citations omitted).

> affect, accept performance of, or terminate contractual obligations between principal and third persons. One who undertakes to transact some business, or to manage some affair, for another, by the authority and on account of the latter, and to render an account on it. ... One authorized to transact all business of principle, or all of principle's business of some particular kind, or all business at some particular place.[6]

Identifying the distinction between general and special agency, the United States Supreme Court provided, simply, that a "general agency" is created by power to do acts of a client and a "special agency" is created by power to do individual acts only.[7]

Offering more specificity, the Mississippi Supreme Court explained, as follows:

> An agent is one who acts for or in the place of another by authority from him; one who undertakes to transact some business or manage some affairs for another by authority and on account of the latter, and to render an account of it. He is a substitute, a deputy, appointed by the principal, with power to do the things which the principal may or can do.
>
> The most characteristic feature of an agent's employment, is that he is employed primarily to bring about business relations between his principal and third persons, and this power is perhaps the most distinctive mark of the agent as contrasted with others, not agents, who act in representative capacities.[8]

Additionally, the Court noted that "the word 'employee' is not synonymous with the word 'agent', because an agent is one who stands in the shoes of his principal; he is his principal's alter ego."[9]

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[6] BLACK'S LAW DICTIONARY 63 (6th Ed. 1990)(emphasis added).

[7] *Butler v. Maples*, 76 U.S. 766 (1869).

[8] *First Jackson Securities Corp. v. B.F. Goodrich Co.*, 176 So. 2d 272, 278 (Miss. 1965).

[9] *Id.*

Similarly, whether an independent contractor is an agent revolves around the question of control.[10] As cited by the Court:

> An agent who is not a servant is, therefore, an independent contractor when he contracts to act on account of the principal. . . . Although an agent who contracts to act and who is not a servant is therefore an independent contractor, not all independent contractors are agents. Thus, one who contracts for a stipulated price to build a house for another who reserves no direction over the conduct of the work is an independent contractor; but he is not an agent since he is not a fiduciary, has no power to make the one employing him a party to a transaction, and is subject to no control as to his conduct.[11]

Blanton's entire recusal motion is premised on the single asserted fact that certain individuals and entities who contributed to Commissioner Posey's campaign in 2013 (hereinafter "Contributors") "provided services at Kemper County IGCC Plant and/or mine...."[12] No other specificity is provided and no other facts are alleged. Indeed, Blanton has not asserted one fact demonstrating that any of the Contributors were "act[ing] for or in the place of [Mississippi Power Company]," or that they were "undertak[ing] to transact some business or manage some affairs for [Mississippi Power Company]"[13] when making their respective campaign contributions. Furthermore, the Commission is unconvinced that any of the Contributors were employed by MPC "primarily to bring about business relations between [that] principal and third persons."[14] Instead, the facts presented in

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[10] *Aladdin Constr.*, 914 So. 2d at 175.

[11] *Id.* at 172 n. 7 (internal citation omitted).

[12] Mot. to Recuse at ¶¶ 2-3.

[13] *First Jackson Securities Corp.*, 176 So. 2d at 278.

[14] *Id.*

Blanton's motion suggest that the Contributors were each hired "only to carry out specific tasks and assignments which were given to [them]," concerning the Kemper IGCC Plant and/or mine.[15]

Despite Blanton's categorical assertion that "the interest of each contributor was identical to the interests of Mississippi Power Co.,"[16] no evidence has been produced to show that the Contributors were anything more than independent contractors, whose relationships with MPC were limited to the scope of work they were each hired to do. As the Supreme Court has noted, "one who contracts for a stipulated price to build a house for another who reserves no direction over the conduct of the work is an independent contractor; but he is not an agent...."[17] Similarly, one who contracts for a stipulated price to provide steel,[18] labor,[19] machinery or equipment,[20] decorating services,[21] or any other particular assignment does not become an agent of their employer simply by virtue of the contract.

On this record, the Commission finds no violation of Section 77-1-11. The Contributors were nothing more than independent contractors who worked on the Kemper power plant and were compensated for that work. They were not and are not agents of MPC. Consequently, nothing prohibits

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[15] *Id.*

[16] Mot. to Recuse at ¶ 6.

[17] *Aladdin Constr.*, 914 So. 2d at 175.

[18] Such as Magnolia Steel Company or Structural Steel Services

[19] Such as Devinney, Eutaw, or Yates Construction Companies

[20] Such as Puckett Machinery

[21] Such as Business Interiors

them from contributing to the campaign of any person running for Public Service Commissioner under Mississippi law.

Numerous Attorney General Opinions support this finding. For instance, in 1990, the Office of the Attorney General advised former Public Service Commissioner Bo Robinson as follows:

> It is our opinion that the facts of each case would determine if a ... person could be classified as a representative or agent of a regulated entity. In our opinion the fact that a lawyer or engineer has at some point in his or her professional career performed professional services for a regulated entity would not per se make that lawyer or engineer a representative or agent of that entity.[22]

The very next year, the Attorney General reiterated its prior opinion, stating:

> **An employee of a regulated company, in our opinion, would not per se be in the category of any owner, agent or representative unless he has been authorized to act in the capacity of an agent or representative.** An employee could, of course, act for an owner, agent or representative and therefore be subject to the prohibitions. **We do not read the prohibitions of Section 77-1-11 to automatically apply to an independent contractor who has a contract with a regulated company.**[23, 24]

Then, in 2007, the Attorney General's Office extended its reading of Section 77-1-11 to contract lobbyists, noting:

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[22] *In re: Campaign Contributions,* 1990 WL 548016 (Miss. A.G. May 22, 1990).

[23] *In re: Constance Slaughter-Harvey, Esquire,* 1991 WL 577419 (Miss. A.G. Jan. 4, 1991) (emphasis added).

[24] Notably, the *Constance Slaughter-Harvey* opinion also addressed the question of "what establishes a direct or indirect interest in a regulated company" within the meaning of Section 77-1-11. In response, the Attorney General explained, "as we read the statute in question, the phrase 'either directly or indirectly' refers to the manner in which the commissioner ... or candidate may receive a contribution and not to whether an individual contributor has a direct or indirect interest in a regulated company." Thus, Blanton's argument that the Contributors "benefitted 'directly or indirectly' from the continued financing and construction of Kemper IGCC" is inconsequential for purposes of applying Section 77-1-11.

> [I]f, as a matter of fact the lobbyist is not acting either directly or indirectly at the direction or suggestion of the regulated company, and is neither reimbursed nor receives additional financial benefit from the regulated company linked to the campaign contribution, then it is our opinion that such contribution would be permissible.[25]

Under this line of authority, the Contributors are not *per se* owners, agents, or representatives of MPC merely by virtue of their contractual relationships. Indeed, the Mississippi Legislature foreclosed any such argument through its amendment of Section 77-1-11 in July 1990 – an amendment the Attorney General's Office notably discussed in its May 22, 1990 Opinion to Commissioner Robinson as follows:

> Section 77-1-11 ... as it presently exists makes it unlawful for a public utility or anyone employed by that utility or **anyone "connected in any way with a utility"** regulated by the Public Service Commission (PSC) to give a gift or other benefit to a member of or a candidate for the PSC. The present law also makes it unlawful for a member of the PSC to accept any gift or benefit from a utility regulated by the PSC or from any person, firm or corporation **connected in any way with such utility**....
>
> **On July 1, 1990 a new version of § 77-1-11 will take effect ... The new law will make it a crime for a commissioner or candidate to accept a campaign contribution directly or indirectly from "any person interested as owner, agent or representative**, or from any person acting in any respect for such owner, agent or representative" of a utility regulated by the PSC.[26]

By revising Section 77-1-11 in this way, the Mississippi Legislature deliberately abandoned the overbroad restriction of "anyone connected in any way with a utility" that Blanton advocates, and replaced it with the agency-

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[25] *In re: The Honorable Lynn Posey*, 2007 WL 1725161 (Miss. A.G. April 6, 2007).

[26] *See In re Campaign Contributions*, 1990 WL 548016 (Miss. A.G. May 22, 1990) (Emphasis added).

based restriction seen in the statute today. Under the current version of Section 77-1-11, Blanton must demonstrate that the Contributors made their respective campaign contributions at the direction of MPC, or received some benefit form MPC as a direct result of the contribution. This he has not done.

As previously noted, nothing in the present record indicates that MPC authorized or requested the Contributors to donate to Commissioner Posey's campaign. Nor is there any evidence that the Contributors were reimbursed for their donations by MPC, or that their employment on the Kemper project was directly linked to their campaign contributions. Without such authorization or direction, there is no agency relationship as a matter of law. And without some benefit linked to the contribution, there is no violation of Section 77-1-11.

In addition to the contractor-contributors identified in paragraphs 2 and 3 of his Motion, Blanton also asserts that Commissioner Posey improperly accepted a campaign contribution from a Mr. John Clay.[27] Despite acknowledging that "John Clay made a contribution ... on behalf of himself as a medical professional,"[28] Blanton suggests the donation was inappropriate because Mr. Clay's wife works for a firm that has represented

[27] Mot. to Recuse at ¶ 7.

[28] *Id.*

Mississippi Power Company.[29] This suggestion has no merit. As recently as December 30, 2014, the Office of the Attorney General noted the following:

> We find no prohibition against the spouse of an attorney who is providing or has provided legal representation to a regulated entity making a contribution of his or her own funds to a candidate for Public Service Commissioner provided such contribution is not at the behest of the attorney.[30]

Here, it is not entirely clear whether Mrs. Clay is a lobbyist or an attorney.[31] Nevertheless, Blanton admits that Mr. Clay donated to Commissioner Posey's campaign "on behalf of himself as a medical professional," and Blanton has not produced any evidence to show that the funds donated by Mr. Clay were anything but his own. Blanton likewise failed to produce any evidence demonstrating that Mr. Clay made his "contribution ... at the behest of [his] attorney [spouse]." As a result, Blanton's allegations of impropriety concerning Mr. Clay's donation must fail.

The authorities discussed above show quite plainly that in order for the prohibitions of Section 77-1-11 to apply the contributor, at the time the contribution is made, must be acting at the behest of a public utility. For all of these reasons, the Commission finds that there has been no violation of Section 77-1-11. Blanton's Motion to Recuse Commissioner Lynn Posey on such grounds is therefore denied.

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[29] *Id.* ("Movant avers that John Clay is the husband of Beth Clay of the Clay Firm of Meridian, Mississippi which includes Mississippi Power Company as one of its clients.").

[30] *In re: Campaign Contributions*, 2014 WL 76942354 (Miss. A.G. Dec. 30, 2014).

[31] Although Blanton's Motion refers to John Clay as "husband of a Mississippi Power Company lobbyist," *see* Mot. to Recuse at ¶ 7, there is also a Beth C. Clay noted as a licensed attorney on the Mississippi Bar Roll. *See* https://courts.ms.gov/barroll/barroll.html.

II. Blanton's claims do not satisfy the standard for recusal.

Having addressed and thoroughly discredited Blanton's unsupported allegations against Commissioner Posey, the Commission confronts Blanton's claim that Commissioner Posey must nevertheless recuse himself because of a purported conflict of interest.[32] The standard for recusal of a non-judicial branch adjudicator is well-established: An administrative adjudicator, such as a Commissioner, generally, may consider recusing himself if "[t]here . . . [is] a showing of either personal animosity or personal or financial interest in the outcome of the decision . . . ."[33]

In *Byrd v. Greene County Sch. Dist.*, the Greene County School Board terminated James Rodney Byrd, among others, pursuant to a reduction in force policy.[34] Prior to his due process hearing, Byrd moved to recuse the attorney who had been appointed hearing officer by the school board. *Id.* Byrd argued that the hearing officer was impartial because he served as attorney for the Hinds County School District and had been previously retained by the law firm Brunini, Grantham, Grower and Hewes to serve as a hearing officer in several other cases where that firm represented school boards.[35] The Brunini firm was representing Greene County School District.[36]

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[32] Mot. to Recuse at ¶ 9.

[33] *Byrd v. Greene County Sch. Dist.*, 633 So. 2d 1018, 1022 (Miss. 1994).

[34] *Id.* at 1021.

[35] *Id.*

[36] *Id.*

The hearing officer denied the request and proceeded to rule in favor of the school district.[37] Aggrieved, Byrd appealed to the chancery court.[38] Among other findings, "[t]he chancellor found that a reasonable person would have doubted the impartiality of the hearing officer and ruled that [the hearing officer] should have recused himself."[39] The school district appealed, arguing that the chancellor applied the wrong standard for determining whether recusal was proper.[40]

The High Court observed that "the chancellor had applied standards of judicial conduct" in ruling that the hearing officer should have recused himself.[41] In rejecting this approach, the Court emphasized that it had previously established "a presumption of honesty and integrity in those serving as adjudicators" in administrative hearings.[42] Having emphasized the presumption of honesty and integrity, the Court set out the applicable standard for determining recusal of administrative entities:

> This Court has recognized that administrative hearings "are not trials and ... are not governed by the same rules which apply in courts of law." *United Cement Company v. Safe Air for the Environment, Inc.*, 558 So.2d 840, 842 (Miss.1990). Accordingly, the same standard used to determine the impartiality of a board-conducted hearing has been applied to those hearings conducted by a hearing officer. *United Cement,* 558 So.2d at 842; *Harrison County School Board v. Morreale,* 538 So.2d 1196, 1202 (Miss.1989). "Absent some showing of personal or financial interest on the part of the hearing officer or evidence of misconduct on the officer's part," the presumption of fairness and

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[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *Id.* at 1022.

[41] *Id.* at 1022.

[42] *Id.* (citations omitted).

> honesty is not overcome. *United Cement,* 558 So.2d at 842-43. See also, *Hoffman v. Board of Trustees, East Mississippi Junior College,* 567 So.2d 838, 841 (Miss.1990).[43]

Concluding, the Court held that "[b]y applying the standard applicable to judges, the chancellor applied the wrong standard" to determine recusal for board members or hearing officers.[44]

Neither Commissioner Posey nor Commissioners Renfroe and Presley hold any personal animus toward Blanton, and none of the Commissioners have any personal or financial interest in the outcome of this docket. Blanton has not argued or presented evidence to the contrary that would overcome the presumption of honesty and integrity to which each Commissioner is entitled. Blanton claims that if a Commissioner accepts a campaign contribution from a vendor supplying a public utility then that Commissioner is conflicted from voting on matters concerning that utility. Quite literally, Blanton claims that a company who lays gravel in a public utility parking lot or provides catering services to a public utility should be prohibited from participating in the political process by contributing to the candidate of their choice. Blanton's unsupported argument is counter to the law, good policy, and common sense.

Commissioner Posey derives no financial benefit from any decision made relative to the Kemper Project. None of the contributions from vendors were made contingent upon a particular decision in this or any other docket, nor does Blanton

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[43] *Id.* at 1022-23; *see McFadden v. Mississippi State Bd. of Med. Licensure,* 735 So. 2d 145, 158 (Miss. 1999).

[44] *Byrd,* 633 So. 2d at 1023.

claim that vendors would not receive work unless they contributed to Commissioner Posey's campaign. Blanton offers absolutely no evidence of any personal or financial interest in the outcome of this docket.

Beyond the standard set out in *Byrd*, other considerations weigh against recusal. Commissioner Posey is an elected official representing the people of the Central District of Mississippi. This docket addresses benefits and risks that flow directly to the people Commissioner Posey was elected to represent, and his recusal would remove their voice from the Commission on a decision that directly impacts their lives. The Commission cannot abide such disenfranchisement.

On the other side of the equation, Blanton's claims, if followed, would make it next to impossible for candidates for Public Service Commissioner to raise the funds necessary to effectively run for election. *Hundreds* of public utilities operate in Mississippi, from electric cooperatives to water and sewer associations; by extrapolation, it is likely that *thousands* of vendors do business with public utilities over which the Commission has jurisdiction. Blanton would limit the rights of these individuals and companies to support the candidate of their choice. While that might not concern a self-funded businessman like Blanton, it has the potential to severely limit the pool of available candidates and would disenfranchise thousands from fully participating in the political process.

Additionally, because the Commission is comprised of only three members, any recusal would amount to a vote of "nay" on the issues presented. While that outcome would please Blanton, a "no" vote in this docket might not be in the public

interest. The Commission's governing statutes do not appear to provide or allow for recusals by Commissioners under the type of allegations put forth by Blanton.

In *Bruton v. Mississippi Workmen's Comp. Comm'n*, the Mississippi Supreme Court reversed and remanded a decision of the three-person Commission where one member had recused himself from the case.[45] In reaching the disposition, the Court reasoned that case law and the statute contemplated that "the Commission shall act as a body in the promulgation of rules and regulations and in the trial and determination of cases."[46] The Court noted that the relevant act "does not contemplate that a commissioner shall disqualify himself for any reason."[47]

Having observed the state of the law, the Court found, as follows:

> This being true, it necessarily follows that when one commissioner recuses himself or fails to act, it is impossible for the Commission to be the determiner of facts where only two remaining commissioners cannot agree upon the facts, and the decision and order of the attorney referee based thereon.[48]

Although the Court exhorted the Legislature to remedy the statutory shortcoming, the Court, nevertheless, remanded the matter to the Commission "for proper attention in order that a majority opinion of the full commission may be obtained . . . ."[49]

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[45] 178 So. 2d 673, 676 (Miss. 1965).

[46] *Id.* at 675.

[47] *Id.*

[48] *Id.*

[49] *Id.*

The decision in *Bruton* is reminiscent of the "rule of necessity,"[50] which, as one federal court explained, is "the well established concept that a judge is duty bound to perform his or her jurisdictional authority even in the face of a statutory disqualification if recusal would result in the lack of a forum in which the issue can be adjudicated."[51] As noted by the court in *In re Wireless*, even the presence of a quorum of the seven members would not be enough to satisfy the rule of necessity:

> The Panel recognizes that the addition of any one of the four disqualified members would be sufficient to provide a *quorum*, but would not necessarily provide the required "concurrence of four members" in order to reach a *decision*. Application of the rule of necessity therefore required that all of the members who would otherwise be disqualified by § 455 participate in the hearing and the decision.[52]

Whether considered with *Bruton* or the "rule of necessity" in mind, Commissioner Posey's recusal (or any Commissioner's recusal) in this case would thwart the statutory scheme and deny the parties and the public interest their proper forum. Further, taken to its logical end, Blanton's Motion, if granted, would severely limit a citizen's right to full participation in the political process, shrink the pool of candidates, and disenfranchise voters by virtue of depriving Commissioner participation and decision-making on any number of cases. For the reasons stated herein, Blanton's Motion to Recuse should be denied.

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[50] *See* Miss. Code of Judicial Conduct, Canon 3(E)(1), Commentary ("By decisional law, the rule of necessity may override the rule of disqualification.").

[51] *In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation*, 170 F. Supp. 2d 1356, 1358 (Jud. Pan. Mult. Lit. 2001).

[52] *Id.*

IT IS, THEREFORE, ORDERED that Blanton's Motion to Recuse Lynn Posey is hereby **DENIED.**

This order shall be deemed issued on the day it is served upon the parties herein by the Executive Secretary of this Commission who shall note the service date in the file of this Docket and shall become effective on the date of issuance.

Chairman Lynn Posey voted aye; Vice-Chairman R. Stephen Renfroe voted aye; and Commissioner Brandon Presley voted aye.

SO ORDERED by the Commission on this the 6th day of October, 2015.

MISSISSIPPI PUBLIC SERVICE COMMISSION

LYNN POSEY, CHAIRMAN

R. STEPHEN RENFROE, VICE-CHAIRMAN

BRANDON PRESLEY, COMMISSIONER

MISSISSIPPI PUBLIC SERVICE COMMISSION

ATTEST: A True Copy

KATHERINE COLLIER, ESQ.
Executive Secretary

Effective this the 6th day of October, 2015.