



# HOUSE BILL No. 5031

September 12, 1995, Introduced by Rep. Ciaramitaro and referred to the Committee on Public Utilities.

A bill to amend section 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,"

as amended by Act No. 355 of the Public Acts of 1993, being section 460.6 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 3 of the Public Acts of

2 1939, as amended by Act No. 355 of the Public Acts of 1993, being

1 section 460.6 of the Michigan Compiled Laws, is amended to read  
2 as follows:

3       Sec. 6. (1) The public service commission is vested with  
4 complete power and jurisdiction to regulate all public utilities  
5 in the state, except, SUBJECT TO SUBSECTION (2), a municipally  
6 owned utility, EXCEPT the owner of a renewable resource power  
7 production facility as provided in section 6d, and except as oth-  
8 erwise restricted by law. The public service commission is  
9 vested with the power and jurisdiction to regulate all rates,  
10 fares, fees, charges, services, rules, conditions of service, and  
11 all other matters pertaining to the formation, operation, or  
12 direction of public utilities. The public service commission is  
13 further granted the power and jurisdiction to hear and pass upon  
14 all matters pertaining to, necessary, or incident to the regula-  
15 tion of public utilities, including electric light and power com-  
16 panies, whether private, corporate, or cooperative; water, tele-  
17 graph, oil, gas, and pipeline companies; motor carriers; and all  
18 public transportation and communication agencies other than rail-  
19 roads and railroad companies.

20       (2) A CITY, VILLAGE, TOWNSHIP, COUNTY, OR OTHER GOVERNMENTAL  
21 ENTITY THAT OWNS, OPERATES, MANAGES, OR CONTROLS ANY EQUIPMENT OR  
22 FACILITIES FOR THE PRODUCTION, TRANSMISSION, DELIVERY, OR FUR-  
23 NISHING OF WATER FOR COMPENSATION IS SUBJECT TO THE JURISDICTION  
24 OF THE COMMISSION, BUT ONLY WITH RESPECT TO THE DISCONTINUANCE OF  
25 RETAIL WATER SERVICE FOR NONPAYMENT OF A BILL. 1979 AC  
26 R 460.13404(1)(A) TO (E) AND (G), R 460.13404(2)(B)(4),  
27 R 460.13405(1) TO (3) AND (5), R 460.13407(3) AND R 460.13408(3),

1 (4), AND (6) SHALL APPLY TO DISCONTINUANCE OF RETAIL WATER  
2 SERVICE BY GOVERNMENTAL ENTITIES SUBJECT TO THE JURISDICTION OF  
3 THE COMMISSION UNDER THIS SECTION UNLESS, UNDER THE ADMINISTRA-  
4 TIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF  
5 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED  
6 LAWS, THE COMMISSION PROMULGATES DIFFERENT RULES APPLICABLE TO  
7 SUCH GOVERNMENTAL ENTITIES AND PROVIDING FOR REASONABLE ADVANCE  
8 NOTICE OF DISCONTINUANCE OF SERVICE FOR NONPAYMENT OF A BILL.