



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 338 (as introduced 3-5-09)  
Sponsor: Senator Mark C. Jansen  
Committee: Energy Policy and Public Utilities

Date Completed: 3-11-09

### **CONTENT**

**The bill would amend Public Act 3 of 1939, the Public Service Commission (PSC) law, to authorize the PSC to review allegations of violations of utility shutoff procedures and order remedies and penalties.**

Upon a complaint or its own motion, the Commission could review allegations of violations of Section 9d, 9e, or 9f or rules promulgated under Section 9g of the law. If the PSC found that an electric or natural gas provider had committed a violation, it would have to order any remedies and penalties necessary to make a customer whole, including ordering the provider to pay a fine as determined by the Commission, and ordering a refund to the customer of any excess charges. Any fine assessed under the bill would have to be deposited into the Low Income and Energy Efficiency Fund.

(Senate Bills 320 and 330 each propose to create Section 9d, which would require a provider to notify a customer before shutting off natural gas or electric service. Section 9e would be created by Senate Bill 339 and would require a provider to include with any shutoff notice information regarding provider, governmental, and other assistance programs. Section 9f would be created by Senate Bill 329 and would prohibit a provider from financially penalizing a customer related to a shutoff or resumption of service if the provider did not give the required notice. Section 9g would be added by Senate Bill 337 and would require the PSC to promulgate rules establishing uniform shutoff standards for providers.)

Proposed MCL 460.9h

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

Any revenue from the proposed fines for violations of shutoff procedures and protections would be deposited into the Low Income and Energy Efficiency Fund. This Fund provides grants to organizations that assist eligible recipients with utility costs and energy efficiency improvements. Current revenue to this Fund is approximately \$84.0 million per year from assessments charged to Consumers Energy and DTE. The amount of fine revenue deposited into the Fund would depend on the amount of fines assessed by the PSC.

Fiscal Analyst: Elizabeth Pratt  
Maria Tyszkiewicz

S0910\sb338sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.