

Rep. Ryan **BERMAN** (R-Commerce Twp.) says that, as a lawyer, he's had clients who have had to make Freedom of Information Act (FOIA) requests to get the salaries paid to government officials and been asked to make a \$500 deposit to get the information.

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### Bills To Address Animal Cruelty Move

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### Hoitenga: Time To End Tradition Of Turning Clocks Back

There would be no more need to "fall back" with our clocks in November and "spring ahead" again in March if legislation approved today by the House Commerce and Tourism Committee is eventually successful.

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### AG Calls 'Refusal Of Care' Rules Nullification A 'Victory'

Michigan Attorney General Dana **NESSEL** today called a New York judge's Wednesday ruling nullifying the U.S. Department of Health and Human Services' (HHS) "refusal of care" rule a "victory."

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### Supremes Hear Arguments On Local Energy Requirements

The Michigan Public Service Commission (MPSC) lacks authority under the state's 2016 energy laws to impose a local clearing requirement on individual alternative electric suppliers (AES), an attorney representing an association of mostly industrial electrical companies said today.

Michael **PATTWELL**, a Lansing attorney for Association of Business Advocating Tariff Equity (ABATE), told the Michigan Supreme Court that there is "no grant of authority" allowing the MPSC to impose a locational requirement prohibiting AES from purchasing power outside the state.

Assistant Attorney General Spencer **SATTLER**, who represented the commission, disagreed, telling the justices that what is at stake is the assurance there is enough local, long-term capacity to serve the state's electric needs.

In late 2016, the Legislature enacted Public Act 341 -- new energy legislation, which the MPSC believed gave them the legal authority to require AES to pay Consumers Energy and DTE Energy for the portion of in-state capacity that it can't show it owns or controls going out four years in the future. (See "[MPSC Won't Impose Local Energy Requirement On Providers . . . Yet](#)," 9/15/17.)

But the Court of Appeals ruled the commission lacked such authority, prompting the MPSC to seek appeal at the MSC. (See "[COA: MPSC Lacks Authority To Impose Local Clearing Requirements](#)," 7/12/18.)

Sattler said Section 6w of PA 341 gives the commission authority to impose the requirement by creating the "state reliability mechanism" that requires electric providers, including AES, to show they will have enough total and local capacity to meet demand in four years.

Pattwell urged the court to deny the appeal, saying the appeals court "correctly determined" that Section 6w doesn't grant the authority to impose a location requirement on individual electric suppliers.

"At the outset," he said, "I'd like to emphasize that the question of whether 6w of our new energy law grants this power is a question of major economic and political significance."

Patwell said thousands of schools and businesses save millions of dollars by purchasing their electricity from an AES on the choice market, which was created by the Customer Choice Act to allow AES and its customers to access external resources outside Michigan as well as the federal power markets.

Restricting access, he argued, will have dramatic ramifications, including incumbent utility companies "own virtually all of the local capacity in the state of Michigan."

Partisan attack websites, independent groups enter Michigan Senate race

Budget talks remain in limbo amid dispute over Whitmer's power to shift funds

Whitmer 'disappointed' budget talks are stalled again

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4 on WSU board seek Nessel's opinion on vote to oust president

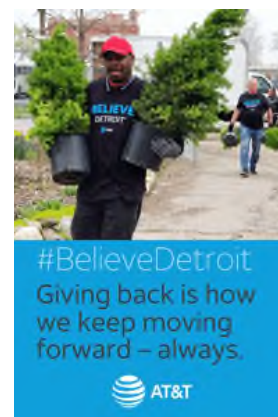
Budget talks back on rocks as Senate GOP pushes to limit gov's power

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"The Legislature understood these policy considerations when it was deliberating over the 2016 energy package and that is exactly why in the final amendment two important changes were made," Patwell said.

One change removed the express language granting the MPSC authority to impose location requirements and the second was the addition of Section 6w authorizing only AES to use external resources to meet its capacity obligations, Patwell argued.

Brion **DOYLE**, a Grand Rapids attorney representing Energy Michigan, also advocated for the justices to reject the MPSC's leave request, saying the commission's claim it can tell AES to do business in Michigan "you have to buy your capacity in Michigan" is a "remarkable claim of power and authority."

Chief Justice Bridget **MCCORMACK** stopped him, saying they had to buy a certain percentage in-state, but it might change in the future to ensure Michigan's grid doesn't fail. She questioned why it's not right to give the commission some capacity to ensure if there's a problem that they can still manage it.

"The pithy response to a little bit illegal is still illegal; a little bit unauthorized is still unauthorized," he said. "I think the more important response is they're not asking for any limitation on their authority. They're asking for the authority to manipulate, control the market and to tell out of state, in many cases, entities, you want to do business here, we're going to tell you how much, up to 100%, that you have to buy here."

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### Bits And Tidbits

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### On This Day In Michigan History

On Nov. 7, 2006, Democrats pulled off what seemed unfathomable 12 months earlier, winning control of the state House in convincing fashion by knocking off three incumbents, winning two seats Republicans thought six weeks prior they had in the bag and two scoring wins in two seats no one in Lansing was paying attention to.

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### House Committee Calendar Events

No events have been updated on this calendar

### Senate Committee Calendar Events

#### **TUESDAY, NOVEMBER 12, 2019**

9:00 AM - **Government Operations**

Shirkey, Mike; Rm: 403 CAPITOL BLDG

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#### **TUESDAY, NOVEMBER 12, 2019**

12:00 PM - **Education and Career Readiness**

Theis, Lana; Rm: 1300 BINSFELD

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#### **TUESDAY, NOVEMBER 12, 2019**

12:00 PM - **Families, Seniors and Veterans**

Bizon, John; Rm: 1100 BINSFELD

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#### **TUESDAY, NOVEMBER 12, 2019**

3:00 PM - **Talent and Economic Development/MEDC**

Horn, Ken; Rm: SAR

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#### **WEDNESDAY, NOVEMBER 13, 2019**

10:30 AM - **Finance**

Runestad, Jim; Rm: 1200 BINSFELD

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