

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission’s own motion,)
to adopt emergency rules regarding shutoff and)
service limitation protections for certain residential)
customers of electric and gas utilities subject to)
the Commission’s jurisdiction.)
_____)

Case No. U-15783

ERRATUM

The version of the emergency shutoff protection rules originally attached to the Commission’s February 4, 2009 order fails to reflect certain non-substantive changes to the rules made by the State Office of Administrative Hearings and Rules (SOAHR) and the Legislative Service Bureau. These changes are contained in the official version of the rules sent to the Governor for her concurrence. The following technical corrections to the rules were made:

The “(1)” was removed from Rule 1.

The footer on page 1 was changed from “February 4, 2009” to “February 5, 2009.”

In Rule 3(3) there are 2 instances of the word “one.” Both words have been changed to the number “1.”

In Rule 4, a period has been placed at the end of the title, “Notice to customers.”

The Governor’s concurrence was also revised at the request of SOAHR, prior to its execution by the Governor, by striking “billing practices for retail customers” and replacing it with “emergency shutoff protections for certain residential retail customers.” For clarity, the corrected rule set is attached here as Exhibit A and is posted on the Commission’s website in this docket. The emergency rule also appears as corrected on the SOAHR website.

MICHIGAN PUBLIC SERVICE COMMISSION

Mary Jo Kunkle,
Its Executive Secretary

February 19, 2009
Lansing, MI

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
PUBLIC SERVICE COMMISSION
EMERGENCY SHUTOFF PROTECTIONS FOR RETAIL CUSTOMERS
EMERGENCY RULES

Filed with the Secretary of State on

These rules take effect upon filing with the Secretary of State and shall be effective until April 30, 2009.

(By the authority conferred on the public service commission by 1919 PA 419, MCL 460.51; 1909 PA 300, MCL 462.2(1); Section 6 of 1939 PA 3, MCL 460.6; and Section 48 of 1969 PA 306, MCL 24.248.)

FINDING OF EMERGENCY

These rules are promulgated by the public service commission to establish emergency shutoff and service limitation protections for certain residential customers of electric and gas utilities subject to the public service commission's jurisdiction. The significant economic downturn coupled with colder than normal temperatures this winter, have led to substantial effects on the ability of many utility customers in Michigan to pay their electric and gas bills. Utility shutoffs and service limitations will unduly affect the health, safety, and welfare of those customers who are low income, senior citizens, physically or mentally disabled, or currently unemployed unless these emergency rules are adopted. The public service commission therefore finds that the preservation of health, safety, and welfare requires the promulgation of emergency rules without following the notice and participation procedures required by sections 41, 42, and 48 of 1969 PA 306, as amended, MCL 24.241, MCL 24.242, and MCL 24.248 of the Michigan Compiled Laws.

Rule 1. Definitions.

As used in these rules:

(a) "Applicable period" means the period from the date these rules are promulgated through April 30, 2009.

(b) "Commission" means the Michigan public service commission.

(c) "Customer" means a residential customer of any utility subject to the jurisdiction of the Michigan public service commission.

(d) "Service limiter" means a device that limits the amount of electricity that may be delivered to a household.

(e) "Utility" means any electric or natural gas utility, alternative electric supplier, or alternative gas supplier subject to the Michigan public service commission's jurisdiction.

Rule 2. Service limitation prohibited.

During the applicable period, a utility shall not install a service limiter at any customer's residence.

Rule 3. Shutoff protections.

(1) A utility shall not shut off service to a customer if the customer is 65 years of age or older or has a physical or mental disability, provided the customer advises the utility of the circumstances.

(2) A utility shall not shut off service to a customer if the customer's household income does not exceed 200% of the federal poverty guidelines, as published by the United States department of health and human services, the customer advises the utility of the circumstances, and the customer pays the lesser of either of the following:

- (i) An amount equal to 7% of the customer's estimated annual bill.
- (ii) An amount equal to 7% of the customer's current monthly income.

(3) A utility shall not shut off service to a customer if 1 or more adults in the customer's household is unemployed, the customer advises the utility of the circumstances, and 1 of the following conditions also applies:

(i) The customer's current monthly household income does not exceed 200% of the federal poverty guidelines and the customer pays the lesser of an amount equal to 7% of the customer's estimated annual bill or 7% of the customer's current monthly household income.

(ii) The customer enters the utility's equal monthly payment plan.

(iii) The customer and the utility mutually agree to the payment of a specific amount.

(4) The utility shall calculate and inform the customer of the monthly amounts that the customer must pay to avoid shutoff under this rule.

Rule 4. Notice to customers.

(1) If a utility sends a past due notice or a shutoff notice to a customer during the applicable period, then the utility shall include a notice in bold print and in a font not less than 2 sizes larger than any other print used on the past due or shutoff notice the following: **"IF YOU ARE 65 YEARS OF AGE OR OLDER OR HAVE A PHYSICAL OR MENTAL DISABILITY; IF YOU OR SOMEONE IN YOUR HOUSEHOLD IS UNEMPLOYED; OR IF YOU HAVE A HOUSEHOLD INCOME THAT DOES NOT EXCEED 200% OF THE FEDERAL POVERTY GUIDELINES; THEN YOU MAY BE PROTECTED FROM SHUT OFF UNTIL APRIL 30, 2009 PROVIDED THAT YOU CONTACT US BY CALLING [_____]."**

(2) Notwithstanding the provisions under Rule 460.141 and Rule 460.142, before shutting off service during the applicable period, an employee of the utility who is designated to perform that function shall identify himself or herself to the customer or another responsible person at the premises, shall announce the purpose of his or her presence, and shall verify that the customer or any member of the customer's household does not meet any of the conditions specified in subrule 1 of this rule.

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of February 4, 2009

Mary Jo Kunkle
Executive Secretary

Pursuant to Section 48(1) of 1969 PA 306, as amended, MCL 24.248(1), I hereby concur in the finding of the public service commission that circumstances creating an emergency have occurred and the public interest requires the promulgation of the above rules pertaining to emergency shutoff protections for certain residential retail customers of electric and gas utilities subject to the public service commission's jurisdiction.

Jennifer M. Granholm, Governor

Date