

SENATE BILL NO. 473

March 24, 1999, Introduced by Senators ROGERS, STEIL, BULLARD, BENNETT, SHUGARS and HAMMERSTROM and referred to the Committee on Technology and Energy.

A bill to prohibit certain activities by electric utilities; to require certain educational programs; to require billing disclosures by electric utilities; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commission" means the Michigan public service commis-
3 sion in the department of consumer and industry services.

4 (b) "Customer" means an end-user of electricity.

5 (c) "Electricity distributor" or "distributor" means a
6 person or their lessees, trustees, and receivers, owning or oper-
7 ating equipment or facilities for delivering electricity to the
8 public for compensation.

1 (d) "Electricity generator" or "generator" means a person
2 having generating capability to produce at least 1 megawatt of
3 electricity.

4 (e) "Electricity supplier" or "supplier" means a person who
5 sells electricity and related services to electricity distribu-
6 tors, aggregators, or at retail to customers located in the serv-
7 ice territories of electricity distributors.

8 (f) "Person" means an individual, partnership, corporation,
9 association, governmental entity, or other legal entity.

10 Sec. 2. (1) An electric utility shall not include or add
11 optional services in a customer's service package without the
12 authorization of the customer.

13 (2) The commission shall issue orders to ensure that an
14 electric utility does not include or add optional services in a
15 customer's service package without the customer's oral authoriza-
16 tion, written confirmation, confirmation through an independent
17 third party, or other verification procedures approved by the
18 commission, confirming the customer's intent to receive the
19 optional services.

20 Sec. 3. (1) The commission shall establish minimum stan-
21 dards for the form and content of all disclosures, explanations,
22 or sales information disseminated by a person selling competitive
23 electricity services to ensure that the person provides adequate,
24 accurate, and understandable information about the services which
25 enables a customer to make an informed decision relating to the
26 source and type of services purchased.

1 (2) The commission shall require electric utilities and
2 alternative electric suppliers to carry out educational programs
3 for customers to do all of the following:

4 (a) Inform customers of the changes in the provision of
5 electricity services, including, but not limited to, the avail-
6 ability of alternative suppliers of electricity service.

7 (b) Inform customers of the requirements relating to disclo-
8 sures, explanations, or sales information for suppliers of com-
9 petitive electricity services.

10 (c) Provide assistance to customers in understanding and
11 using the information to make reasonably informed choices about
12 their electricity service.

13 Sec. 4. (1) A customer is entitled to obtain all data and
14 information from the customer's electric distributor or supplier
15 relating to the customer's billing history and energy usage over
16 the last 24 months.

17 (2) Upon receipt of a written request from the customer, the
18 customer's electricity distributor or supplier shall provide the
19 information described in subsection (1) to the customer within 5
20 business days from the date the request was received.

21 (3) The distributor or supplier is entitled to charge a fee
22 under this act not greater than the actual cost of providing the
23 information described in subsection (1). Distributors and sup-
24 pliers shall include this fee in the tariffs on file and approved
25 by the commission.

26 (4) An electricity distributor or supplier may release the
27 information described in subsection (1) to a third party unless

1 the customer has provided notice withholding consent for the
2 release of the information.

3 (5) The supplier and distributor shall provide on each bill
4 the means for a customer to provide a checkoff notice withholding
5 consent for the release of the information described in subsec-
6 tion (1).

7 (6) The distributor is responsible for the metering of its
8 customers. Each bill shall identify the name of the customer's
9 electricity supplier and provide the supplier's address and tele-
10 phone number.

11 Sec. 5. Every electricity supplier shall provide all of the
12 following information to its customers on an annual basis or to
13 potential customers as part of solicitation at no charge:

14 (a) The known sources of electricity supplied by the sup-
15 plier to the customer, broken out by percentages, of biomass
16 power, coal-fired power, hydro power, natural gas-fired power,
17 nuclear power, oil-fired power, solar power, wind power, landfill
18 gas, wood power, tire power, municipal solid waste power, and
19 other resources, respectively.

20 (b) The information required under subdivision (a) shall be
21 provided in a pie chart that graphically depicts the percentages
22 of the sources of the electricity supplied as set forth in subdivi-
23 sion (a).

24 Sec. 6. In addition, every electricity supplier and alter-
25 native retail electricity supplier shall provide at no charge to
26 its customers on an annual basis a standardized chart, in a
27 format to be determined by the commission, that provides the

1 amounts of carbon dioxide (CO₂), nitrous oxides (NO_x), and sulfur
2 dioxide (SO₂) emissions and nuclear waste attributable to the
3 known sources of electricity supplied as set forth in section 5.

4 Sec. 7. The electricity suppliers and alternative retail
5 electricity suppliers may provide their customers with such other
6 information as they consider relevant to the information required
7 under sections 5 and 6.

8 Sec. 8. An electricity distributor or supplier shall not
9 knowingly provide false or inaccurate information that is
10 required by this act.

11 Sec. 9. If after notice and hearing the commission finds a
12 person has violated this act, the commission shall order remedies
13 and penalties to protect and make whole any persons who have suf-
14 fered an economic loss as a result of the violation, including,
15 but not limited to, 1 or more of the following:

16 (a) The person to pay a fine for the first offense of not
17 less than \$1,000.00 nor more than \$20,000.00 per day that the
18 person is in violation of this act, and for each subsequent
19 offense, a fine of not less than \$2,000.00 nor more than
20 \$40,000.00 per day.

21 (b) A refund to the customers of any collected excessive
22 rates.

23 (c) Cease and desist orders.