

# HOUSE BILL No. 5325

October 18, 2007, Introduced by Reps. Scott, Johnson, Lemmons, Polidori, Constan, Condino, Farrah, Virgil Smith, Wojno, Simpson, Young, Gaffney and Cushingberry and referred to the Committee on Energy and Technology.

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 460.10cc) by adding section 9d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 9D. (1) A SERVICE PROVIDER SHALL NOT DISCONTINUE SERVICE**  
2 **TO A QUALIFYING CUSTOMER WHO HAS FILED AN APPLICATION WITH A**

1 SERVICE PROVIDER UNDER THIS SECTION. UPON APPLICATION TO A SERVICE  
2 PROVIDER, A QUALIFYING CUSTOMER MAY RECEIVE SHUT-OFF PROTECTION  
3 FROM THE SERVICE PROVIDER UNDER THIS SECTION FOR UP TO 30 DAYS.  
4 UPON APPLICATION TO THE SERVICE PROVIDER, THE SERVICE PROVIDER MAY  
5 GRANT THE QUALIFYING CUSTOMER 1 OR MORE EXTENSIONS.

6 (2) UNLESS WAIVED BY THE SERVICE PROVIDER, THE SHUT-OFF  
7 PROTECTION PROVIDED UNDER THIS SECTION DOES NOT VOID OR LIMIT THE  
8 OBLIGATION OF THE QUALIFYING CUSTOMER TO PAY FOR ELECTRIC OR GAS  
9 SERVICES RECEIVED DURING THE TIME OF ASSISTANCE.

10 (3) UPON RECEIVING AN APPLICATION FROM A QUALIFYING CUSTOMER,  
11 A SERVICE PROVIDER SHALL DO ALL OF THE FOLLOWING:

12 (A) ESTABLISH A REPAYMENT PLAN REQUIRING MINIMUM MONTHLY  
13 PAYMENTS THAT ALLOWS THE QUALIFYING CUSTOMER TO PAY ANY PAST DUE  
14 AMOUNTS OVER A REASONABLE TIME PERIOD NOT TO EXCEED 60 DAYS.

15 (B) PROVIDE A QUALIFYING CUSTOMER WITH INFORMATION REGARDING  
16 ANY GOVERNMENTAL, SERVICE PROVIDER, OR OTHER ASSISTANCE PROGRAMS.

17 (C) PROVIDE QUALIFYING CUSTOMERS WITH ACCESS TO EXISTING  
18 INFORMATION ON WAYS TO MINIMIZE OR CONSERVE THEIR SERVICE USAGE.

19 (4) AS USED IN THIS SECTION:

20 (A) "QUALIFYING CUSTOMER" MEANS A CUSTOMER WHO DEMONSTRATES  
21 EACH OF THE FOLLOWING:

22 (i) THE CUSTOMER HAS A SERIOUS MEDICAL CONDITION WHICH REQUIRES  
23 ELECTRIC OR GAS SERVICE, INCLUDING, BUT NOT LIMITED TO, A MEDICAL  
24 CONDITION REQUIRING DIALYSIS TREATMENT.

25 (ii) THE CUSTOMER HAS PROVIDED VERIFICATION OF THE SERIOUS  
26 MEDICAL CONDITION TO THE SERVICE PROVIDER.

27 (B) "SERVICE PROVIDER" MEANS A PROVIDER OF ELECTRIC OR NATURAL

1 GAS SERVICE.