

MICHIGAN PUBLIC SERVICE COMMISSION (EXCERPT)
Act 3 of 1939

***** 460.9r.added THIS ADDED SECTION IS EFFECTIVE JANUARY 14, 2010 *****

460.9r.added Shut off of service by municipally owned electric utility; prohibitions; requirements; definitions.

Sec. 9r. (1) A municipally owned electric utility shall not shut off service to an eligible customer during the heating season for nonpayment of a delinquent account if the customer is an eligible senior citizen customer or if the eligible customer enters into a winter protection payment plan to pay to the utility a monthly amount equal to 7% of the estimated annual bill for the eligible customer or the eligible customer and the utility mutually agree upon a winter protection payment plan with different terms and the eligible customer demonstrates, within 14 days of requesting shut-off protection, that he or she has applied for state or federal heating assistance. If an arrearage exists at the time an eligible customer applies for protection from shutoff of service during the heating season, the utility shall permit the customer to pay the arrearage in equal monthly installments between the date of application and the start of the subsequent heating season.

(2) If a customer fails to comply with the terms and conditions of a winter protection payment plan, a municipally owned electric utility may shut off service after giving the customer a notice, by personal service or first-class mail, that contains all of the following information:

(a) That the customer has defaulted on the winter protection payment plan.

(b) The nature of the default.

(c) That unless the customer makes the payments that are past due within 10 days of the date of mailing, the municipally owned electric utility may shut off service.

(d) The date on or after which the municipally owned electric utility may shut off service, unless the customer takes appropriate action.

(e) That the customer may petition the municipally owned electric utility in accordance with the utility's rules disputing the claim before the date of the proposed shutoff of service, or bring an action pursuant to section 9p.

(f) That the utility will not shut off service pending the resolution of a dispute that is filed with the utility in accordance with this section.

(g) The telephone number and address of the utility where the customer may make inquiry, enter into a payment plan, or file a complaint.

(h) The energy assistance telephone line number at the department of human services or an operating 2-1-1 system telephone number.

(i) That the utility will postpone shutoff of service if a medical emergency exists at the customer's residence.

(j) That the utility may require a deposit and restoration charge if the supplier shuts off service for nonpayment of a delinquent account.

(3) As used in this section:

(a) "Eligible customer" means either an eligible low-income customer or an eligible senior citizen customer who demonstrates to the utility his or her eligibility.

(b) "Eligible low-income customer" means a customer whose household income does not exceed 150% of the poverty level, as published by the United States department of health and human services, or who receives any of the following:

(i) Assistance from a state emergency relief program.

(ii) Food stamps.

(iii) Medicaid.

(c) "Eligible senior citizen customer" means a utility customer who is 65 years of age or older and who advises the utility of his or her eligibility.

(d) "Heating season" means November 1 through March 31.

History: Add. 2009, Act 174, Eff. Jan. 14, 2010.