



SENATE BILL No. 647

May 18, 1993, Introduced by Senators MC MANUS, KOIVISTO, GAST, EMMONS, HART, SCHWARZ, CISKY and CARL and referred to the Committee on Transportation and Tourism.

A bill to amend sections 4 and 6 of Act No. 3 of the Public Acts of 1939, entitled as amended

"An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; 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 therein 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 rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act,"

section 4 as amended by Act No. 4 of the Public Acts of 1987 and section 6 as amended by Act No. 37 of the Public Acts of 1992, being sections 460.4 and 460.6 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4 and 6 of Act No. 3 of the Public Acts
2 of 1939, section 4 as amended by Act No. 4 of the Public Acts of
3 1987 and section 6 as amended by Act No. 37 of the Public Acts of
4 1992, being sections 460.4 and 460.6 of the Michigan Compiled
5 Laws, are amended to read as follows:

6 Sec. 4. ~~The Michigan public utilities commission is~~
7 ~~abolished. All the rights, powers, and duties vested by law in~~
8 ~~the Michigan public utilities commission shall be transferred to~~
9 ~~and vested in the Michigan public service commission created in~~
10 ~~section 1, and shall be exercised and performed by it. The~~
11 Michigan public service commission shall have and exercise all
12 rights, privileges, and the jurisdiction in all respects as has
13 been conferred by law and exercised by the Michigan public utili-
14 ties commission. Where reference is or has been made in any law
15 to the "commission", ~~or to~~ the "Michigan public utilities
16 commission", ~~or~~ the "Michigan railroad commission", that refer-
17 ence shall be construed to mean the Michigan public service com-
18 mission EXCEPT THAT WITH RESPECT TO RAILROAD, BRIDGE, AND TUNNEL
19 COMPANIES, THAT REFERENCE SHALL BE CONSTRUED TO MEAN THE STATE
20 TRANSPORTATION DEPARTMENT. Any order or decree of the ~~Michigan~~
21 ~~public service commission~~ STATE TRANSPORTATION DEPARTMENT WITH
22 RESPECT TO RAILROAD, BRIDGE, AND TUNNEL COMPANIES shall be
23 subject to review in the manner provided for in THE RAILROAD CODE
24 OF 1993. ~~section 26 of Act No. 300 of the Public Acts of 1909,~~
25 ~~being section 462.26 of the Michigan Compiled Laws. Appeals from~~
26 ~~orders of the Michigan public utilities commission initiated~~
27 ~~under the provisions of any other act and now pending in any~~

~~1 court shall not be dismissed, terminated, or abated, but shall be
2 continued, carried on, and completed exactly as though this sec-
3 tion had been in effect at the time the appeals were taken and
4 the appeals had been initiated pursuant to this section. The
5 Michigan public service commission shall be substituted as
6 defendant in those causes.~~

7 Sec. 6. ~~(1)~~ The public service commission is vested with
8 complete power and jurisdiction to regulate all public utilities
9 in the state except a municipally owned utility, the owner of a
10 renewable resource power production facility as provided in sec-
11 tion 6d, and except as otherwise restricted by law. The public
12 service commission is vested with the power and jurisdiction to
13 regulate all rates, fares, fees, charges, services, rules, condi-
14 tions of service, and all other matters pertaining to the forma-
15 tion, operation, or direction of public utilities. The public
16 service commission is further granted the power and jurisdiction
17 to hear and pass upon all matters pertaining to, necessary, or
18 incident to the regulation of public utilities, including elec-
19 tric light and power companies, whether private, corporate, or
20 cooperative; water, telegraph, oil, gas, and pipeline companies;
21 motor carriers; and all public transportation and communication
22 agencies other than railroads and railroad companies.

23 ~~(2) The commission has the same measure of authority with
24 respect to railroads and railroad companies as is granted and
25 conferred under the law creating the Michigan railroad commission
26 and its successor, the Michigan public utilities commission, and
27 defining their powers and duties.~~