

**Michigan Office of Administrative Hearings and Rules**

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**AGENCY REPORT TO THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

**1. Agency Information**

**Agency name:**

Licensing and Regulatory Affairs

**Division/Bureau/Office:**

Public Service Commission

**Name of person completing this form:**

Jana Bachman

**Phone number of person completing this form:**

517-284-8088

**E-mail of person completing this form:**

BachmanJ2@michigan.gov

**Name of Department Regulatory Affairs Officer reviewing this form:**

Elizabeth Arasim

**2. Rule Set Information**

**MOAHR assigned rule set number:**

2021-3 LR

**Title of proposed rule set:**

Consumer Standards and Billing Practices for Electric and Natural Gas Service

**3. Purpose for the proposed rules and background:**

The general purpose of the Consumer Standards and Billing Practices for Electric and Natural Gas Service (Billing Rules) is to provide a regulatory framework with which utilities must comply and that customers may refer to if they are dissatisfied with a utility's actions or wish to learn what their rights are and/or a utility's responsibilities are.

**4. Summary of proposed rules:**

The general purpose of the Consumer Standards and Billing Practices for Electric and Natural Gas Service (Billing Rules) is to provide a regulatory framework with which utilities must comply and that customers may refer to if they are dissatisfied with a utility's actions or wish to learn what their rights are and/or a utility's responsibilities are.

**5. List names of newspapers in which the notice of public hearing was published and publication dates:**

The notices of public hearing were published on November 23, 2021 in the Mining Journal, the Grand Rapids Press, and The Oakland Press.

**6. Date of publication of rules and notice of public hearing in Michigan Register:**

11/15/2021

**7. Date, time, and location of public hearing:**

12/9/2021 11:00 AM at Lake Michigan Hearing Room , MPSC 7109 W. Saginaw Hwy., Lansing MI 48917; or WebLink: <https://bit.ly/318x7uZ>; or audio only +1 248-509-0316, US Phone Conference ID: 269 161 043#

**8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:**

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1261>

**9. List of the name and title of agency representative(s) attending public hearing:**

Assistant Attorney General Mike Orris represented the Commission Staff at the public hearing. Commission Staff member Chris Forist and Commission Staff Attorney Jana Bachman attended the public hearing.

**10. Persons submitting comments of support:**

Assistant Attorney General Michael E. Moody submitted comments during the open public comment period on behalf of Attorney General Dana Nessel. Daniel Dundas of the Michigan Electric and Gas Association submitted comments during the open public comment period on behalf of the Citizens' Utility Board of Michigan.

**11. Persons submitting comments of opposition:**

No person submitted comments of opposition.

**12. Persons submitting other comments:**

Comments were submitted after the close of the public comment period by Amy Bandyk on behalf of the Citizens Utility Board of Michigan and by Assistant Attorney General Michael E. Moody on behalf of Attorney General Dana Nessel. The comments were in support of the rules but suggested some minor additional wording changes.

**13. Identify any changes made to the proposed rules based on comments received during the public comment period:**

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	<b>Name &amp; Organization</b>	<b>Comments made at public hearing</b>	<b>Written Comments</b>	<b>Agency Rationale for Rule Change and Description of Change(s) Made</b>	<b>Rule number &amp; citation changed</b>
1	Michael E. Moody Michigan Department of Attorney General		The Attorney General Comment/Recommendation: The proposed service quality and reliability standards removed subpart (a), (b) and (c) from Rule 460.724 with the intent to transfer those standards to the consumer standards and billing practices Rule 460.151. It appears that R 460.724 (c) was inadvertently not transferred. Therefore, the Attorney General recommends that this standard be added to R 460.151(2)(b) to read as follows: "An electric utility shall have a complaint response factor of 90% or more within 3 business days."	The Commission agrees with the Attorney General that the suggested wording for R 460.151(2)(b) was inadvertently omitted from the proposed rules and, accordingly, added the wording suggested by the Attorney General to R 460.151(2)(b).	The Attorney General comments indicated a change to: R 460.151(2)(b).

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2	Daniel Dundas of the Michigan Electric and Gas Association submitted comments on behalf of the Utility Joint Commenters		In its comments, MEGA proposes the following wording for Mich Admin Code, R 460.143(5) (Rule 43(5)): After the utility shuts off service, no later than the fifth business day after service was disconnected the utility will send notice to the customers that remain shut off. The utility must notify the customer via automated or manual telephone call, electronic mail, text message, or U.S. Mail. The notice must state that service has been shut off, the utility's contact information where the customer may arrange to have service restored, and that any efforts by the customer to restore his or her own service are unlawful and dangerous.	The Commission agrees with MEGA that its proposed wording for R 460.143(5) provides adequate protection for regulated utility customers but is less burdensome to regulated utilities than the wording proposed by the Commission. Accordingly, the Commission adopted a slightly modified version of MEGA's suggested wording to R 460.143(5). It should be noted that this notification rule is in addition to other required notifications to be provided to customers by regulated utilities in advance of a proposed shutoff of service. The rules that provide for the other notices are not being amended in this rulemaking.	MEGA comments indicated a change to R 460.143(5).
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**14.Date report completed:**

3/30/2022