

SENATE BILL No. 1124

September 26, 2018, Introduced by Senator COLBECK and referred to the Committee on Energy and Technology.

A bill to amend 1919 PA 419, entitled

"An act to provide for the regulation and control of certain public utilities operated within this state; to create a public utilities commission and to define the powers and duties thereof; to abolish the Michigan railroad commission and to confer the powers and duties thereof on the commission hereby created; to provide for the transfer and completion of matters and proceedings now pending before said railroad commission; and to prescribe penalties for violations of the provisions hereof,"

by amending sections 5 and 11a (MCL 460.55 and 460.61a).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) In addition to the reports now required to be made
2 by any public utility under the laws of ~~the~~ **THIS** state relating to
3 the Michigan railroad commission, ~~it shall be competent for the~~
4 public utilities commission to **SERVICE COMMISSION MAY** require the
5 making of such additional and further reports and ~~the supplying of~~
6 such data as ~~is~~ **THAT ARE** reasonably necessary for the proper
7 performance of the powers and duties ~~hereby contemplated.~~ **SET FORTH**

1 **IN THIS ACT.** Any report required to be made by a utility operated
 2 and controlled by a corporation, joint stock company, or
 3 association ~~shall~~**MUST** be verified by the affidavit of the
 4 president and secretary thereof. ~~In all other cases such~~
 5 ~~verification shall~~**OF THAT CORPORATION, JOINT STOCK COMPANY, OR**
 6 **ASSOCIATION. ANY REPORT REQUIRED TO BE MADE BY A UTILITY OPERATED**
 7 **AND CONTROLLED BY A CORPORATION, JOINT STOCK COMPANY, OR**
 8 **ASSOCIATION MUST** be ~~made~~**VERIFIED** by **THE AFFIDAVIT OF** the owner, or
 9 1 of them, or by the general manager **OF THE UTILITY.** ~~Said~~**THE**
 10 **PUBLIC SERVICE** commission ~~shall have~~**HAS THE** power and authority to
 11 make, adopt, and enforce rules and regulations for the conduct of
 12 its business and the proper discharge of its functions ~~hereunder,~~
 13 **UNDER THIS ACT,** and all persons dealing with the commission or
 14 interested in any matter or proceedings pending before ~~it shall be~~
 15 **THE COMMISSION ARE** bound by ~~such~~**THOSE** rules and regulations. The
 16 commission ~~shall also have~~**HAS THE** authority to make and prescribe
 17 regulations for the conducting of the business of public utilities,
 18 subject to the jurisdiction ~~thereof,~~**OF THE COMMISSION,** and ~~it~~
 19 ~~shall be the duty of~~ every corporation, joint stock company,
 20 association, or individual owning, managing, or operating any ~~such~~
 21 **PUBLIC** utility ~~to~~**SUBJECT TO THE JURISDICTION OF THE COMMISSION**
 22 **SHALL** obey ~~such~~**THOSE** rules and regulations.

23 (2) Any ~~such~~ corporation, joint stock company, association, or
 24 individual refusing or neglecting ~~to do,~~**OBEY THOSE RULES AND**
 25 **REGULATIONS** or refusing or neglecting to make any report required
 26 ~~hereunder, shall be~~**UNDER THIS ACT IS** liable ~~to a penalty~~**FOR A**
 27 **FINE** of not less than ~~100 dollars nor~~**\$100.00 OR** more than ~~1,000~~

1 ~~dollars, and the \$10,000.00.~~ IF A FINE IS IMPOSED ON A PUBLIC
2 UTILITY UNDER THIS SUBSECTION, THE COMMISSION SHALL REFER THE
3 MATTER TO THE ATTORNEY GENERAL FOR ENFORCEMENT OF A CRIMINAL
4 PENALTY UNDER SUBSECTION (3).

5 (3) THE officer or individual ~~in default shall also be deemed~~
6 ~~to be~~ OWNING, MANAGING, OR OPERATING ANY PUBLIC UTILITY REFUSING OR
7 NEGLECTING TO OBEY THOSE RULES AND REGULATIONS OR REFUSING OR
8 NEGLECTING TO MAKE ANY REPORT REQUIRED UNDER THIS ACT IS guilty of
9 a misdemeanor ~~and upon conviction thereof shall be subject to~~
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, a fine of
11 not less than ~~10 dollars nor \$100.00~~ OR more than ~~1,000 dollars, or~~
12 ~~to imprisonment in the county jail not more than 6 months,~~
13 \$10,000.00, or both. ~~such fine and imprisonment in the discretion~~
14 ~~of the court.~~

15 (4) IF THE COMMISSION HAS THE AUTHORITY TO WAIVE UTILITY
16 REPORTING REQUIREMENTS, ANY REPORTS AUTHORIZED UNDER THIS ACT MUST
17 NOT BE WAIVED BY THE COMMISSION FOR MORE THAN A PERIOD OF 24 MONTHS
18 IN A ROW FOR ANY GIVEN UTILITY. AFTER THAT 24-MONTH PERIOD, THE
19 COMMISSION MAY WAIVE THE SAME REPORTING REQUIREMENTS FOR THAT
20 UTILITY AGAIN ONLY IF BOTH OF THE FOLLOWING HAVE OCCURRED:

21 (A) AT LEAST 13 MONTHS HAVE PASSED SINCE THE LAST REPORTING
22 WAIVER EXPIRED.

23 (B) THE UTILITY HAS FULLY COMPLIED WITH PROVIDING ALL
24 NECESSARY REPORTS DURING THE PERIOD OF TIME AFTER THE LAST
25 REPORTING WAIVER ENDED.

26 (5) THE COMMISSION SHALL CREATE A REPORT THAT DETAILS AND
27 LISTS ALL RULES THE COMMISSION HAS REQUIRED OF UTILITIES AND

1 SUBSEQUENTLY WAIVED, MINIMALLY BROKEN DOWN BY UTILITY, RULE, WAIVER
2 START DATE, AND WAIVER END DATE. RULES BEING CONSIDERED BY THE
3 COMMISSION FOR WAIVER MUST BE INCLUDED IN A SEPARATE SECTION OF THE
4 REPORT ANY TIME A RATE CASE HEARING OR OTHER PROCESS COMMENCES THAT
5 IS AUTHORIZED AND DESIGNED TO WAIVE A REPORTING REQUIREMENT OR
6 OTHER RULE. THE COMMISSION SHALL SEND A COPY OF AN UPDATED VERSION
7 OF THE REPORT TO THE SENATE MAJORITY LEADER, THE SPEAKER OF THE
8 HOUSE OF REPRESENTATIVES, THE CHAIRPERSON OF THE HOUSE ENERGY
9 POLICY COMMITTEE, AND THE CHAIRPERSON OF THE SENATE ENERGY AND
10 TECHNOLOGY COMMITTEE IF THE COMMISSION EITHER STARTS A RATE CASE
11 HEARING OR OTHER PROCESS TO WAIVE A REPORT OR RULE, OR IF A REPORT
12 OR RULE IS OFFICIALLY WAIVED. THE COMMISSION SHALL POST, MAINTAIN,
13 AND UPDATE THE REPORT ON A WEBPAGE MADE AVAILABLE TO THE GENERAL
14 PUBLIC.

15 Sec. 11a. (1) Notwithstanding this or any other act to the
16 contrary, all ~~funds~~ MONEY paid into the state treasury under this
17 act, ~~shall~~ EXCEPT FINES FOR A VIOLATION OF SECTION 5(2), MUST be
18 credited to a special account to be utilized solely to finance the
19 cost of regulating public utilities.

20 (2) MONEY PAID INTO THE STATE TREASURY FROM FINES FOR A
21 VIOLATION OF SECTION 5(2) MUST BE CREDITED AS FOLLOWS:

22 (A) FIFTY PERCENT TO THE UTILITY CONSUMER REPRESENTATION FUND
23 CREATED IN SECTION 6M OF 1939 PA 3, MCL 460.6M.

24 (B) FIFTY PERCENT TO A SPECIAL ACCOUNT TO BE UTILIZED SOLELY
25 TO FINANCE THE COST OF REGULATING PUBLIC UTILITIES.