

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Public Service Commission

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Preservation of Electric, Gas, and Steam Utilities

5. Rule numbers or rule set range of numbers:

R 460.2501 through R 460.2582

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of the rules revision is to rescind or revise references to outdated methods of record keeping and retention, and to include currently employed methods, such as electronic storage. The rules were last revised in 1980 and are not consistent with modern modes of record storage. For example, the current rules refer to the correct manner in which to store punch cards, a record keeping method that is considered to be outdated.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

By authority conferred on the Public Service Commission by section 5 of 1919 PA 419 and Section 4 of 1939 PA 3.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 460.4, MCL 460.6

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No; however, the utility records addressed by these rules are required by the Commission to complete its statutory regulatory functions.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not conflict with or duplicate any similar rules, compliance requirements, or other standards.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The rules are the sole reference.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not exceed any similar regulations, compliance requirements, or other standards adopted by the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No public recommendations have been received yet.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last evaluated in 1980. Since that time computer and cloud storage of documents has become the norm and is considered safe and secure. Formerly, utilities used climate-controlled brick and mortar storage facilities.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

R 460.2568a of this rule set formerly addressed manufactured gas plant production records. There are no longer any manufactured gas plants in production. The rule is being revised to address manufactured gas plant site remediation records.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No