

# HOUSE BILL No. 6337

November 10, 2004, Introduced by Reps. Bradstreet, LaJoy and Rivet and referred to the Committee on Energy and Technology.

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 213. (1) Subject to section 201, the commission may  
2 promulgate rules under the administrative procedures act of 1969,  
3 1969 PA 306, MCL 24.201 to 24.328, **to administer and enforce this**  
4 **act.**

5       ~~(2) Except as provided in subsection (3), effective~~  
6 ~~September 1, 1996, the following administrative rules shall not~~  
7 ~~apply to telecommunication providers or telecommunication~~  
8 ~~services:~~

9       ~~(a) Electric power and communication lines: R 460.581 to~~  
10 ~~R 460.592.~~

1       ~~(b) Intrastate telephone services and facilities: R 460.1951~~  
2 ~~to R 460.1968.~~

3       ~~(c) Filing procedures for communications common carriers~~  
4 ~~tariffs: R 460.2051 to R 460.2057.~~

5       ~~(d) Consumer standards and billing practices, residential~~  
6 ~~telephone service: R 460.2211 to R 460.2279.~~

7       ~~(e) Uniform systems of accounts for class A and class B~~  
8 ~~telephone companies: R 460.9041 and R 460.9059.~~

9       ~~(3) If the Michigan supreme court rules that sections 45 and~~  
10 ~~46 of the administrative procedures act of 1969, 1969 PA 306, MCL~~  
11 ~~24.245 and 24.246, are unconstitutional, and a statute requiring~~  
12 ~~legislative review of administrative rules is not enacted within~~  
13 ~~90 days after the Michigan supreme court ruling, the commission~~  
14 ~~shall not promulgate rules under this act. Subsection (2) does~~  
15 ~~not apply if the commission is prohibited from promulgating rules~~  
16 ~~under this subsection.~~

17       **(2) The authority granted under subsection (1) shall include**  
18 **the authority to promulgate rules to prohibit anticompetitive**  
19 **behaviors and relationships of providers that prevent the**  
20 **development and growth of competition in providing**  
21 **telecommunication services in this state. The rules promulgated**  
22 **under this subsection shall be limited to the jurisdiction and**  
23 **authority granted the commission under this act.**