

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA,
and the STATE OF MISSISSIPPI,

Plaintiffs,

v.

THE CITY OF JACKSON, MISSISSIPPI,

Defendant.

Case No. 3:12-cv-790-HTW-LGI
(Clean Water Act Case)

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE CITY OF JACKSON, MISSISSIPPI,

Defendant.

Case No. 3:22-cv-00686-HTW-LGI
(Safe Drinking Water Act Case)

ORDER

THIS MATTER is before the Court on the motion of the Interim Third-Party Manager (“ITPM”), [Dkt. No. 98] for an order requiring the Court to hold that the ITPM’s Supplemental Nutrition Assistance (SNAP) rate schedule is the equivalent of a federal assistance program. That designation allows the State and/or federal agencies implementing the SNAP program (7 U.S.C. § 2011 et seq.) to provide the ITPM with the relevant list of SNAP recipients in the areas served by JXN Water, in the implementing agencies’ normal course.

The SNAP implementing agencies are directed to provide the ITPM with the SNAP list at their earliest convenience but no later than April 30, 2024. The list shall be in CSV (comma-separated values) format, containing the name and address of recipients of the SNAP program, residing in the following zip codes:

- Jackson, MS – 39056, 39174, 39201, 39202, 39203, 39204, 39205, 39206, 39207, 39209, 39210, 39211, 39212, 39213, 39215, 39216, 39217, 39225, 39235, 39236, 39250, 39269, 39271, 39282, 39284, 39286, 39289, 39296, and 39298.
- Byron, MS – 39170, 39212 and 39272.

The SNAP implementing agencies shall also provide the ITPM with any updates to the list that may be available on the first business day of each subsequent calendar quarter beginning on July 1, 2024. Such updates shall continue until the earlier of (1) the stipulated orders are no longer in effect, (2) the ITPM is no longer an officer of this Court, or (3) upon further order of the Court.

The ITPM, an officer of this court, requires this information for the sole and limited purpose of cross-referencing SNAP recipients against JXN Water’s customer rolls. The United States invoked the jurisdiction of this Court to resolve ongoing and continuing violations of federal law within the City of Jackson’s water and sewer systems that resulted in circumstances constituting a federal disaster declaration due to the substantial danger to public health. To resolve this emergency and with the agreement of the United States and the State of Mississippi, this Court appointed the ITPM as an officer of the Court to stabilize and manage the City of Jackson’s water and sewer systems. The order appointing the ITPM authorized and detailed a specific process for the ITPM to establish appropriate water and sewer rates that are necessary to resolve the public health emergencies.

The ITPM adopted water and sewer rates, according to the process specified in the order, that are necessary to stabilize and rehabilitate the City's water and sewer systems. The new rates incorporated an automatic, 75 percent discounted rate for low-income residents receiving SNAP benefits to ensure all of the City's residents have access to affordable and safe drinking water and sewer services, as is necessary to resolve the public health emergency. The United States and the State of Mississippi did not object to the ITPM's adopted rates.

The ITPM specifically included a SNAP designation in the rates due to the relatively high enrollment of eligible participants (71 percent in Mississippi) as compared to other federal assistance programs – several of which struggle to achieve 30 percent enrollment. This list is therefore essential for the ITPM to expeditiously implement the ITPM's most recent water and sewer rates in the City of Jackson. Such rates are the functional and legal equivalent of a federal assistance program. With this information, the ITPM can efficiently identify and automatically provide appropriate water and sewer rates to citizens of limited means, furthering the purposes of the SNAP federal assistance program. *See* 7 U.S.C. § 2020(e)(8)(a)(i). The prompt implementation of the most recent rate schedule is critical to ensuring that residents pay equitably for public drinking water and sewer services. Being able to efficiently ensure SNAP-recipient ratepayers are properly classified under the new water/sewer rate schedule will help to minimize any service disconnections due to nonpayment of higher bills and help ensure the long-term financial viability of the Jackson water/sewer utility with the full participation of SNAP-recipient ratepayers.

Ensuring access to safe drinking water and proper sewer services for all of Jackson's residents and establishing an equitable rate structure is a fundamental responsibility of the ITPM to operate, manage and control the City of Jackson's public drinking water and sewer systems,

pursuant to the Interim Stipulated Order [Doc. No. 6] and the Stipulated Order on Sewer System [Doc. No. 72].

For good cause shown, the Court finds that, for the purpose of this Order and to implement the Stipulated Orders in this matter, the ITPM's adopted rates are a "federal assistance program" and the motion should be GRANTED on that ground.

IT IS, THEREFORE, ORDERED that the relevant federal and/or State agencies implementing the SNAP program shall provide the ITPM a list in CSV (comma-separated values) format, containing the name and address of recipients of SNAP benefits residing in the above-listed zip codes as expeditiously as possible but no later than April 30, 2024. The SNAP implementing agencies shall further provide any updated list to the ITPM on the first business day of each calendar quarter thereafter beginning on July 1, 2024. Such updates shall continue until the earlier of the following occurs: (A) the stipulated orders are no longer in effect, (B) the ITPM is no longer an officer of this Court, or (C) upon further order of by the Court. The ITPM shall not disclose the list to any entity other than to ITPM contractors or agents as is necessary to implement the billing function contemplated by this order and then only pursuant to an appropriate confidentiality agreement (which shall be provided to the United States in advance for their concurrence). The ITPM shall only use the information for the limited purpose of cross-referencing its accounts with the SNAP list to implement the ITPM's most recent rate schedule for SNAP-recipient customers. This list shall not be made public, nor released to any entity other than the ITPM, and is not subject to State or federal freedom of information or public records acts.

SO ORDERED this the 16th day of April, 2024.

/s/HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE