

Chairman Sally Talberg
Presentation to House Communications
and Technology Committee
February 6, 2019



Who we are



**Chairman
Sally Talberg**



**Commissioner
Norman Saari**

Electric Telecom Gas



Our Mission

Protect the public by ensuring

safe, reliable, and
accessible energy and
telecommunications services

at reasonable rates for Michigan's
residents

MPSC Creature of Statute

- Commission only has authority provided by legislature
- Possesses no common-law powers
- Courts have clarified extent of MPSC authority, e.g.:
 - Union Carbide Corporation v. Public Service Commission, 431 Mich. 135 (1988)
 - Telephone Association of Michigan v. Public Service Commission, 210 Mich. App. 662 (1995)
 - Attorney General v. Public Service Commission, 231 Mich. App. 76 (1998)

Overview - Telecom Statutory Authority

- In 1911 – Michigan Railroad Commission’s authority was extended to include telephone service
- Michigan Telecommunications Act (MTA) was created in 1991 (PA 170 of 1991)
 - Amended several times (most recent 2016) to modify the deaf and hard-of-hearing language
 - Section 201 of the Act provides the Commission with jurisdiction and authority to administer the Act, as well as all federal telecommunications laws, rules, orders, and regulations that are delegated to the states.
- Metropolitan Extension Telecommunications Rights-of-Way Oversight (METRO) Act – PA 48 of 2002
- Emergency 9-1-1 Service Enabling Act – PA 32 of 1986 (9-1-1 Act)
- Video Franchise Act – PA 480 of 2006
- Federal Telecommunications Act of 1996 (FTA)

Present Responsibilities

Licenses	Competitive Issues	METRO Act	Numbering
<ul style="list-style-type: none"> • License Applications • Expansions • Surrenders & Revocations 	<ul style="list-style-type: none"> • Rulemakings • Discontinuance of Service • Transfers of Control Review • Registration Program • Provider-to-Provider Disputes 	<ul style="list-style-type: none"> • METRO Act Tax Credits • METRO Act Permit Review • Right-of-way access dispute resolution 	<ul style="list-style-type: none"> • 9-1-1 • 2-1-1 • Area Codes • Assignment • 9-1-1 Provider Reimbursement from 9-1-1 Fund

Michigan Public Service Commission

Present Responsibilities

Consumer Affecting Programs	Access Restructuring Fund	Video/Cable	Federal Activities
<ul style="list-style-type: none"> • Lifeline • Telecommunications Relay Service (TRS) • Eligible Telecommunications Carrier (ETC) Certifications • Payphone & Operator Service Provider Registration 	<ul style="list-style-type: none"> • Administer \$10M fund • 200+ providers monthly contributions • 40 providers monthly disbursements • Annual Report to Governor & Legislature • Tariff Administration 	<ul style="list-style-type: none"> • Annual Report to Governor & Legislature • Video/Cable Consumer Complaints • Dispute Resolution – Customers, Franchise Entities & Providers 	<ul style="list-style-type: none"> • Federal & National Committees • FCC Comments • Interconnection Agreements • ETC oversight



References

MPSC Authority – 1939 PA 3 – MPSC Enabling Act

"The public service commission is vested with complete power and jurisdiction to regulate all public utilities in the state except a municipally owned utility, the owner of a renewable resource power production facility as provided in section 6d, and except as otherwise restricted by law. The public service commission is vested with the power and jurisdiction to regulate all rates, fares, fees, charges, services, rules, conditions of service, and all other matters pertaining to the formation, operation, or direction of public utilities. The public service commission is further granted the power and jurisdiction to hear and pass upon all matters pertaining to, necessary, or incident to the regulation of public utilities, including electric light and power companies, whether private, corporate, or cooperative; water, telegraph, oil, gas, and pipeline companies; motor carriers; private wastewater treatment facilities; and all public transportation and communication agencies other than railroads and railroad companies." MCL 460.6 (1).

Public Utilities

- [Act 3 of 1939](#) MICHIGAN PUBLIC SERVICE COMMISSION (460.1 - 460.11.amended)
- [E.R.O. No. 1993-9](#) EXECUTIVE REORGANIZATION ORDER (460.20 - 460.20)
- [E.R.O. No. 2015-3](#) EXECUTIVE REORGANIZATION ORDER (460.21 - 460.21)
- [Act 167 of 2008](#) ELECTRIC COOPERATIVE MEMBER-REGULATION ACT (460.31 - 460.39)
- [Act 419 of 1919](#) MICHIGAN PUBLIC UTILITIES COMMISSION (460.51 - 460.62)
- [Act 299 of 1972](#) COSTS OF REGULATING PUBLIC UTILITIES (460.111 - 460.120)
- [Act 149 of 1996](#) ORDERS AND JURISDICTION OF PUBLIC SERVICE COMMISSION (460.311 - 460.312)
- [Act 94 of 1923](#) REHEARINGS BY PUBLIC UTILITY COMMISSION (460.351 - 460.352)
- [Act 69 of 1929](#) CERTIFICATE OF CONVENIENCE AND NECESSITY (460.501 - 460.506)
- [Act 30 of 1995](#) ELECTRIC TRANSMISSION LINE CERTIFICATION ACT (460.561 - 460.575)
- [Act 347 of 1921](#) GUARANTY DEPOSITS (460.651 - 460.652)
- [Act 174 of 2013](#) MISS DIG UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY ACT (460.721 - 460.733)
- [E.R.O. No. 1986-4](#) EXECUTIVE REORGANIZATION ORDER (460.901 - 460.901)
- [Act 295 of 2008](#) CLEAN, RENEWABLE, AND EFFICIENT ENERGY ACT (460.1001 - 460.1211.added)

Railroads

- [Act 300 of 1909](#) RAILROADS (462.2 - 462.50)

Oil, Gas & Brine Lines

- [Act 16 of 1929](#) CRUDE OIL AND PETROLEUM (483.1 - 483.11)
- [Act 9 of 1929](#) NATURAL GAS (483.101 - 483.120)
- [Act 165 of 1969](#) GAS SAFETY STANDARDS (483.151 - 483.162)

Telephone, Telegraph and Radio

- [Act 32 of 1986](#) EMERGENCY 9-1-1 SERVICE ENABLING ACT (484.1101 - 484.1717)
- [Act 179 of 1991](#) MICHIGAN TELECOMMUNICATIONS ACT (484.2101 - 484.2701)
- [Act 48 of 2002](#) METROPOLITAN EXTENSION TELECOMMUNICATIONS RIGHTS-OF-WAY OVERSIGHT ACT (484.3101 - 484.3120)
- [Act 480 of 2006](#) UNIFORM VIDEO SERVICES LOCAL FRANCHISE ACT (484.3301 - 484.3315)