

MUNICIPAL UTILITIES: MEDICAL SHUTOFF PROTECTIONS

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Senate Bill 338 as passed by the Senate
Sponsor: Sen. Mark C. Jansen
House Committee: Energy and Technology
Senate Committee: Energy Policies and Public Utilities

Complete to 10-19-09

A SUMMARY OF SENATE BILL 338 AS PASSED BY THE SENATE 10-8-09

The bill would add a new Section 9s to the Public Service Commission Law (MCL 360.9s) to provide medical shutoff protections for municipal utility customers similar to the protections provided to customers of regulated utilities under a PSC rule [R 160.467].

The bill would require a municipal utility to postpone shutting off a customer's electric or natural gas service if the customer (or a member of the customer's household) were either (1) a "**critical care customer**" or (2) had a "**medical emergency**." In general, a "**critical care customer**" is someone using home medical equipment or a life-support system for whom an interruption of service would be immediately life threatening, whereas someone with a "**certified medical emergency**" is a person with an existing medical condition that would be aggravated by an interruption of service. The initial postponement would be for a period of not more than 21 days, with additional extensions possible, up to a maximum postponement of 63 days. A provider would not be required to grant shutoff extensions totaling more than 126 days per household per year.

Certification requirements. The customer would have to provide a certification that identified the medical condition, any medical or life-support equipment being used, and the specific time period during which the shutoff of service would "aggravate the medical emergency." A customer requesting an extension would have to provide an additional certification. In addition, the definitions of the terms "**critical care customer**" and "**medical emergency**" contain the following requirements:

- A physician's or medical facility's certification for a "critical care customer" would have to say that interruption of service would be immediately life-threatening.
- A physician's or public health official's certification of a "medical emergency" would have to define and certify on official stationery or a company-provided form the existing medical condition that would be aggravated by an interruption in service.

Restoration of service. If service had already been shut off before a postponement was obtained, the provider would have to restore service. The restoration would be for not more than 21 days, with additional extensions possible, not to exceed a total restoration of

service of 63 days in any 12-month period per household member. [In contrast, the rule that applies to regulated utilities, R 460.147 of the Michigan Administrative Code, requires those utilities to "*unconditionally*" restore service in this situation.]

[Senate Bill 338 is identical to House Bill 4386, sponsored by Rep. Bert Johnson, as passed by the House on March 31, 2009.]

MCL 460.9s

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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■ 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.