

Act No. 128  
Public Acts of 2010  
Approved by the Governor  
July 21, 2010  
Filed with the Secretary of State  
July 21, 2010  
EFFECTIVE DATE: July 21, 2010

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2010**

**Introduced by Senators Hunter, Olshove, Whitmer, Jacobs, Switalski, Anderson, Barcia, Gleason, Brater,  
Cherry, Prusi, Patterson, Birkholz, Kuipers, Brown, Nofs and Richardville**

# **ENROLLED SENATE BILL No. 1310**

AN ACT 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 9d.

*The People of the State of Michigan enact:*

Sec. 9d. (1) If a utility observes an unsafe electric or natural gas service connection at a customer's location caused by unauthorized use of electric or natural gas service, the utility shall implement measures consistent with good utility practices intended to cure or to otherwise address the unsafe connection and may take appropriate action to deter future unauthorized use of electric or natural gas service at that location, including, but not limited to, installation of additional utility facilities.

(2) At any customer location where a utility has shut off electric or natural gas service 2 or more times during the prior 24 months because of unauthorized use of electric or natural gas service, a utility may refuse to provide electric or natural gas service to that location notwithstanding any other administrative rules or statutes if the utility determines that denying electric or natural gas service at that location will prevent the reoccurrence of the unauthorized use.

(3) A utility shall reestablish electric or natural gas service at a customer location if the person requesting service does 1 of the following:

(a) Proves that the person is the legal owner of the property by providing property ownership information and, prior to reconnection of service, pays for the actual cost to repair the utility's equipment and facilities located on the owner's property, all fees and deposits required under the utility's approved schedule of rates and tariffs, and all charges due to the utility for the prior unauthorized use that occurred during his or her ownership.

(b) Proves that the person is the legal owner of the property by providing property ownership information and provides a signed lease agreement that has been certified by the landlord that establishes the identity of the tenant responsible for the prior unauthorized use.

(4) If the legal owner cannot provide documentation establishing the identity of the tenant responsible for the prior unauthorized use and the owner does not agree to pay for the charges due to the utility for the prior unauthorized use, a utility may still reestablish electric or natural gas service if the owner proves that the owner is the legal owner of the property by providing property ownership information and agrees to payment of the additional fee for reestablishing electric or natural gas service at the location with multiple prior occurrences of unauthorized use as specified in the utility's approved schedule of rates and tariffs.

(5) If a person requesting electric or natural gas service cannot provide property ownership information, a utility may reestablish service if the person can provide all of the following:

(a) Residency information.

(b) All documentation, fees, and deposits required by R 460.106, R 460.109, R 460.110, and R 460.144 of the Michigan administrative code.

(c) Payment of any additional fee for reestablishing electric or natural gas service at a location with multiple prior occurrences of unauthorized use as specified in the utility's approved schedule of rates and tariffs.

(6) A property owner shall provide notice to a utility within 30 days after the owner abandons or surrenders a property. If a property owner does not provide notice to the utility within 30 days after the property owner's abandonment or surrender of a property, that property owner is liable, jointly and severally, for any unauthorized use that occurs at the property after the owner's abandonment or surrender of the property.

(7) Within 150 days of the effective date of the amendatory act that added this section, electric and natural gas utilities serving 1,000,000 or more customers shall establish and maintain a service in which landlords of rental properties in the utility's service territory who have registered with the utility for shut-off notifications are notified of locations where electric and natural gas services have been shut off because of unauthorized use.

(8) This section only applies to the unauthorized use of electric or natural gas service and does not apply to the providing of a telecommunication service or cable service or the attachment of facilities by a telecommunication or cable service provider to the utility poles, ducts, conduits, or trenches owned or controlled by an electric or natural gas utility. This section does not supersede, modify, or affect the validity of any statutes, administrative rules, utility tariffs, contracts, commission orders, or common law governing the rates, terms, and conditions of the use of electric or natural gas utility poles, ducts, conduits, and trenches.

(9) As used in this section:

(a) "Bypassing" means unmetered service that flows through a device connected between a service line and customer-owned facilities.

(b) "Meter tampering" means any act that affects the proper registration of service through a meter and affects the flow of energy.

(c) "Positive identification information" means a driver's license or identification card issued by this or another state, a military identification card, a passport, or other government-issued identification containing a photograph.

(d) "Property ownership information" means a recorded warranty deed, notarized closing papers, tax records, mortgage payment book, or copy of an insurance policy for the address identifying an individual or entity as the owner.

(e) "Residency information" means all of the following:

(i) Positive identification information.

(ii) A signed lease agreement that has been certified by the landlord for the location where electric or natural gas service is being requested.

(iii) Any first-class mail sent to the person requesting electric or natural gas service within the last 3 months at that person's previous residence.

(f) "Unauthorized use of electric or natural gas service" or "unauthorized use" means theft, fraud, interference, or diversion of electric or natural gas service, including, but not limited to, meter tampering, bypassing, and service restoration by anyone other than the utility or its representative.

(g) "Utility" means an electric or natural gas utility regulated by the public service commission.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Richard J. Brown*

Clerk of the House of Representatives

Approved .....

.....  
Governor