

SENATE BILL No. 328

March 4, 2009, Introduced by Senators BARCIA, PRUSI, BRATER, SWITALSKI, OLSHOVE, CLARKE, WHITMER, CHERRY, ANDERSON, GLEASON, HUNTER, JACOBS, SCOTT, CLARK-COLEMAN, PAPPAGEORGE, BIRKHOLZ, KAHN, HARDIMAN and JANSEN and referred to the Committee on Energy Policy and Public Utilities.

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. (1) UPON A COMPLAINT OR THE COMMISSION'S OWN MOTION,
2 THE COMMISSION MAY REVIEW ALLEGATIONS OF VIOLATIONS OF SECTION 9D,
3 9E, 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.

12 (C) ORDERING ANY OTHER REMEDIES THAT WOULD MAKE THE CUSTOMER
13 WHOLE.

14 (2) AS USED IN THIS SECTION AND SECTIONS 9D TO 9G, "PROVIDER"
15 MEANS AN ELECTRIC UTILITY, MUNICIPALLY OWNED NATURAL GAS OR
16 ELECTRIC UTILITY, COOPERATIVE ELECTRIC UTILITY, ALTERNATIVE
17 ELECTRIC SUPPLIER, OR AN INVESTOR-OWNED BUSINESS ENGAGED IN THE
18 SALE AND DISTRIBUTION OF NATURAL GAS WITHIN THIS STATE WHOSE RATES
19 ARE REGULATED BY THE COMMISSION.