

SENATE BILL No. 330

March 4, 2009, Introduced by Senators CLARK-COLEMAN, BARCIA, OLSHOVE, SCOTT, HUNTER, GLEASON, ANDERSON, JACOBS, BRATER, CHERRY, PAPPAGEORGE, BIRKHOZ, KAHN, HARDIMAN, CLARKE and JANSEN and referred to the Committee on Energy Policy and Public Utilities.

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 460.10cc) by adding section 9d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9D. (1) IF A CUSTOMER HAS FAILED TO FULFILL AN OBLIGATION
2 TO A PROVIDER, THE PROVIDER MAY SHUT OFF SERVICE TO THE CUSTOMER
3 ON, OR AT A REASONABLE TIME FOLLOWING, THE DATE SPECIFIED IN A
4 NOTICE DELIVERED TO THE CUSTOMER BY PERSONAL SERVICE OR FIRST-CLASS
5 MAIL.

6 (2) IF THE PROVIDER DOES NOT SHUT OFF SERVICE AS ALLOWED UNDER
7 SUBSECTION (1), THE PROVIDER SHALL NOT SHUT OFF SERVICE UNTIL IT
8 HAS PROVIDED A SUBSEQUENT NOTICE TO THE CUSTOMER PROVIDING A NEW
9 DATE FOR SHUTOFF.

10 (3) THE NOTICE REQUIRED UNDER SUBSECTION (1) OR (2) SHALL BE
11 DELIVERED TO THE CUSTOMER NOT LESS THAN 30 DAYS BEFORE THE
12 SPECIFIED DATE FOR SHUTOFF.

13 (4) SHUTOFF OF SERVICE UNDER THIS SECTION SHALL OCCUR ONLY
14 BETWEEN THE HOURS OF 8 A.M. AND 4 P.M. AND SHALL NOT OCCUR ON A
15 DAY, OR A DAY IMMEDIATELY PRECEDING A DAY, WHEN THE PROVIDER IS
16 UNABLE TO RESTORE SERVICE TO THE CUSTOMER.

17 (5) IF THE OBLIGATION OF THE CUSTOMER IS IN DISPUTE, THE
18 PROVIDER SHALL NOT SHUT OFF SERVICE UNTIL THE DISPUTE IS RESOLVED.

19 (6) IN NO EVENT SHALL THE PROVIDER SHUT OFF SERVICE DURING THE
20 TIME PERIOD OF DECEMBER 1 TO MARCH 31.

21 (7) AS USED IN THIS SECTION, "PROVIDER" MEANS AN ELECTRIC
22 UTILITY, MUNICIPALLY OWNED NATURAL GAS OR ELECTRIC UTILITY,
23 COOPERATIVE ELECTRIC UTILITY, ALTERNATIVE ELECTRIC SUPPLIER, OR
24 NATURAL GAS UTILITY.