



# HOUSE BILL No. 5611

June 2, 1994, Introduced by Reps Gustafson, Stallworth, Palamara, Galloway, Bullard, LeTarte, Dobronski Porreca Profit and DeMars and referred to the Committee on Public Utilities

A bill to amend sections 4 and 7 of Act No 106 of the Public Acts of 1909, entitled as amended

An act to regulate the transmission of electricity through the public highways, streets and places of this state, where the source of supply and place of use are in the same or different counties to regulate the charges to be made for electricity so transmitted to regulate the rules and conditions of service under which said electricity shall be furnished and to confer upon the Michigan public utilities commission certain powers and duties in regard thereto,

section 7 as amended by Act No 8 of the Public Acts of 1987 being sections 460 554 and 460 557 of the Michigan Compiled laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 4 and 7 of Act No 106 of the Public  
2 Acts of 1909, section 7 as amended by Act No 8 of the Public  
3 Acts of 1987, being sections 460 554 and 460 557 of the Michigan  
4 Compiled Laws, are amended to read as follows

1       Sec 4   (1) ~~Every person, firm or corporation~~ WHEN  
2 REQUIRED BY THE COMMISSION, AN ELECTRIC UTILITY erecting ~~any~~  
3 lines ~~for the transmission of~~ TO TRANSMIT electricity in or  
4 through the highways, streets, or public places of 1 or more  
5 counties of this state shall ~~, from time to time, as and when~~  
6 ~~required to do so by the commission,~~ prepare and file with the  
7 commission ~~such~~ data and information ~~as shall be required rel-~~  
8 ~~ative to~~ CONCERNING the method and manner of the construction of  
9 ~~such~~ THOSE lines, the franchise or consent under which ~~said~~  
10 THOSE lines were constructed or are being maintained, and ~~such~~  
11 other information ~~as~~ the commission ~~may~~ reasonably ~~require~~  
12 REQUIRES   The commission may require the filing ~~with it~~ of  
13 detailed specifications covering the type of construction of  
14 ~~such~~ TRANSMISSION lines   ~~Such~~ THE specifications shall show  
15 the details of construction of lines of various voltages ~~— and~~  
16 ~~after such specifications have been approved by~~ IF the commis-  
17 sion APPROVES THE SPECIFICATIONS, all lines built by ~~such~~  
18 ~~person, firm or corporation must~~ THE ELECTRIC UTILITY SHALL be  
19 constructed according ~~thereto~~ TO THE SPECIFICATIONS   ~~The~~  
20 ~~height of such~~ TRANSMISSION lines at all highway crossings shall  
21 be not less than 22 feet ~~—~~ HIGH and at railroad crossings shall  
22 be in accordance with the ~~regulations of the commission~~  
23 COMMISSION'S RULES made under authority of law   The commission  
24 ~~shall have the right to~~ MAY require all poles used in ~~the~~  
25 ~~transmission of~~ TRANSMITTING electricity ~~as aforesaid,~~ to be  
26 stenciled or otherwise marked with the OWNER S name ~~of the~~  
27 ~~owner thereof~~

1 (2) THIS ACT IS SUBJECT TO THE HIGH-VOLTAGE TRANSMISSION  
2 CERTIFICATION ACT

3 Sec 7 (1) The commission shall investigate ~~any~~ EACH  
4 complaint AGAINST AN ELECTRIC UTILITY submitted in writing by a  
5 consumer or a city, village, or township ~~relative to~~ CONCERNING  
6 the price of the electricity sold and delivered, ~~or with refer~~  
7 ~~ence to~~ the service rendered, or any other matter of complaint  
8 The commission's agents, examiners, inspectors, engineers and  
9 accountants may inspect the system and method used in transmit-  
10 ting and supplying electricity and examine the ELECTRIC UTILITY'S  
11 books and papers ~~of the person, firm, or corporation~~ pertaining  
12 to ~~the transmittal and supply of~~ TRANSMITTING AND SUPPLYING  
13 electricity, services rendered or any other matter of  
14 complaint

15 (2) The commission shall cause a notice of the complaint  
16 with a copy of the complaint to be served on the ~~person, firm,~~  
17 ~~or corporation~~ ELECTRIC UTILITY complained of or affected by the  
18 complaint The ~~person, firm, or corporation may be heard~~  
19 ELECTRIC UTILITY HAS THE RIGHT TO A HEARING in respect to the  
20 ~~matter complained of at a convenient time and place to be fixed~~  
21 ~~in the notice~~ COMPLAINT After investigation and hearing the  
22 commission ~~within lawful limits, and by order~~ may BY ORDER fix  
23 the price of electricity to be charged by the ~~person, firm, or~~  
24 ~~corporation~~ ELECTRIC UTILITY WITHIN LAWFUL LIMITS The ~~person,~~  
25 ~~firm, or corporation~~ ELECTRIC UTILITY shall receive notice of  
26 the price fixed by the commission and shall charge that fixed  
27 price until the commission changes the fixed price The

1 commission ~~also by order~~ may establish BY ORDER rules and  
2 conditions of service that are just and reasonable In determin-  
3 ing the price, the commission shall consider and give due weight  
4 to all lawful elements ~~properly to be considered to enable the~~  
5 ~~commission~~ NECESSARY to determine the price to be fixed for sup-  
6 plying electricity, including cost, reasonable return on the fair  
7 value of all property used in the service depreciation, obsoles-  
8 cence, risks of business, value of service to the consumer, the  
9 connected load, the hours of the day when used, and the quantity  
10 used each month However, the commission shall not change or  
11 alter the price fixed in or regulated by or under a franchise  
12 granted by a city, village, or township

13 (3) If identical or substantially identical rates are estab-  
14 lished in 2 or more contiguous cities, villages, townships, or  
15 communities served or whose inhabitants are served by the same  
16 ~~person, firm, or corporation~~ ELECTRIC UTILITY, the territory  
17 served shall be treated as a unit for ~~the purpose of~~ fixing  
18 rates A rate shall not be changed with respect to 1 or more of  
19 the cities, villages, townships, or communities so as to estab-  
20 lish a RATE difference ~~of rate~~ within the territory served,  
21 unless it is shown that the continuance of the identical or sub-  
22 stantially identical rate or rates will work substantial hardship  
23 to a city, village, township, person, firm, or corporation  
24 affected ~~—~~ or unless otherwise provided by law

25 (4) The rates of an electric utility shall be just and rea-  
26 sonable and a consumer shall not be charged more or less than  
27 other consumers are charged for like contemporaneous service

1 rendered under similar circumstances and conditions ~~If an~~ AN  
 2 electric utility doing business within this state SHALL NOT,  
 3 directly or indirectly by a special rate, rebate, draw-back, or  
 4 other device, charges, demands, collects, or receives from a  
 5 person, partnership, or corporation, a greater or lesser compen-  
 6 sation for a service rendered than the electric utility charges,  
 7 demands, collects, or receives from any other person, partner-  
 8 ship or corporation for rendering a like contemporaneous  
 9 service ~~, the electric utility is guilty of unjust discrimina-~~  
 10 ~~tion which is hereby prohibited and declared to be unlawful~~ In  
 11 addition, ~~a~~ A person, partnership, or corporation shall not,  
 12 directly or indirectly, ask, demand, or accept a rebate,  
 13 draw-back, or other device by which the person, partnership or  
 14 corporation shall obtain electric service for a rate less than  
 15 that charged others in like circumstances

16 (5) RATE-MAKING PURSUANT TO THIS ACT IS SUBJECT TO THE  
 17 HIGH-VOLTAGE TRANSMISSION CERTIFICATION ACT

18 (6) ~~(5)~~ The commission may promulgate rules for the con-  
 19 duct of its business and the proper discharge of its functions  
 20 under this act, pursuant to the administrative procedures act OF  
 21 1969, Act No 306 of the Public Acts of 1969, being sections  
 22 24 201 to 24 328 of the Michigan Compiled Laws ~~—and a~~ A  
 23 person dealing with the commission or interested in a matter or  
 24 proceeding pending before the commission ~~shall be~~ IS bound by  
 25 those rules

26 (7) ~~(6)~~ Any AN order or decree of the commission ~~shall~~  
 27 ~~be~~ IS subject to review ~~in the manner~~ AS provided ~~for~~ in

1 section 26 of Act No 300 of the Public Acts of 1909, being

2 section 462 26 of the Michigan Compiled Laws

3 Section 2 This amendatory act shall not take effect unless

4 Senate Bill No \_\_\_\_\_ or House Bill No 5606 (request

5 no 06636'94) of the 87th Legislature is enacted into law