

Legislative Analysis



VIDEO ACT DISPUTE RESOLUTION

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Senate Bill 190 as passed by the Senate
Sponsor: Sen. Buzz Thomas
House Committee: Energy and Technology
Senate Committee: Energy Policy and Public Utilities

Complete to 3-16-09

A SUMMARY OF SENATE BILL 190 AS PASSED BY THE SENATE 3-12-09

Senate Bill 190 would add procedures to the Uniform Video Services Local Franchise Act under which the Public Service Commission would resolve three types of disputes: (1) customer complaints against providers not resolved by the provider's own dispute resolution process; (2) disputes between providers and franchising entities (local governmental units); and (3) disputes between providers. (MCL 474.3310)

Senate Bill 190, as passed by the Senate, is identical to House Bill 4247, as introduced and reported from the House Committee on Energy and Technology. See House Fiscal Agency analysis, dated 3-24-09:
<http://www.legislature.mi.gov/documents/2009-2010/billanalysis/House/pdf/2009-HLA-4247-3.pdf>

[Note, however, that a floor amendment to House Bill 4247 on March 4, 2009, made the following changes to proposed Section 10(6)(b), which deals with disputes between a provider and a franchising entity (local governmental unit) or between providers that have reached the formal complaint stage. These changes do not appear in Senate Bill 190:

- The House bill now specifies that the formal complaint would be made *to the commission*.
- A formal complaint would not be required to be submitted by a party's *attorney*.
- The term "attorney's fees" was changed to "*a reasonable, nonexcessive attorney fee*" in the so-called "loser pay" provision. That provision requires a party to pay the opposing party's actual costs, including attorney's fees, of proceeding to a contested case hearing, if the party previously rejected a recommended settlement and does not secure a final award from the commission at least 10 percent more favorable than the recommended settlement.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state and local units of government.

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