

# PSC asks closed doors

## House utilities panel agrees on 6-2 vote

By Tim Richard  
Staff writer

The Michigan Public Service Commission, which sets utility rates, would be exempt from the Open Meetings Act under a bill before the state House of Representatives. The House Public Utilities Com-

mittee reported out the bill on a 6-2 vote. "I view the PSC as a policy-making body," said one dissenter, Rep. David Gubow, D-Huntington Woods, "and in my opinion, public policy ought to be made in public." House Bill 5415, sponsored by Rep. Alma Stallworth, D-Detroit, is

supported by utilities and opposed by the Michigan Citizens Lobby.

The THREE-MEMBER PSC said it circulates memos through a courier in order to share views because, if two members met face-to-face, they would constitute a quorum and have to meet in a formal, open session.

Kevin Wilson, who is on Stallworth's staff, said the bill was prompted by the consolidating of several open meetings of the PSC. The effect of consolidation was to put all cases back at the starting point.

The PSC said that an exemption from open meetings would speed up communications and work with the staff.

Dorothy Wideman, the PSC's director of regulatory affairs, added, "If it's an open meeting, you're subject to comments from the public, which is very time consuming." PSC also said confidential business information is involved.

BUT GUBOW objected that the

PSC had never demonstrated that meeting in the open would be a hindrance.

"They don't really follow the Open Meetings Act now," he said, referring to the note-passing process. Joseph Tuchinsky, spokesman for the Michigan Citizens Lobby, which frequently fights utility rate increases, said, "The PSC has evaded the Open Meetings Act for 11 years. It has held open meetings only for the formality of voting."

MCL proposed that instead of exempting the PSC, the public agency try deliberating in public for one year.

"We propose a year's test of whether there's any harm to holding public meetings. If that is embarrassing to a poorly informed legislator, the public should know that," Tuchinsky said.

He said Stallworth's bill, as written, allows PSC to close down every meeting. If open meetings are proven not to be feasible, he said, then PSC should be given tightly crafted limits on closed-door sessions.

## Too late — panel voted

Joseph Tuchinsky says a legislative committee may have violated the Open Meetings Act when it reported out a bill to allow closed sessions by the state Public Service Commission.

consider the bill. No specific time was mentioned.

Since House sessions usually start at 2 p.m., Tuchinsky showed up at 3:30 to testify.

He found that the House, eager to start its Easter break, had met in the morning and the committee had voted hours earlier.

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