COSTS OF REGULATING PUBLIC UTILITIES

Act 299 of 1972

AN ACT to provide for the assessment, collection and disposition of the costs of regulation of public utilities.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

The People of the State of Michigan enact:

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460.111 Definitions.

Sec. 1.

As used in this act:

(a) "Commission" means the public service commission.

(b) "Department" means the department of commerce.

(c) "Public utility" means a steam, heat, electric, power, gas, water, wastewater, telecommunications, telegraph, communications, pipeline, or gas producing company regulated by the commission, whether private, corporate, or cooperative, except a municipally owned utility.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972 ;-- Am. 1992, Act 36, Imd. Eff. Apr. 21, 1992 ;-- Am. 2005, Act 189, Imd. Eff. Nov. 7, 2005

460.112 Assessments against public utilities; amount; apportionment.

Sec. 2.

The department within 30 days after the enactment into law of any appropriation to it, shall ascertain the amount of the appropriation attributable to the regulation of public utilities. This amount shall be assessed against the public utilities and shall be apportioned amongst them as follows: The gross revenue for the preceding calendar year derived from intrastate operations for each public utility shall be totaled and each public utility shall pay a portion of the assessment in the same proportion that its gross revenue for the preceding calendar year derived from intrastate operations bears to such total. Each public utility shall pay a minimum assessment of not less than $50.00.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.113 Deductions from assessments.

Sec. 3.

For the fiscal year commencing July 1, 1973 and annually thereafter, there shall be deducted from any amount to be assessed under section 2 an amount equal to the difference by which the actual expenditures for the previous fiscal year attributable to the regulation of public utilities are less than the amounts appropriated for those purposes. Such deductions shall be made in the same proportion as the original assessments in section 2 of the act.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.114 Repealed. 1978, Act 272, Imd.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

Compiler's Notes: The repealed section pertained to credit for fees paid.

460.115 Disposition of moneys paid by public utilities.

Sec. 5.

All moneys paid into the state treasury by a public utility under this act shall be credited to a special account, to be utilized solely to finance the cost of regulating public utilities.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.115a Administration of uniform video services local franchise act; use of assessments.

Sec. 5a.

Notwithstanding section 5, the commission may use assessments received under this act to administer the uniform video services local franchise act, 2006 PA 480, MCL 484.3301 to 484.3315.

History: Add. 2016, Act 438, Eff. Jan 4, 2017

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460.116 Objections to assessments; notice; hearing; findings; payment of assessments; interest on unpaid assessments; action by attorney general.

Sec. 6.

Within 15 days after the receipt of any statement of amount assessed under this act, the public utility may file with the commission objections setting forth in detail the grounds upon which the assessment is claimed to be excessive, erroneous, unlawful or invalid. The commission, after notice to the utility shall hold a hearing on the objections. If, after hearing, the commission finds the assessment is not excessive, erroneous, unlawful or invalid in whole or in part, it shall record its findings and transmit them to the public utility and again mail or serve a copy of the assessment upon the utility. Statements of assessment to which objections have not been filed, and statements of assessment and amended statements of assessment mailed or served after a hearing upon objections shall be paid not later than 30 days after their receipt. Assessments not paid when due shall bear interest at the rate of 1% per month. Statements of unpaid assessments together with interest thereon shall be recovered by the attorney general by appropriate action.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.117 Restraining or delaying collection or payment of assessments; statement of claim; action for recovery of payment; issues; review; remedy exclusive.

Sec. 7.

A suit or proceeding shall not be maintained in a court for the purpose of restraining or delaying the collection or payment of an assessment made under this act. A person or corporation making a payment under this act, believing the amount to be excessive, erroneous, unlawful or invalid may file a statement of claim with the court of claims. In an action for

recovery of a payment made under this act, the claimant may raise every relevant issue of law and fact, evidenced by the record made before the commission. The court of claims may review questions of law and fact involved in a final decision or determination of the commission made under this act. The procedure providing for the determination of the lawfulness of assessments and the recovery of payments made under this act shall be exclusive of all other remedies and procedures.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.118 Exemption of certain public utilities.

Sec. 8.

The commission may exempt a public utility from this act, if, after notice and hearing, it determines that gross revenues derived from intrastate operations is not a fair or equitable basis for assessing the costs of regulating that public utility and prescribes a fair and equitable manner for assessing such costs of regulation.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.119 Fees in lieu of assessment.

Sec. 9.

Any public utility over which the commission has jurisdiction solely pursuant to the provisions of Act No. 9 of the Public Acts of 1929, as amended, being sections 483.101 to 483.120 of the Compiled Laws of 1948 or Act No. 16 of the Public Acts of 1929, as amended, being sections 483.1 to 483.11 of the Compiled Laws of 1948 or Act No. 144 of the Public Acts of 1909, as amended, being sections 460.301 to 460.303 of the Compiled Laws of 1948, shall pay fees as prescribed by the commission in lieu of any assessment under the provisions of this act.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972

460.120 Effective date.

Sec. 10.

This act shall take effect when Senate Bill No. 699 of 1971 is enacted and becomes effective.

History: 1972, Act 299, Imd. Eff. Dec. 19, 1972
Compiler's Notes: Senate Bill No. 699 of 1971, referred to in this section, became Act 300 of 1972.

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