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AMEND COMMON CARRIER ACT

House Bill 5871

Sponsor: Rep. Barbara Dobb

Committee: Public Utilities

Complete to 5-14-96

A SUMMARY OF HOUSE BILL 5871 AS INTRODUCED 5-9-96

The bill would amend the common carrier act to clarify the situations where a party in interest could make an appeal to the court of appeals and when a hearing could be held before the circuit court. The bill would also delete some obsolete language regarding preliminary injunctions.

The bill would provide that a party in interest could file an appeal as of right in the court of appeals on any final order of the Public Service Commission, or any interim or interlocutory order of the commission that set any rates, fares, charges, classifications, joint rates, or any order fixing any regulations, practices, or services. In order to appeal any other interim or interlocutory orders, the party would have to file an application for leave to appeal with the circuit court.

Under the bill, an injunction, stay, or temporary restraining order could only be issued on application to the court of appeals following notice to the commission and a hearing. The court of appeals would be able to transfer the application to the circuit court in Ingham county for a fact-finding hearing. After the hearing the application would be required to be returned to the court of appeals for a determination.

Currently, a party may seek permission from the commission to present additional evidence within 28 days after the filing of an appeal. The bill would specify that the appeal would have to have been from a final order and that the commission could only hear the additional evidence if it were not only different from or in addition to the original evidence but was also not merely cumulative, and the party had good cause for having failed to present it at the original hearing. The bill would also specify that the commission could, after hearing the new evidence, modify any portion of its order.

Finally, the bill would remove the water company act from the list of appeals processes that are specifically exempted from the provisions of the act.

MCL 462.26

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.