

SENATE BILL No. 1164

November 10, 2016, Introduced by Senator COLBECK 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,"
by amending section 10a (MCL 460.10a), as amended by 2008 PA 286;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10a. (1) The commission shall issue orders establishing
2 the rates, terms, and conditions of service that allow all retail
3 customers of an electric utility or provider to choose an
4 alternative electric supplier. ~~The orders shall do all of the~~
5 ~~following:~~

6 ~~— (a) Provide that no more than 10% of an electric utility's~~
7 ~~average weather adjusted retail sales for the preceding calendar~~
8 ~~year may take service from an alternative electric supplier at any~~
9 ~~time.~~

10 ~~— (b) Set forth procedures necessary to administer and allocate~~
11 ~~the amount of load that will be allowed to be served by alternative~~
12 ~~electric suppliers, through the use of annual energy allotments~~
13 ~~awarded on a calendar year basis, and shall provide, among other~~
14 ~~things, that existing customers who are taking electric service~~
15 ~~from an alternative electric supplier at a facility on the~~
16 ~~effective date of the amendatory act that added this subdivision~~
17 ~~shall be given an allocated annual energy allotment for that~~
18 ~~service at that facility, that customers seeking to expand usage at~~
19 ~~a facility served through an alternative electric supplier will be~~
20 ~~given next priority, with the remaining available load, if any,~~
21 ~~allocated on a first come first served basis. The procedures shall~~
22 ~~also provide how customer facilities will be defined for the~~
23 ~~purpose of assigning the annual energy allotments to be allocated~~

~~1 under this section. The commission shall not allocate additional
2 annual energy allotments at any time when the total annual energy
3 allotments for the utility's distribution service territory is
4 greater than 10% of the utility's weather adjusted retail sales in
5 the calendar year preceding the date of allocation. If the sales of
6 a utility are less in a subsequent year or if the energy usage of a
7 customer receiving electric service from an alternative electric
8 supplier exceeds its annual energy allotment for that facility,
9 that customer shall not be forced to purchase electricity from a
10 utility, but may purchase electricity from an alternative electric
11 supplier for that facility during that calendar year.~~

~~12 ——— (c) Notwithstanding any other provision of this section,
13 customers seeking to expand usage at a facility that has been
14 continuously served through an alternative electric supplier since
15 April 1, 2008 shall be permitted to purchase electricity from an
16 alternative electric supplier for both the existing and any
17 expanded load at that facility as well as any new facility
18 constructed or acquired after the effective date of the amendatory
19 act that added this subdivision that is similar in nature if the
20 customer owns more than 50% of the new facility.~~

~~21 ——— (d) Notwithstanding any other provision of this section, any
22 customer operating an iron ore mining facility, iron ore processing
23 facility, or both, located in the Upper Peninsula of this state,
24 shall be permitted to purchase all or any portion of its
25 electricity from an alternative electric supplier, regardless of
26 whether the sales exceed 10% of the serving electric utility's
27 average weather adjusted retail sales.~~

1 (2) The commission shall issue orders establishing a licensing
2 procedure for all alternative electric suppliers. To ensure
3 adequate service to customers in this state, the commission shall
4 require that an alternative electric supplier maintain an office
5 within this state, shall assure that an alternative electric
6 supplier has the necessary financial, managerial, and technical
7 capabilities, shall require that an alternative electric supplier
8 maintain records ~~which~~**THAT** the commission considers necessary, and
9 shall ensure an alternative electric supplier's accessibility to
10 the commission, to consumers, and to electric utilities in this
11 state. The commission also shall require alternative electric
12 suppliers to agree that they will collect and remit to local units
13 of government all applicable users, sales, and use taxes. An
14 alternative electric supplier is not required to obtain any
15 certificate, license, or authorization from the commission other
16 than as required by this act.

17 (3) The commission shall issue orders to ensure that customers
18 in this state are not switched to another supplier or billed for
19 any services without the customer's consent.

20 (4) ~~No later than December 2, 2000, the~~**THE** commission shall
21 establish a code of conduct that shall apply to all electric
22 utilities. The code of conduct shall include, but is not limited
23 to, measures to prevent cross-subsidization, information sharing,
24 and preferential treatment, between a utility's regulated and
25 unregulated services, whether those services are provided by the
26 utility or the utility's affiliated entities. The code of conduct
27 established under this subsection shall also be applicable to

1 electric utilities and alternative electric suppliers consistent
2 with section 10, this section, and sections 10b through 10cc.

3 (5) An electric utility may offer its customers an appliance
4 service program. Except as otherwise provided by this section, the
5 utility shall comply with the code of conduct established by the
6 commission under subsection (4). ~~As used in this section,~~
7 ~~"appliance service program" or "program" means a subscription~~
8 ~~program for the repair and servicing of heating and cooling systems~~
9 ~~or other appliances.~~

10 (6) A utility offering a program under subsection (5) shall do
11 all of the following:

12 (a) Locate within a separate department of the utility or
13 affiliate within the utility's corporate structure the personnel
14 responsible for the day-to-day management of the program.

15 (b) Maintain separate books and records for the program,
16 access to which shall be made available to the commission upon
17 request.

18 (c) Not promote or market the program through the use of
19 utility billing inserts, printed messages on the utility's billing
20 materials, or other promotional materials included with customers'
21 utility bills.

22 (7) All costs directly attributable to an appliance service
23 program allowed under subsection (5) shall be allocated to the
24 program as required by this subsection. The direct and indirect
25 costs of employees, vehicles, equipment, office space, and other
26 facilities used in the appliance service program shall be allocated
27 to the program based upon the amount of use by the program as

1 compared to the total use of the employees, vehicles, equipment,
2 office space, and other facilities. The cost of the program shall
3 include administrative and general expense loading to be determined
4 in the same manner as the utility determines administrative and
5 general expense loading for all of the utility's regulated and
6 unregulated activities. A subsidy by a utility does not exist if
7 costs allocated as required by this subsection do not exceed the
8 revenue of the program.

9 (8) A utility may include charges for its appliance service
10 program on its monthly billings to its customers if the utility
11 complies with all of the following requirements:

12 (a) All costs associated with the billing process, including
13 the postage, envelopes, paper, and printing expenses, are allocated
14 as required under subsection (7).

15 (b) A customer's regulated utility service is not terminated
16 for nonpayment of the appliance service program portion of the
17 bill.

18 (c) Unless the customer directs otherwise in writing, a
19 partial payment by a customer is applied first to the bill for
20 regulated service.

21 (9) In marketing its appliance service program to the public,
22 a utility shall do all of the following:

23 (a) The list of customers receiving regulated service from the
24 utility shall be available to a provider of appliance repair
25 service upon request within 2 business days. The customer list
26 shall be provided in the same electronic format as ~~such~~ **THAT**
27 information is provided to the appliance service program. A new

1 customer shall be added to the customer list within 1 business day
2 of the date the customer requested to turn on service.

3 (b) Appropriately allocate costs as required under subsection
4 (7) when personnel employed at a utility's call center provide
5 appliance service program marketing information to a prospective
6 customer.

7 (c) ~~Prior to~~ **BEFORE** enrolling a customer into the program, the
8 utility shall inform the potential customer of all of the
9 following:

10 (i) That appliance service programs may be available from
11 another provider.

12 (ii) That the appliance service program is not regulated by
13 the commission.

14 (iii) That a new customer ~~shall have~~ **HAS** 10 days after
15 enrollment to cancel his or her appliance service program contract
16 without penalty.

17 (iv) That the customer's regulated rates and conditions of
18 service provided by the utility are not affected by enrollment in
19 the program or by the decision of the customer to use the services
20 of another provider of appliance repair service.

21 (d) The utility name and logo may be used to market the
22 appliance service program ~~provided that~~ **IF** the program is not
23 marketed in conjunction with a regulated service. ~~To the extent~~
24 ~~that~~ **IF** a program utilizes the utility's name and logo in marketing
25 the program, the program shall include language on all material
26 indicating that the program is not regulated by the commission.
27 Costs shall not be allocated to the program for the use of the

1 utility's name or logo.

2 (10) This section does not prohibit the commission from
3 requiring a utility to include revenues from an appliance service
4 program in establishing base rates. If the commission includes the
5 revenues of an appliance service program in determining a utility's
6 base rates, the commission shall also include all of the costs of
7 the program as determined under this section.

8 (11) Except as otherwise provided in this section, the code of
9 conduct with respect to an appliance service program shall not
10 require a utility to form a separate affiliate or division to
11 operate an appliance service program, impose further restrictions
12 on the sharing of employees, vehicles, equipment, office space, and
13 other facilities, or require the utility to provide other providers
14 of appliance repair service with access to utility employees,
15 vehicles, equipment, office space, or other facilities.

16 (12) This act does not prohibit or limit the right of a person
17 to obtain self-service power and does not impose a transition,
18 implementation, exit fee, or any other similar charge on self-
19 service power. A person using self-service power is not an electric
20 supplier, electric utility, or a person conducting an electric
21 utility business. As used in this subsection, "self-service power"
22 means any of the following:

23 (a) Electricity generated and consumed at an industrial site
24 or contiguous industrial site or single commercial establishment or
25 single residence without the use of an electric utility's
26 transmission and distribution system.

27 (b) Electricity generated primarily by the use of by-product

1 fuels, including waste water solids, which electricity is consumed
2 as part of a contiguous facility, with the use of an electric
3 utility's transmission and distribution system, but only if the
4 point or points of receipt of the power within the facility are not
5 greater than 3 miles distant from the point of generation.

6 (c) A site or facility with load existing on June 5, 2000 that
7 is divided by an inland body of water or by a public highway, road,
8 or street but that otherwise meets this definition meets the
9 contiguous requirement of this subdivision regardless of whether
10 self-service power was being generated on June 5, 2000.

11 (d) A commercial or industrial facility or single residence
12 that meets the requirements of subdivision (a) or (b) meets this
13 definition whether or not the generation facility is owned by an
14 entity different from the owner of the commercial or industrial
15 site or single residence.

16 (13) This act does not prohibit or limit the right of a person
17 to engage in affiliate wheeling and does not impose a transition,
18 implementation, exit fee, or any other similar charge on a person
19 engaged in affiliate wheeling. ~~As used in this section:~~

20 ~~—— (a) "Affiliate" means a person or entity that directly, or~~
21 ~~indirectly through 1 or more intermediates, controls, is controlled~~
22 ~~by, or is under common control with another specified entity. As~~
23 ~~used in this subdivision, "control" means, whether through an~~
24 ~~ownership, beneficial, contractual, or equitable interest, the~~
25 ~~possession, directly or indirectly, of the power to direct or to~~
26 ~~cause the direction of the management or policies of a person or~~
27 ~~entity or the ownership of at least 7% of an entity either directly~~

1 ~~or indirectly.~~

2 ~~—— (b) "Affiliate wheeling" means a person's use of direct access~~
3 ~~service where an electric utility delivers electricity generated at~~
4 ~~a person's industrial site to that person or that person's~~
5 ~~affiliate at a location, or general aggregated locations, within~~
6 ~~this state that was either 1 of the following:~~

7 ~~—— (i) For at least 90 days during the period from January 1,~~
8 ~~1996 to October 1, 1999, supplied by self-service power, but only~~
9 ~~to the extent of the capacity reserved or load served by self-~~
10 ~~service power during the period.~~

11 ~~—— (ii) Capable of being supplied by a person's cogeneration~~
12 ~~capacity within this state that has had since January 1, 1996 a~~
13 ~~rated capacity of 15 megawatts or less, was placed in service~~
14 ~~before December 31, 1975, and has been in continuous service since~~
15 ~~that date. A person engaging in affiliate wheeling is not an~~
16 ~~electric supplier, an electric utility, or conducting an electric~~
17 ~~utility business when a person engages in affiliate wheeling.~~

18 (14) The rights of parties to existing contracts and
19 agreements in effect as of January 1, 2000 between electric
20 utilities and qualifying facilities, including the right to have
21 the charges recovered from the customers of an electric utility, or
22 its successor, shall not be abrogated, increased, or diminished by
23 this act, nor shall the receipt of any proceeds of the
24 securitization bonds by an electric utility be a basis for any
25 regulatory disallowance. Further, any securitization or financing
26 order issued by the commission that relates to a qualifying
27 facility's power purchase contract shall fully consider that

1 qualifying facility's legal and financial interests.

2 (15) A customer who elects to receive service from an
3 alternative electric supplier may subsequently provide notice to
4 the electric utility of the customer's desire to receive standard
5 tariff service from the electric utility. The procedures in place
6 for each electric utility as of January 1, 2008 that set forth the
7 terms ~~pursuant to~~ **UNDER** which a customer receiving service from an
8 alternative electric supplier may return to full service from the
9 electric utility are ratified and shall remain in effect and may be
10 amended by the commission as needed. If an electric utility did not
11 have the procedures in place as of January 1, 2008, the commission
12 shall adopt those procedures.

13 (16) **THE COMMISSION SHALL DEVELOP AN ENERGY SERVICE DELIVERY**
14 **MODEL THAT ADDRESSES ALL OF THE FOLLOWING:**

15 (A) **FOR EACH ELECTRIC GENERATING FACILITY IN THIS STATE:**

16 (i) **THE OWNER OF THAT FACILITY.**

17 (ii) **THE PEAK OUTPUT OF THAT FACILITY.**

18 (iii) **THE BASE OUTPUT OF THAT FACILITY.**

19 (iv) **THE TYPE OF ENERGY PRODUCED BY THAT FACILITY.**

20 (v) **THE OPERATING EXPENSES OF THAT FACILITY.**

21 (vi) **THE CAPITAL EXPENSES OF THAT FACILITY.**

22 (vii) **WHETHER THE FACILITY IS OWNED BY AN ELECTRIC UTILITY,**
23 **COOPERATIVE ELECTRIC UTILITY, MUNICIPALLY OWNED ELECTRIC UTILITY,**
24 **ALTERNATIVE ELECTRIC SUPPLIER, OR OTHER ENTITY.**

25 (viii) **THE RELIABILITY OF THAT FACILITY.**

26 (B) **FOR EACH ELECTRIC DISTRIBUTION LINE IN THIS STATE:**

27 (i) **THE OWNER OF THAT LINE.**

1 (ii) THE PEAK OUTPUT OF THAT LINE.

2 (iii) THE BASE OUTPUT OF THAT LINE.

3 (iv) THE OPERATING EXPENSES OF THAT LINE.

4 (v) THE CAPITAL EXPENSES OF THAT LINE.

5 (vi) WHETHER THE LINE IS OWNED BY AN ELECTRIC UTILITY,
6 COOPERATIVE ELECTRIC UTILITY, MUNICIPALLY OWNED ELECTRIC UTILITY,
7 OR OTHER ENTITY.

8 (vii) THE RELIABILITY OF THAT LINE.

9 (C) FOR EACH SUBSTATION IN THIS STATE:

10 (i) THE OWNER OF THAT SUBSTATION.

11 (ii) THE PEAK OUTPUT OF THAT SUBSTATION.

12 (iii) THE BASE OUTPUT OF THAT SUBSTATION.

13 (iv) THE OPERATING EXPENSES OF THAT SUBSTATION.

14 (v) THE CAPITAL EXPENSES OF THAT SUBSTATION.

15 (vi) WHETHER THE SUBSTATION IS OWNED BY AN ELECTRIC UTILITY,
16 COOPERATIVE ELECTRIC UTILITY, MUNICIPALLY OWNED ELECTRIC UTILITY,
17 OR OTHER ENTITY.

18 (vii) THE RELIABILITY OF THAT SUBSTATION.

19 (D) FOR EACH ELECTRIC STORAGE UNIT IN THIS STATE:

20 (i) THE OWNER OF THAT STORAGE UNIT.

21 (ii) THE PEAK OUTPUT OF THAT STORAGE UNIT.

22 (iii) THE BASE OUTPUT OF THAT STORAGE UNIT.

23 (iv) THE OPERATING EXPENSES OF THAT STORAGE UNIT.

24 (v) THE CAPITAL EXPENSES OF THAT STORAGE UNIT.

25 (vi) WHETHER THE STORAGE UNIT IS OWNED BY AN ELECTRIC UTILITY,
26 COOPERATIVE ELECTRIC UTILITY, MUNICIPALLY OWNED ELECTRIC UTILITY,
27 ALTERNATIVE ELECTRIC SUPPLIER, OR ANOTHER ENTITY.

1 (vii) THE RELIABILITY OF THAT STORAGE UNIT.

2 (17) THE COMMISSION SHALL DEVELOP AN INTEGRATED RESOURCE PLAN
3 FOR EACH ELECTRIC UTILITY IN THIS STATE. THE COMMISSION SHALL
4 INCLUDE BOTH OF THE FOLLOWING IN ANY INTEGRATED RESOURCE PLAN IT
5 DEVELOPS UNDER THIS SECTION:

6 (A) THE POWER DEMAND OF THAT ELECTRIC UTILITY, INCLUDING ALL
7 OF THE FOLLOWING:

8 (i) A CONSUMER ENERGY PORTFOLIO CONSISTING OF THE TYPE OF
9 ENERGY SOURCE THAT THE CUSTOMERS OF THAT ELECTRIC UTILITY PREFER.
10 THE COMMISSION SHALL ALLOW CUSTOMERS TO CHOOSE THE TYPE OF ENERGY
11 SOURCE FROM WHICH THE CUSTOMER'S ELECTRICITY IS GENERATED. THE
12 COMMISSION SHALL ENSURE THAT CUSTOMERS ARE ANNUALLY GIVEN A LIST OF
13 AVAILABLE TYPES OF ELECTRIC GENERATION AND ALLOWED TO MODIFY THEIR
14 CHOICE AT LEAST ONCE PER YEAR.

15 (ii) CONSUMER RATES, BASED ON THE TOTAL UNSUBSIDIZED COST OF
16 ELECTRICITY. THE COMMISSION SHALL DETERMINE THE TOTAL UNSUBSIDIZED
17 COST AS THE SUM OF THE COST OF ELECTRICITY AND THE ADMINISTRATIVE
18 COST OF THE ELECTRIC UTILITY. UTILITY ADMINISTRATIVE COSTS SHALL
19 NOT EXCEED 10% OF THE COST OF ELECTRICITY. AS USED IN THIS
20 SUBPARAGRAPH, "COST OF ELECTRICITY" MEANS THE OPERATING COSTS PLUS
21 THE AMORTIZED CAPITALIZATION COSTS.

22 (iii) AN AGGREGATE DEMAND MODEL THAT INCLUDES A 5-YEAR
23 ESTIMATE OF CONSUMER DEMAND BY SOURCE TYPE.

24 (B) THE POWER SUPPLY AVAILABLE TO AN ELECTRIC UTILITY,
25 INCLUDING BOTH OF THE FOLLOWING:

26 (i) AN AGGREGATE SUPPLY MODEL THAT ADDS UP ALL OF THE POWER
27 GENERATION FACILITIES BY SOURCE TYPE, BREAKS THIS DOWN BY PEAK

1 OUTPUT AND BASE OUTPUT, AND DETERMINES THE DIFFERENCE BETWEEN
2 SUPPLY AND DEMAND BROKEN DOWN BY SOURCE TYPE. THE COMMISSION SHALL
3 CREATE COMPETITIVE BIDDING GUIDELINES FOR THE DIFFERENCE BETWEEN
4 SUPPLY AND DEMAND THAT ALLOWS ALTERNATIVE ENERGY SUPPLIERS TO
5 COMPETITIVELY BID TO SUPPLY THAT SOURCE TYPE.

6 (ii) RELIABILITY REQUIREMENTS FOR EACH SUPPLIER OF
7 ELECTRICITY. IF THE ENERGY PRODUCER FAILS TO MEET THESE
8 REQUIREMENTS, IT IS SUBJECT TO A FINE OF THE AMOUNT THAT THE ENTITY
9 CHARGES ITS CONSUMERS FOR THAT SOURCE TYPE OF ENERGY TIMES THE
10 AMOUNT OF TIME THE SUPPLIER FAILED TO MEET THE RELIABILITY
11 REQUIREMENTS.

12 (18) ~~(16)~~—The commission shall authorize rates that will
13 ensure that an electric utility that offered retail open access
14 service from 2002 through ~~the effective date of the amendatory act~~
15 ~~that added this subsection~~ **OCTOBER 6, 2008** fully recovers its
16 restructuring costs and any associated accrued regulatory assets.
17 This includes, but is not limited to, implementation costs,
18 stranded costs, and costs authorized ~~pursuant to~~ **UNDER** section
19 10d(4) as it existed ~~prior to the effective date of the amendatory~~
20 ~~act that added this subsection,~~ **BEFORE OCTOBER 6, 2008**, that have
21 been authorized for recovery by the commission in orders issued
22 ~~prior to the effective date of the amendatory act that added this~~
23 ~~subsection.~~ **BEFORE OCTOBER 6, 2008**. The commission shall approve
24 surcharges that will ensure full recovery of all such costs ~~within~~
25 ~~5 years of the effective date of the amendatory act that added this~~
26 ~~subsection.~~ **BY OCTOBER 6, 2013**.

27 (19) ~~(17)~~—As used in subsections (1) and (15):

1 (a) "Customer" means the building or facilities served through
2 a single existing electric billing meter and does not mean the
3 person, corporation, partnership, association, governmental body,
4 or other entity owning or having possession of the building or
5 facilities.

6 (b) "Standard tariff service" means, for each regulated
7 electric utility, the retail rates, terms, and conditions of
8 service approved by the commission for service to customers who do
9 not elect to receive generation service from alternative electric
10 suppliers.

11 (20) AS USED IN THIS SECTION:

12 (A) "AFFILIATE" MEANS A PERSON OR ENTITY THAT DIRECTLY, OR
13 INDIRECTLY THROUGH 1 OR MORE INTERMEDIATES, CONTROLS, IS CONTROLLED
14 BY, OR IS UNDER COMMON CONTROL WITH ANOTHER SPECIFIED ENTITY. AS
15 USED IN THIS SUBDIVISION, "CONTROL" MEANS, WHETHER THROUGH AN
16 OWNERSHIP, BENEFICIAL, CONTRACTUAL, OR EQUITABLE INTEREST, THE
17 POSSESSION, DIRECTLY OR INDIRECTLY, OF THE POWER TO DIRECT OR TO
18 CAUSE THE DIRECTION OF THE MANAGEMENT OR POLICIES OF A PERSON OR
19 ENTITY OR THE OWNERSHIP OF AT LEAST 7% OF AN ENTITY EITHER DIRECTLY
20 OR INDIRECTLY.

21 (B) "AFFILIATE WHEELING" MEANS A PERSON'S USE OF DIRECT ACCESS
22 SERVICE WHERE AN ELECTRIC UTILITY DELIVERS ELECTRICITY GENERATED AT
23 A PERSON'S INDUSTRIAL SITE TO THAT PERSON OR THAT PERSON'S
24 AFFILIATE AT A LOCATION, OR GENERAL AGGREGATED LOCATIONS, WITHIN
25 THIS STATE THAT WAS EITHER 1 OF THE FOLLOWING:

26 (i) FOR AT LEAST 90 DAYS DURING THE PERIOD FROM JANUARY 1,
27 1996 TO OCTOBER 1, 1999, SUPPLIED BY SELF-SERVICE POWER, BUT ONLY

1 TO THE EXTENT OF THE CAPACITY RESERVED OR LOAD SERVED BY SELF-
2 SERVICE POWER DURING THE PERIOD.

3 (ii) CAPABLE OF BEING SUPPLIED BY A PERSON'S COGENERATION
4 CAPACITY WITHIN THIS STATE THAT HAS HAD SINCE JANUARY 1, 1996 A
5 RATED CAPACITY OF 15 MEGAWATTS OR LESS, WAS PLACED IN SERVICE
6 BEFORE DECEMBER 31, 1975, AND HAS BEEN IN CONTINUOUS SERVICE SINCE
7 THAT DATE. A PERSON ENGAGING IN AFFILIATE WHEELING IS NOT AN
8 ELECTRIC SUPPLIER, AN ELECTRIC UTILITY, OR CONDUCTING AN ELECTRIC
9 UTILITY BUSINESS WHEN A PERSON ENGAGES IN AFFILIATE WHEELING.

10 (C) "APPLIANCE SERVICE PROGRAM" OR "PROGRAM" MEANS A
11 SUBSCRIPTION PROGRAM FOR THE REPAIR AND SERVICING OF HEATING AND
12 COOLING SYSTEMS OR OTHER APPLIANCES.

13 Enacting section 1. Section 47 of the clean, renewable, and
14 efficient energy act, 2008 PA 295, MCL 460.1047, is repealed.