

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,)
to rescind obsolete administrative rules concerning)
the regulation of water utilities.)
_____)

Case No. U-12106

At the August 31, 1999 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER FORMALLY RESCINDING RULES

On December 27, 1995, the statute that granted the Commission jurisdiction to regulate private water companies, 1967 PA 19, as amended, MCL 486.551 et seq.; MSA 22.1730(1) et seq., was repealed by 1995 PA 246 (Act 246). Prior to passage of Act 246, the Commission adopted various administrative rules concerning the regulation of water utilities, including R 460.2569b, which concerns the preservation of records of water utilities, and R 460.9081 and R 460.9099, which concern a uniform system of accounts for water companies.

Because the Commission's authority to regulate water utilities has been repealed, the Commission initiated the process for rescinding R 460.2569b, R 460.9081, and R 460.9099 without conducting a public hearing.

Notice of the Commission's intent to rescind R 460.2569b, R 460.9081, and R 460.9099 was published on June 30, 1999 in the Michigan Register, 1999 MR 5. On June 9, 1999, the Legislative Service Bureau issued certificates of approval of the proposed rescission of all three rules. On June 22, 1999, the Office of Regulatory Reform (ORR) issued a certificate approving the legality of the rescission of R 460.9081 and R 460.9099.¹ On July 9, 1999, the ORR issued a certificate approving the legality of the rescission of R 460.2569b.² On July 14, 1999, documentation regarding the proposed rescission of R 460.2569b, R 460.9081, and R 460.9099 was submitted to the Joint Committee on Administrative Rules (JCAR).

The Commission FINDS that:

a. Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; MSA 22.21 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(103) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACR, R 460.17101 et seq.

b. The requirements of the Administrative Procedures Act of 1969, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq., have been satisfied, and R 460.2569b, R 460.9081, and R 460.9099 should be formally rescinded.

¹The rescission of R 460.9081 and R 460.9099 was processed by the ORR as ORR #96-059.

²The rescission of R 460.2569b was processed as ORR #99-046.

THEREFORE, IT IS ORDERED that:

A. R 460.2569b, R 460.9081, and R 460.9099 are formally rescinded.

B. The rescinded rules, bearing the required certificates of their rescission from the Legislative Service Bureau and the Office of Regulatory Reform, shall be transmitted to the Office of the Governor and then filed with the Secretary of State pursuant to the Administrative Procedures Act of 1969, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of August 31, 1999.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Suggested Minute:

“Adopt and issue order dated August 31, 1999 formally rescinding obsolete administrative rules concerning the regulation of water utilities, as set forth in the order.”