



# HOUSE BILL No. 5325

February 8, 2000, Introduced by Reps. Vear, Rocca, Richner, Sheltroun, Van Woerkom, Bishop, Bovin and Birkholz and referred to the Committee on Energy and Technology.

A bill to prohibit the switching of a customer's electric supplier without the customer's authorization; to prescribe the powers and duties of certain state agencies and officials; and to provide penalties and other remedies.

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

1       Sec. 1. As used in this act:

2       (a) "Commission" means the Michigan public service commis-  
3 sion in the department of consumer and industry services.

4       (b) "Customer" means an end-user of electricity.

5       (c) "Electricity supplier" or "supplier" means a person that  
6 sells electricity and related services at retail to customers  
7 located in this state.

8       Sec. 2. (1) A customer of an electric supplier shall not be  
9 switched to another supplier without the authorization of the  
10 customer.

1           (2) The commission shall issue orders to ensure that a  
2 customer of an electric supplier is not switched to another sup-  
3 plier without the customer's written confirmation confirming the  
4 customer's intent to make a switch and that the customer has  
5 approved the specific details of the switch.

6           (3) An electric supplier shall not unreasonably delay or  
7 refuse to switch a customer to another supplier if properly  
8 authorized.

9           Sec. 3. (1) Upon the receipt of a complaint filed by a  
10 person alleging a violation of this act or upon the commission's  
11 own motion, the commission may conduct a contested case under the  
12 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
13 24.328

14           (2) If the commission finds that a person has violated this  
15 act or an order issued under this act, the commission shall order  
16 remedies and penalties to protect and make whole customers and  
17 other persons who have suffered damages as a result of the viola-  
18 tion, including, but not limited to, 1 or more of the following:

19           (a) Order the person to pay a fine for the first offense of  
20 not less than \$10,000.00 or more than \$20,000.00. For a second  
21 and any subsequent offense, the commission shall order the person  
22 to pay a fine of not less than \$25,000.00 or more than  
23 \$40,000.00. If the commission finds that the second or any of  
24 the subsequent offenses were knowingly made in violation of this  
25 act, the commission shall order the person to pay a fine of not  
26 more than \$50,000.00.

- 1 (b) Order the electricity supplier to refund to the customer
- 2 any amount the customer paid to the electricity supplier.
- 3 (c) Issue cease and desist orders.