



HOUSE BILL No. 5207

December 9, 1999, Introduced by Reps. Garcia, Bisbee, Middaugh, Bradstreet, Birkholz, Howell, Kuipers, Stallworth, Toy, Ruth Johnson, Thomas, Mortimer and Richardville and referred to the Committee on Energy and Technology.

A bill to amend 1939 PA 3, entitled

"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,"

(MCL 460.1 to 460.8) by adding section 9k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 9K. (1) UPON THE FILING OF A COMPLAINT BY ANY PERSON
- 2 OR UPON ITS OWN MOTION, IF AFTER NOTICE AND HEARING, THE
- 3 COMMISSION FINDS A PERSON HAS VIOLATED ANY PROVISIONS OF SECTIONS
- 4 9A THROUGH 9J, AN ORDER ISSUED UNDER THOSE SECTIONS, OR A RULE

1 PROMULGATED UNDER THOSE SECTIONS, THE COMMISSION SHALL ORDER
2 REMEDIES AND PENALTIES TO PROTECT AND MAKE WHOLE ANOTHER PERSON
3 WHO HAS SUFFERED AN ECONOMIC LOSS AS A RESULT OF THE VIOLATION,
4 INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

5 (A) THE PERSON TO PAY A FINE FOR THE FIRST OFFENSE OF NOT
6 LESS THAN \$10,000.00 OR MORE THAN \$20,000.00 PER DAY THAT THE
7 PERSON IS IN VIOLATION, AND FOR EACH SUBSEQUENT OFFENSE, A FINE
8 OF NOT LESS THAN \$20,000.00 OR MORE THAN \$40,000.00 PER DAY.

9 (B) A REFUND TO THE CUSTOMER OF ANY AMOUNT PAID IN EXCESS
10 FEES OR RATES.

11 (C) THE REVOCATION OF THE SUPPLIER'S LICENSE.

12 (D) REASONABLE ATTORNEY FEES.

13 (E) CEASE AND DESIST ORDERS.

14 (2) THE PENALTIES UNDER THIS SECTION ARE IN ADDITION TO ANY
15 OTHER PENALTIES PROVIDED BY LAW.

16 Enacting section 1. This amendatory act does not take
17 effect unless all of the following bills of the 90th Legislature
18 are enacted into law:

19 (a) Senate Bill No. _____ or House Bill No. 5201 (request
20 no. 04283'99).

21 (b) Senate Bill No. _____ or House Bill No. 5202 (request
22 no. 04283'99 a).

23 (c) Senate Bill No. _____ or House Bill No. 5203 (request
24 no. 04283'99 b*).

25 (d) Senate Bill No. _____ or House Bill No. 5204 (request
26 no. 04283'99 c*).

1 (e) Senate Bill No. _____ or House Bill No. 5205 (request
2 no. 04283'99 d).