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SENATE ANALYSIS SECTION

Lansing, Michigan 48909

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Senate Bill 69 (as passed by the Senate)
Senate Bill 70 (as passed by the Senate)
Senate Bill 71 (as passed by the Senate)
Senate Bill 72 (as passed by the Senate)

Sponsor: Senator John J.H. Schwarz, M.D.

Committee: Energy

Date Completed: 3-16-87

RATIONALE

Public Act 312 of 1986 provides that appeals of final orders of the Public Service Commission (PSC) pertaining to common carriers may be filed in the Court of Appeals, if filed within 30 days after the issuance of the order. Prior to the passage of Public Act 312, such appeals were taken to the Ingham County Circuit Court. Since Public Act 312 permits direct appeals to the appellate court, some people contend that other Acts providing for appeals of PSC orders (e.g., the Public Service Commission enabling Act) should be made consistent with the streamlined appeals process permitted by Public Act 312.

CONTENT

Senate Bills 69 through 72 would amend four separate Acts to require that appeals of PSC orders be made in compliance with the procedures established by Public Act 312 of 1986. The bills would take effect on April 1, 1987.

Senate Bill 69 would amend the Public Service Commission enabling Act; Senate Bill 70 would amend Public Act 206 of 1913 (which regulates telephone companies); Senate Bill 71 would amend Public Act 9 of 1929 (which regulates natural gas); and Senate Bill 72 would amend Public Act 419 of 1919 (which provides for PSC regulation of public utilities).

MCL 460.4 (Senate Bill 69)
484.114 (Senate Bill 70)
483.110 (Senate Bill 71)
460.59 (Senate Bill 72)

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

The bills would streamline the appellate process, saving time and money for all parties involved in cases before the PSC. In addition, the bills would help to relieve the burgeoning caseload of the Ingham County Circuit Court. By establishing a procedure for direct appeals of PSC orders to the Court of Appeals, the bills would shorten the lengthy litigation process to the advantage of all involved parties.

Supporting Argument

New procedures for appealing final PSC orders pertaining to common carriers already have been established by Public Act 312 of 1986 and are scheduled to take effect on April 1, 1987. The measures proposed by Senate Bills 69 through 72 merely would include the new procedures within other relevant statutes. The bills would provide for consistency within the law.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 69-72 (3-11-87)