CERTIFICATE OF CONVENIENCE AND NECESSITY
Act 69 of 1929

AN ACT to define and regulate certain public utilities and to require them to secure a certificate of convenience and necessity in certain cases.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929.

The People of the State of Michigan enact:

460.501 Certificate of convenience and necessity; definition.

Sec. 1. The term "municipality", when used in this act, means a city, village or township.

The term "public utility", when used in this act, means persons and corporations, other than municipal corporations, or their lessees, trustees and receivers now or hereafter owning or operating in this state equipment or facilities for producing, generating, transmitting, delivering or furnishing gas or electricity for the production of light, heat or power to or for the public for compensation.

The term "commission", when used in this act, means the Michigan public utilities commission or such other state governmental agency as may exercise the powers now conferred upon said commission.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929;—CL 1929, 11087;—CL 1948, 460.501.

Compiler's note: The public utilities commission, referred to in this section, was abolished and its powers and duties transferred to the public service commission by MCL 460.4.

460.502 Certificate of convenience; necessity for gas or electric utilities.

Sec. 2. No public utility shall hereafter begin the construction or operation of any public utility plant or system thereof nor shall it render any service for the purpose of transacting or carrying on a local business either directly, or indirectly, by serving any other utility or agency so engaged in such local business, in any municipality in this state where any other utility or agency is then engaged in such local business and rendering the same sort of service, or where such municipality is receiving service of the same sort, until such public utility shall first obtain from the commission a certificate that public convenience and necessity requires or will require such construction, operation, service, or extension.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929;—CL 1929, 11088;—CL 1948, 460.502.

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460.503 Petition; contents.

Sec. 3. Before any such certificate of convenience and necessity shall issue, the applicant therefor shall file a petition with the commission stating the name of the municipality or municipalities which it desires to serve and the kind of service which it proposes to render, and that the applicant has secured the necessary consent or franchise from such municipality or municipalities authorizing it to transact a local business.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929;—CL 1929, 11089;—CL 1948, 460.503.

460.504 Hearing; notices.

Sec. 4. Upon filing such application, the commission shall set a day for the hearing thereof in accordance with its rules and practice relating to hearings and notify the applicant thereof. A copy of said application and a notice of the time and place of hearing such application shall also be served upon each and every other utility or agency in the municipality or municipalities proposed to be served by said applicant then rendering similar service therein, and also upon the clerk or other similar officer of each municipality, at least 10 days before such hearing, and said persons so served shall each be permitted to appear and be heard with reference to said application.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929;—CL 1929, 11090;—CL 1948, 460.504.

460.505 Hearing; matters for consideration; certificate, contents.

Sec. 5. In determining the question of public convenience and necessity the commission shall take into consideration the service being rendered by the utility then serving such territory, the investment in such utility, the benefit, if any, to the public in the matter of rates and such other matters as shall be proper and equitable in determining whether or not public convenience and necessity requires the applying utility to serve the territory. Every certificate of public convenience and necessity issued by the commission, under the authority hereby granted, shall describe in detail the territory in which said applicant shall operate and it shall not operate in or serve any other territory under the authority of said certificate.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929;—CL 1929, 11091;—CL 1948, 460.505.

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460.506 Review of order or decree.

Sec. 6. Any order or decree of the Michigan public service commission shall be subject to review in the manner provided for in section 26 of Act No. 300 of the Public Acts of 1909, being section 462.26 of the Michigan Compiled Laws.

History: 1929, Act 69, Imd. Eff. Apr. 23, 1929;—CL 1929, 11092;—CL 1948, 460.506;—Am. 1987, Act 11, Imd. Eff. Mar. 31, 1987.

Compiler's note: For provisions of Act 419 of 1919, referred to in this section, see MCL 460.51 et seq.

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