MICHIGAN PUBLIC UTILITIES COMMISSION
Act 419 of 1919

AN ACT to provide for the regulation and control of certain public utilities operated within this state; to create a public utilities commission and to define the powers and duties thereof; to abolish the Michigan railroad commission and to confer the powers and duties thereof on the commission hereby created; to provide for the transfer and completion of matters and proceedings now pending before said railroad commission; and to prescribe penalties for violations of the provisions hereof.

History: 1919, Act 419, Imd. Eff. May 15, 1919.

The People of the State of Michigan enact:

460.51 Repealed. 1993, Act 354, Imd. Eff. Jan. 14, 1994.

Compiler's note: The repealed section pertained to public utilities commission.

460.52 Repealed. 1975, Act 82, Imd. Eff. May 20, 1975.

Compiler's note: The repealed section pertained to appointment and compensation of officers, employees, engineers, and experts.

460.53, 460.53a Repealed. 1993, Act 354, Imd. Eff. Jan. 14, 1994.

Compiler's note: The repealed sections pertained to railroad commmission and equipment of vehicles for transporting employees.

460.54 Public utilities commission; powers and duties concerning rates; franchise rights; municipally owned utility.

Sec. 4. In addition to the rights, powers and duties vested in and imposed on said commission by the preceding section, its jurisdiction shall be deemed to extend to and include the control and regulation, including the fixing of rates and charges, of all public utilities within this state, producing, transmitting, delivering or furnishing steam for heating or power, or gas for heating or lighting purposes for the public use. Subject to the provisions of this act the said commission shall have the same measure of authority with reference to such utilities as is granted and conferred with respect to railroads and railroad companies under the various provisions of the statutes creating the Michigan railroad commission and defining its powers and duties. The power and authority granted by this act shall not extend to, or include, any power of regulation or control of any municipally owned utility; and it shall be the duty of said commission on the request of any city or village to give advice and render such assistance as may be reasonable and expedient with respect to the operation of any utility owned and operated by such city or village. In no case shall the commission have power to change or alter the rates or charges fixed in, or regulated by, any franchise or agreement heretofore or hereafter granted or made by any city, village or township. It shall be competent for any municipality and any public utility operating within the limits of said municipality, whether such utility is operating under the terms of a franchise or otherwise, to join in submitting to the commission any question involving the fixing or determination of rates or charges, or the making of rules or conditions of service, and the commission shall thereupon be empowered, and it shall be its duty to make full investigation as to all matters so submitted and to fix and establish such reasonable maximum rates and charges, and prescribe such rules and conditions of service and make such determination and order relative thereto as shall be just and reasonable. Such order when so made shall have like force and effect as other orders made under the provisions of this act. In any case where a franchise under which a utility is, or has been, operated, including street railways, shall have heretofore expired or shall hereafter expire, the municipality shall have the right to petition the commission to fix the rates and charges of said utility in accordance with the provisions of this act, or to make complaint as herein provided with reference to any practice, service or regulation of such utility, and thereupon said commission shall have full jurisdiction in the premises.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11009;—Am. 1931, Act 138, Eff. Sept. 18, 1931;—CL 1948, 460.54.

460.55 Additional reports; verification; rules of commission; penalties.

Sec. 5. In addition to the reports now required to be made by any public utility under the laws of the state relating to the Michigan railroad commission, it shall be competent for the public utilities commission to require the making of such additional and further reports and the supplying of such data as is reasonably necessary for the proper performance of the powers and duties hereby contemplated. Any report required to be made by a utility operated and controlled by a corporation, joint stock company or association shall be verified by the affidavit of the president and secretary thereof. In all other cases such verification shall be made by the owner, or 1 of them, or by the general manager. Said commission shall have power and authority

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to make, adopt and enforce rules and regulations for the conduct of its business and the proper discharge of its functions hereunder, and all persons dealing with the commission or interested in any matter or proceedings pending before it shall be bound by such rules and regulations. The commission shall also have authority to make and prescribe regulations for the conducting of the business of public utilities, subject to the jurisdiction thereof, and it shall be the duty of every corporation, joint stock company, association or individual owning, managing or operating any such utility to obey such rules and regulations. Any such corporation, joint stock company, association or individual refusing or neglecting so to do, or refusing or neglecting to make any report required hereunder, shall be liable to a penalty of not less than 100 dollars nor more than 1,000 dollars; and the officer or individual in default shall also be deemed to be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than 10 dollars nor more than 1,000 dollars, or to imprisonment in the county jail not more than 6 months, or both such fine and imprisonment in the discretion of the court.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11010;—CL 1948, 460.55.

Administrative rules: R 460.511 et seq.; R 460.915 et seq.; R 460.1451 et seq.; R 460.1951 et seq.; R 460.2011 et seq.; R 460.2051 et seq.; R 460.2101 et seq.; R 460.2211 et seq.; R 460.2501 et seq.; R 460.2601 et seq.; and R 460.3101 et seq. of the Michigan Administrative Code.

460.56 Books, records and accounts of public utility; examination by commission; failure to obey order, penalty; compulsory process.

Sec. 6. Said commission shall have authority to examine, or cause to be examined, the books, accounts and records kept on behalf of any public utility subject to the jurisdiction thereof. For the purpose of making such examination any member of the commission or any examiner or employee thereof shall be given free and full access to said books, accounts and records. Any person, or persons, in any way preventing or obstructing such examination or interfering with the person or persons authorized to make the same shall be deemed guilty of a misdemeanor. It shall also be competent for the commission to require by order or subpoena, which may be served in the same manner as is a subpoena issued out of the circuit court, the production of any books, papers or records relating to the operating or management of any such utility. The owner or manager or the officers of any corporation, company, or association, owning or operating any such utility, may likewise be summoned to appear before the commission to answer such questions as may be put to him touching the operation and business of such utility. Neglect or refusal to obey any such order or subpoena or refusal to so testify shall render the person or persons in default guilty of a misdemeanor. Said commission may also apply to any circuit court of the state for compulsory process to enforce any such order or subpoena, and said court shall have jurisdiction to compel obedience in the same manner as compliance with an order of the court might be enforced under the laws of the state pertaining thereto.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11011;—CL 1948, 460.56.

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460.57 Principal office of public utility; books, accounts, papers, and records; filing, printing, and posting of rate schedules; approval of schedule and changes therein; rules and regulations.

Sec. 7. Any corporation, joint stock company, association, or individual operating a public utility within this state subject to the provisions of this act shall have and maintain a principal office within this state. All books, accounts, papers, and records pertaining to the business and operation of the utility shall be kept in the office, unless the commission by special order or by rule or regulation may otherwise provide. Schedules of rates in a form and in such detail as the commission may direct shall be filed in the office of the commission and copies of the schedules shall be printed and posted in the principal office of the utility and other such locations as the commission may direct. A schedule shall not be operative unless and until it has been approved by the commission; nor shall any change be made in the schedules except upon approval of the commission. The commission may adopt rules and regulations governing the presentation of the schedules and desired changes, and action on the schedules, and shall have full authority to regulate the procedure to be observed.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11012;—CL 1948, 460.57;—Am. 1988, Act 231, Imd. Eff. July 8, 1988 .

Administrative rules: R 460.2011 et seq. and R 460.2051 et seq. of the Michigan Administrative Code.

460.58 Complaint; procedure for investigation; contempt; order of commission; witness fees.

Sec. 8. Upon complaint in writing that any rate, classification, regulation or practice charged, made or observed by any public utility is unjust, inaccurate, or improper, to the prejudice of the complainant, the

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commission shall proceed to investigate the matter. The procedure to be followed in all such cases shall be prescribed by rule of the commission: Provided, however, That in all cases reasonable notice shall be given to the parties concerned as to the time and place of hearing. An investigation of any such complaint, and the formal hearing thereon, if such is deemed necessary, may be held at any place within the state and by any member or members of the commission, or by any duly authorized representative thereof. Witnesses may be summoned and the production of books, and records before the commission, or the member, or any duly authorized representative thereof conducting the hearing, may be required. Any witness summoned to appear or to produce papers at any such hearing, who neglects or refuses so to do shall be deemed guilty of a contempt. It shall be competent for the commission in any such case to make application to any circuit court of the state setting forth the facts of the matter. Thereupon said court shall have the same power and authority to punish for the contempt and to compel obedience to the subpoena or order of the commission as though such person were in contempt of such court or had neglected or refused to obey its lawful order or process. The taking of testimony at such hearing shall be governed by the rules of the commission: Provided, That at the request of either party a record of such testimony shall be taken and preserved. Upon the completion of any such hearing, the commission shall have authority to make an order or decree dismissing the complaint or directing that the rate, charge, practice or other matter complained of, shall be removed, modified or altered, as the commission deems just, equitable and in accordance with the rights of the parties concerned. For attending on any such hearing, any witness summoned by the commission shall be entitled to the same fees as are, or may be, provided by law for attending the circuit court in any civil matter or proceedings, which said fees shall be paid out of the general fund in the treasury of the state. All claims for such fees shall be approved by the secretary, or by some member of the commission, and shall be audited and allowed by the board of state auditors.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11013;—CL 1948, 460.58.

460.59 Review of order or decree.

Sec. 9. Any order or decree 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: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11014;—CL 1948, 460.59;—Am. 1987, Act 7, Eff. Apr. 1, 1987.

460.60 Rights not conferred.

Sec. 10. Nothing herein contained shall be deemed to confer upon any corporation, joint stock company, association or individuals any rights or privileges whatsoever of a determinate or of an indeterminate nature with respect to the use and enjoyment of franchises or the use and occupation of any street, highway or alley within the state.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11015;—CL 1948, 460.60.

460.61 Repealed. 1978, Act 272, Imd. Eff. June 29, 1978.

Compiler's note: The repealed section pertained to fee for issuance of securities.

460.61a Disposition of funds paid into state treasury.

Sec. 11a. Notwithstanding this or any other act to the contrary, all funds paid into the state treasury under this act shall be credited to a special account to be utilized solely to finance the cost of regulating public utilities.

History: Add. 1972, Act 334, Imd. Eff. Jan. 4, 1973.

460.62 Declaration of necessity.

Sec. 12. This act is hereby declared immediately necessary for the preservation of the public peace, health and safety.

History: 1919, Act 419, Imd. Eff. May 15, 1919;—CL 1929, 11017;—CL 1948, 460.62.

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