Sec. 10c. (1) Except for a violation under section 10a(3) and as otherwise provided under this section, upon
a complaint or on the commission's own motion, if the commission finds, after notice and hearing, that an
electric utility or an alternative electric supplier has not complied with a provision or order issued under
sections 10 through 10ee, or that a natural gas utility has not complied with a provision or order issued under
section 10ee, the commission shall order any remedies and penalties necessary to make whole a customer or
other person that has suffered damages as a result of the violation, including, but not limited to, 1 or more of
the following:

(a) Order the electric utility, natural gas utility, or alternative electric supplier to pay a fine for the first
offense of not less than $1,000.00 or more than $20,000.00. For a second offense, the commission shall order
the person to pay a fine of not less than $2,000.00 or more than $40,000.00. For a third and any subsequent
offense, the commission shall order the person to pay a fine of not less than $5,000.00 or more than
$50,000.00.

(b) Order a refund to the customer of any excess charges.

(c) Order any other remedies that would make whole a person harmed, including, but not limited to,
payment of reasonable attorney fees.

(d) Revoke the license of the alternative electric supplier if the commission finds a pattern of violations.

(2) Upon a complaint or the commission's own motion, the commission may conduct a contested case to
review allegations of a violation under section 10a(3).

(3) If the commission finds that a person has violated section 10a(3), the commission shall order remedies
and penalties to protect customers and other persons that have suffered damages as a result of the violation,
including, but not limited to, 1 or more of the following:

(a) Order the person to pay a fine for the first offense of not less than $20,000.00 or more than $30,000.00.
For a second and any subsequent offense, the commission shall order the person to pay a fine of not less than
$30,000.00 or more than $50,000.00. If the commission finds that the second or any of the subsequent
offenses were knowingly made in violation of section 10a(3), the commission shall order the person to pay a
fine of not more than $70,000.00. Each unauthorized action made in violation of section 10a(3) is a separate
offense under this subdivision.

(b) Order an unauthorized supplier to refund to the customer any amount greater than the customer would
have paid to an authorized supplier.

(c) Order an unauthorized supplier to reimburse an authorized supplier an amount equal to the amount paid
by the customer that should have been paid to the authorized supplier.

(d) Order the refund of any amounts paid by the customer for unauthorized services.

(e) Order a portion between 10% to 50% of the fine ordered under subdivision (a) be paid directly to the
customer that suffered the violation under section 10a(3).

(f) If the person is licensed under this act, revoke the license if the commission finds a pattern of violations
of section 10a(3).

(g) Issue cease and desist orders.

(4) Notwithstanding subsection (3), a fine shall not be imposed for a violation of section 10a(3) if the
supplier has otherwise fully complied with section 10a(3) and shows that the violation was an unintentional
and bona fide error that occurred notwithstanding the maintenance of procedures reasonably adopted to avoid
the error. Examples of a bona fide error include clerical, calculation, computer malfunction, programming, or
printing errors. An error in legal judgment with respect to a supplier's obligations under section 10a(3) is not a
bona fide error. The burden of proving that a violation was an unintentional and bona fide error is on the
supplier.

(5) If the commission finds that a party's position in a complaint filed under subsection (2) is frivolous, the
commission shall award to the prevailing party their costs, including reasonable attorney fees, against the
nonprevailing party and their attorney.


Popular name: Customer Choice and Electricity Reliability Act