

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1986-4

460.901 Energy administration transferred from department of commerce to public service commission.

WHEREAS, Article V, Section 2, of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, efficient use and adequate supplies of competitively priced energy are vital to the maintenance and growth of Michigan's economy; and

WHEREAS, the state's ability to coordinate strategic energy planning, policy and program development and evaluation must be strengthened to assure that sufficient energy resources are available to Michigan's citizens and businesses at competitive prices; and

WHEREAS, the current functions and responsibilities of the Energy Administration include coordination of non-regulatory state governmental actions relating to energy problems and planning; gathering and analysis of information on energy issues, including Michigan's policy and planning alternatives; development and implementation of statewide energy conservation programs, including the collection of reports from local units of government and school districts; provision of public information on the state's energy situation and energy conservation programs; liaison for the state with the federal government, other states, and local units of government on energy matters, including development and submission of plans for the disbursement of oil overcharge refunds; and provision of assistance to the Executive Office with energy policy and planning matters, as well as with the preparation of energy conservation plans; and

WHEREAS, the current functions and responsibilities of the Public Service Commission include broad supervision and regulation of all rates, services, rules, conditions of service, and other matters relating to the operations of public utilities providing services in Michigan; and

WHEREAS, the organizational merger of the Energy Administration and the Public Service Commission will significantly strengthen the regulatory and non-regulatory energy planning, policy and program capabilities of the State of Michigan and improve the administrative coordination and efficiency with which the state's energy-related programs are conducted;

NOW, THEREFORE, I, JAMES J. BLANCHARD, Governor of the State of Michigan, pursuant to the authority vested in me by the provisions of Article V, Section 2, of the Constitution of the State of Michigan of 1963, do hereby order that:

1. All functions and responsibilities of the Energy Administration, Department of Commerce, noted above and all of its authority, powers, duties, functions and responsibilities created by and described in Executive Directives dated March 29, 1976 (1976-2), September 22, 1976 (1976-5), November 1, 1982 and March 8, 1984 are hereby transferred to the Michigan Public Service Commission, a Type I agency of the Department of Commerce.

2. Further, all functions and responsibilities of the Energy Administration conferred by Act No. 191 of the Public Acts of 1982, being Sections 10.81 through 10.89 of the Michigan Compiled Laws; Act No. 190 of the Public Acts of 1983, being Section 206.262 of the Michigan Compiled Laws; Act Nos. 148, 400, 401, 402, 403 and 404 of the Public Acts of 1984, being Sections 389.122A, 46.11c, 117.56, 68.36, 41.75 and 78.24b of the Michigan Compiled Laws; and Act No. 22 of the Public Acts of 1985, being Section 380.1274a of the Michigan Compiled Laws, are hereby transferred to the Michigan Public Service Commission, a Type I agency of the Department of Commerce, and those powers, duties and responsibilities of the Director of the Energy Administration associated with the Director's designation as a member of the Energy Advisory Committee pursuant to Section 2 of Act No. 191 of the Public Acts of 1982, being Section 10.82 of the Michigan Compiled Laws, shall become the powers, duties and responsibilities of the Chairperson of the Michigan Public Service Commission. The Chairperson of the Michigan Public Service Commission is hereby designated as Chairperson of the Energy Advisory Committee pursuant to Section 2 of Act No. 191 of the Public Acts of 1982, being Section 10.82 of the Michigan Compiled Laws. The Chairperson of the Michigan Public Service Commission shall have only one vote on the Energy Advisory Committee.

3. The Public Service Commission shall make the internal organizational changes necessary to implement a strengthened regulatory and non-regulatory strategic energy planning, policy and program development and evaluation capability, and to improve the administrative efficiency and coordination of the state's energy-related

program activities. Motor carrier fees or public utility assessments shall not be used by the Michigan Public Service Commission to carry out the powers, duties and responsibilities transferred herein. The appropriations made in Act No. 218 of the Public Acts of 1986 to the Michigan Public Service Commission for the state fiscal year ending September 30, 1987 shall be expended for Michigan Public Service Commission purposes and not for carrying out the powers, duties and responsibilities of the Energy Administration transferred herein.

4. All records, property, personnel and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Energy Administration or necessary for any of the functions transferred herein are also transferred to the Michigan Public Service Commission. The appropriations made in Act 218 of the Public Acts of 1986 for Energy Administration purposes for the state fiscal year ending September 30, 1987 shall be expended for carrying out the powers, duties and responsibilities of the Energy Administration transferred herein. No transfers shall be made within the appropriations for Energy Administration purposes for the state fiscal year ending September 30, 1987 without complying with Section 393 of Act 431 of the Public Acts of 1984, being Section 18.1393 of the Michigan Compiled Laws.

5. All state agencies shall cooperate with the Michigan Public Service Commission in the performance of its functions and responsibilities described herein.

In fulfillment of the requirements of Article V, Section 2, of the Constitution of 1963, this Order shall become effective January 1, 1987.

History: 1986, E.R.O. No. 1986-4, Eff. Jan. 1, 1987

Compiler's Notes: In 2. of E.R.O. No. 1986-4, the reference to "117.56" evidently should read "117.5f". For transfer of energy advisory committee, and its abolishment, see E.R.O. No. 2008-4, compiled at MCL 445.2025.