

SENATE BILL NO. 446

A bill to amend 1939 PA 3, entitled

"An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,"

by amending section 10g (MCL 460.10g), as added by 2000 PA 141.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10g. (1) As used in sections 10 through 10bb:

2 (a) "Alternative electric supplier" means a person selling
3 electric generation service to retail customers in this state.
4 Alternative electric supplier does not include a person who phys-
5 ically delivers electricity directly to retail customers in this
6 state. AN ALTERNATIVE ELECTRIC SUPPLIER IS NOT A PUBLIC UTILITY.

7 (b) "Commission" means the Michigan public service commis-
8 sion in the department of consumer and industry services.

9 (c) "Electric utility" means that term as defined in section
10 2 of the electric transmission line certification act, 1995
11 PA 30, MCL 460.562.

12 (d) "Merchant plant" means electric generating equipment and
13 associated facilities with a capacity of more than 100 kilowatts
14 located in this state that are not owned and operated by an elec-
15 tric utility.

16 (e) "Relevant market" means either the Upper Peninsula or
17 the Lower Peninsula of this state.

18 (f) "Renewable energy source" means energy generated by
19 solar, wind, geothermal, biomass, including waste-to-energy and
20 landfill gas, or hydroelectric.

21 (2) A school district aggregating electricity for school
22 properties or an exclusive aggregator for public or private
23 school properties is not an electric utility or a public utility
24 for the purpose of that aggregation.