

HOUSE BILL No. 4128

January 28, 1997, Introduced by Rep. Dobb and referred to the Committee on Public Utilities.

A bill to amend 1991 PA 179, entitled
"Michigan telecommunications act,"
by amending section 203 (MCL 484.2203), as amended by 1995 PA
216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 203. (1) Upon ~~receipt of~~ RECEIVING an application or
2 complaint filed under this act, or on its own motion, the commis-
3 sion may conduct an investigation, hold hearings, and issue its
4 findings and order under the contested hearings provisions of the
5 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
6 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
7 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.
- 8 (2) An application or complaint filed under this section
9 shall contain all information, testimony, exhibits, or other
10 documents and information on which the person intends to rely to

1 support the application or complaint. Applications or complaints
2 that do not meet the requirements of this subsection shall be
3 dismissed or suspended pending the COMMISSION'S receipt ~~by the~~
4 ~~commission~~ of the required information.

5 (3) The burden of proving a case filed under this act shall
6 be with the party filing the application or complaint.

7 (4) In a contested case under this section, the commission
8 can administer oaths, certify all official acts, and compel the
9 attendance of witnesses and the production of papers, books,
10 accounts, documents, and testimony.

11 (5) Except as otherwise provided in subsections (2) and (6),
12 the commission shall issue a final order in a case filed under
13 this section within 90 days from the date the application or com-
14 plaint is filed.

15 (6) If a hearing is required, the applicant or complainant
16 shall publish a notice of hearing as required by the commission
17 within 7 days of the date the application or complaint was filed
18 or as required by the commission. The first hearing shall be
19 held within 10 days after the date of the notice. If a hearing
20 is held, the commission shall have 180 days from the date the
21 application or complaint was filed to issue its final order. If
22 the principal parties of record agree that the complexity of
23 issues involved requires additional time, the commission may have
24 up to 210 days from the date the application or complaint was
25 filed to issue its final order.

26 (7) An order of the commission ~~shall be~~ IS subject to
27 review IN THE SAME MANNER as provided by section ~~26 of Act~~

~~1 No. 300 of the Public Acts of 1909, being section 462.26 of the~~
~~2 Michigan Compiled Laws~~ 7114 OF THE MICHIGAN UTILITY CODE, MCL
3 460.7114.

4 (8) If a complaint is filed under this section by a provider
5 against another provider, the provider of service shall not dis-
6 continue service during the period of the contested case, includ-
7 ing the alternative dispute process, if the provider receiving
8 the service has posted a surety bond, provided an irrevocable
9 letter of credit, or provided other adequate security in an
10 amount and on a form as determined by the commission.

11 Enacting section 1. This amendatory act does not take
12 effect unless Senate Bill No. _____ or House Bill No. _____
13 (request no. 00135'97) of the 89th Legislature is enacted into
14 law.