

HOUSE BILL No. 4386

February 19, 2009, Introduced by Reps. Johnson, Melton, Coulouris, Horn, Mayes, Scripps and Geiss 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 and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; 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 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 certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,"

(MCL 460.1 to 460.11) by adding section 9h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9H. UPON A COMPLAINT OR THE COMMISSION'S OWN MOTION, THE
2 COMMISSION MAY REVIEW ALLEGATIONS OF VIOLATIONS OF SECTION 9D, 9E,
3 OR 9F OR RULES PROMULGATED UNDER SECTION 9G. IF THE COMMISSION
4 FINDS THAT A PROVIDER HAS VIOLATED SECTION 9D, 9E, OR 9F OR RULES
5 PROMULGATED UNDER SECTION 9G, THE COMMISSION SHALL ORDER ANY
6 REMEDIES AND PENALTIES NECESSARY TO MAKE A CUSTOMER WHOLE,
7 INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

8 (A) ORDERING THE PROVIDER TO PAY A FINE AS DETERMINED BY THE
9 COMMISSION. ANY FINE ASSESSED UNDER THIS SUBDIVISION SHALL BE
10 DEPOSITED INTO THE LOW INCOME AND ENERGY EFFICIENCY FUND.

11 (B) ORDERING A REFUND TO THE CUSTOMER OF ANY EXCESS CHARGES.