

**SUBSTITUTE FOR
HOUSE BILL NO. 4390**

A bill to amend 1939 PA 3, entitled

"An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,"

(MCL 460.1 to 460.11) by adding section 6t.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 6T. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),
2 AN ELECTRIC PROVIDER SHALL NOT USE AN ELECTRIC SERVICE LIMITER IN
3 THIS STATE. THIS SUBSECTION DOES NOT APPLY TO ADVANCED METERS
4 EXCEPT TO THE EXTENT AN ADVANCED METER IS USED TO PERFORM THE
5 FUNCTION OF AN ELECTRIC SERVICE LIMITER.

6 (2) NO LATER THAN OCTOBER 1, 2009, THE COMMISSION SHALL ISSUE
7 A TEMPORARY ORDER THAT ESTABLISHES UNIFORM STANDARDS FOR THE USE OF
8 ELECTRIC SERVICE LIMITERS AND ADVANCED METERS TO THE EXTENT THEY
9 ARE USED TO PERFORM THE FUNCTION OF AN ELECTRIC SERVICE LIMITER BY
10 ELECTRIC PROVIDERS IN THIS STATE. SUBSECTION (1) DOES NOT APPLY ON
11 OR AFTER THE EFFECTIVE DATE OF THE TEMPORARY ORDER.

12 (3) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
13 ACT THAT ADDED THIS SECTION, THE COMMISSION SHALL PROMULGATE RULES
14 ESTABLISHING UNIFORM STANDARDS FOR THE USE OF ELECTRIC SERVICE
15 LIMITERS AND ADVANCED METERS TO THE EXTENT THEY ARE USED TO PERFORM
16 THE FUNCTION OF AN ELECTRIC SERVICE LIMITER BY ELECTRIC PROVIDERS
17 IN THIS STATE PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
18 1969, 1969 PA 306, MCL 24.201 TO 24.328. UPON PROMULGATION OF THE
19 RULES, THE ORDER UNDER SUBSECTION (2) IS RESCINDED.

20 (4) AN ELECTRIC PROVIDER SHALL NOT USE AN ELECTRIC SERVICE
21 LIMITER AT A KNOWN SENIOR CITIZEN CUSTOMER'S HOUSEHOLD OR A
22 HOUSEHOLD IN WHICH A KNOWN MEDICAL EMERGENCY EXISTS IN THIS STATE.

23 (5) AS USED IN THIS SECTION:

24 (A) "ADVANCED METER" MEANS AN ELECTRIC METER WHICH MEETS 1 OR
25 MORE OF THE FOLLOWING CRITERIA:

26 (i) MEASURES AND RECORDS USAGE DATA IN TIME DIFFERENTIATED

1 REGISTERS, INCLUDING HOURLY OR OTHER INTERVALS.

2 (ii) ALLOWS ELECTRIC CONSUMERS AND ELECTRIC SERVICE PROVIDERS
3 TO PARTICIPATE IN PRICE-BASED DEMAND RESPONSE PROGRAMS, INCLUDING
4 REMOTE SERVICE SWITCH CAPABILITY ACTIVATED BY INTERVENING DIRECTION
5 FROM THE ELECTRIC PROVIDER.

6 (iii) PROVIDES OTHER DATA AND FUNCTIONALITY THAT ADDRESS POWER
7 QUALITY AND OTHER ELECTRICITY SERVICE ISSUES.

8 (B) "ELECTRIC PROVIDER" MEANS AN ELECTRIC UTILITY, MUNICIPALLY
9 OWNED ELECTRIC UTILITY, COOPERATIVE ELECTRIC UTILITY, OR
10 ALTERNATIVE ELECTRIC SUPPLIER.

11 (C) "ELECTRIC SERVICE LIMITER" MEANS AN ELECTRIC METER OR
12 DEVICE USED IN CONJUNCTION WITH AN ELECTRIC METER THAT
13 AUTOMATICALLY INTERRUPTS ALL ELECTRIC SERVICE TO A CUSTOMER WITHOUT
14 INTERVENING DIRECTION FROM THE ELECTRIC PROVIDER WHEN A UTILITY
15 IMPOSED PEAK USAGE LIMIT IS EXCEEDED.

16 (D) "MEDICAL EMERGENCY" MEANS AN EXISTING MEDICAL CONDITION OF
17 THE CUSTOMER OR A MEMBER OF THE CUSTOMER'S HOUSEHOLD, AS DEFINED
18 AND CERTIFIED BY A PHYSICIAN OR PUBLIC HEALTH OFFICIAL ON OFFICIAL
19 STATIONERY OR COMPANY-PROVIDED FORM, THAT WILL BE AGGRAVATED BY THE
20 LACK OF UTILITY SERVICE.

21 (E) "SENIOR CITIZEN CUSTOMER" MEANS AN ELECTRIC PROVIDER
22 CUSTOMER WHO IS 65 YEARS OF AGE OR OLDER.