

SUBSTITUTE FOR
HOUSE BILL NO. 6337

A bill to amend 1991 PA 179, entitled
"Michigan telecommunications act,"
by amending section 213 (MCL 484.2213), as amended by 2000 PA
295; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 213. (1) Subject to section 201, the commission may
2 promulgate rules under the administrative procedures act of 1969,
3 1969 PA 306, MCL 24.201 to 24.328.

4 (2) ~~Except as provided in subsection (3), effective~~
5 **Effective** September 1, 1996, the following administrative rules
6 shall not apply to telecommunication providers or
7 telecommunication services:

8 (a) Electric power and communication lines: R 460.581 to
9 R 460.592.

10 (b) Intrastate telephone services and facilities: R 460.1951

House Bill No. 6337 as amended December 9, 2004

1 to R 460.1968.

2 (c) Filing procedures for communications common carriers
3 tariffs: R 460.2051 to R 460.2057.

4 (d) Consumer standards and billing practices, residential
5 telephone service: R 460.2211 to R 460.2279.

6 (e) Uniform systems of accounts for class A and class B
7 telephone companies: R 460.9041 and R 460.9059.

8 ~~(3) If the Michigan supreme court rules that sections 45 and~~
9 ~~46 of the administrative procedures act of 1969, 1969 PA 306, MCL~~
10 ~~24.245 and 24.246, are unconstitutional, and a statute requiring~~
11 ~~legislative review of administrative rules is not enacted within~~
12 ~~90 days after the Michigan supreme court ruling, the commission~~
13 ~~shall not promulgate rules under this act. Subsection (2) does~~
14 ~~not apply if the commission is prohibited from promulgating rules~~
15 ~~under this subsection. Rules promulgated after January 1, 1996~~
16 ~~under this act are considered to have been promulgated under the~~
17 ~~authority granted under subsection (1). <<R 484.453(5), 484.455(2),~~
18 ~~484.455(3), 484.457(3), and 484.458(4) of the Michigan administrative~~
19 ~~code may not be enforced until a court determines that the rules do not~~
20 ~~exceed the commission's authority under this act. It is the~~
21 ~~legislature's intent that providers voluntarily comply with the rules~~
22 ~~until a court makes a determination. A provider that voluntarily agrees~~
23 ~~to abide by the rules does not relinquish its rights to challenge the~~
24 ~~legality of the rules.>>~~
(4) A proceeding <<before the commission>> to promulgate rules under
this act shall be
concluded within 180 days from the date that the proceeding is
initiated.

<<Enacting section 1. Section 213 of the Michigan
telecommunications act, 1991 PA 179, MCL 484.2213, is repealed effective
July 1, 2005.>>