

HOUSE BILL NO. 4564

May 02, 2019, Introduced by Rep. Steven Johnson and referred to the Committee on Energy.

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 powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses;



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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 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 sections 6aa and 10hh.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 6aa. (1) A covered utility shall do all of the following:

(a) Within 60 days after commencing service or after the issuance of a new rate case order, and at least annually, send a notice to each of that utility's customers that contains all of the following:

(i) The tariffs and programs available to that customer's rate class.

(ii) Based on that customer's energy use over the past year, which tariff or program would result in the greatest savings for that customer.

(iii) Based on that customer's energy use over the past year, a summary of the costs that customer would have paid under each tariff or program available to that customer.

(iv) A summary of that customer's energy used during peak, mid-peak, and off-peak periods and how those are used within the tariffs or programs available to that customer.

(b) Provide an online method for each customer to enroll in any tariff or program available to that customer.

(c) Allow each customer of that utility to enroll in a program that provides for fixed monthly payments for utility bills, with an



1 annual true-up for the customer's actual energy use.

2 (d) If the notice in subdivision (a) provides that a tariff or
3 program the customer is not currently enrolled in provides the
4 greatest savings to that customer, provide that customer with an
5 automated method to opt in to that tariff or program.

6 (2) A covered utility shall not send a notice under subsection
7 (1) to any customer of an alternative electric supplier or
8 alternative natural gas supplier that would, as determined by the
9 commission, compete with the product the customer is receiving from
10 their chosen alternative electric supplier or alternative natural
11 gas supplier.

12 (3) As used in this section, "covered utility" means any of
13 the following:

14 (a) A cooperative electric utility.

15 (b) An electric utility.

16 (c) A natural gas utility as that term is defined in section
17 9.

18 Sec. 10hh. (1) Utility customers co-own their energy use data
19 with their utility and, as provided in this section, retain the
20 right to direct the sharing or distribution of their energy use
21 data. Except as provided in this section, a utility must maintain
22 the privacy and confidentiality of each customer's energy use data.
23 A utility or its agents shall not sell, rent, or make available a
24 customer's data without the consent of the customer unless ordered
25 by a court of competent jurisdiction.

26 (2) A utility may use or make available a customer's energy
27 use data without the consent of the customer under any of the
28 following conditions:

29 (a) For a primary purpose.

1 (b) In proceedings before the commission, the usage, load
2 shape curve, or other general characteristics of customers, if
3 individual customers are not identified in association with that
4 data.

5 (c) Data related to electric or compressed natural gas vehicle
6 fueling reported to the department of treasury. The department of
7 treasury shall use that data strictly for taxation purposes and
8 shall not share that data with law enforcement without a warrant.
9 Data described in this subdivision are exempt from disclosure under
10 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
11 except for aggregate data used for research purposes in a
12 nonidentifying manner.

13 (3) After gaining a customer's consent, any utility or third
14 party using a utility customer's data for purposes other than a
15 primary purpose shall disclose to the customer both the type of
16 data accessed and how the data will be used, including whether that
17 data will be disclosed to any other company, including an
18 affiliated company. The commission shall create a secure process
19 for utility customers to consent to and connect new technologies
20 capable of reading information directly from the customer's utility
21 meter. This process must be technology neutral and allow utility
22 customers to purchase third-party technologies approved by the
23 commission as capable of interconnecting to the utility customer's
24 meter.

25 (4) A utility shall offer all of that utility's customers
26 access to an interactive, online service that assists in providing
27 a safe and secure method for accessing and transferring detailed
28 customer data. The service must allow a customer to grant automated
29 access to that customer's data to third parties for analysis and



1 use of that customer's data. The commission shall promote use of
2 public data standards for accessing and transferring detailed
3 customer data.

4 (5) If a utility provides meters to its customers that are
5 equipped to participate in a home area network, that network shall
6 be activated or deactivated at the discretion of the customer. The
7 utility may not charge a fee for using, not using, activating, or
8 deactivating a home area network.

9 (6) As used in this section:

10 (a) "Primary purpose" means the collection, use, or disclosure
11 of information that a utility collects or a customer supplies when
12 an authorized business need exists or as an emergency response
13 requires in order to do any of the following:

14 (i) Provide, bill, or collect for electric or natural gas
15 service.

16 (ii) Provide for system, grid, or operational needs.

17 (iii) Provide services as state or federal law requires or as
18 the utility's approved tariff specifically authorizes.

19 (iv) Plan, implement, or evaluate programs, products, or
20 services related to energy assistance, demand response, energy
21 management, or energy efficiency.

22 (b) "Utility" means a person that sells electricity or natural
23 gas to retail customers in this state and that is regulated by the
24 commission.

