

HOUSE No. 3137

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer Balinsky Armini

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to intervenors and utility work.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>1/20/2023</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>	<i>2/21/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/28/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>3/2/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/14/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>5/10/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>5/10/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>5/10/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>5/15/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>6/2/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>6/7/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>6/7/2023</i>

HOUSE No. 3137

By Representative Armini of Marblehead, a petition (accompanied by bill, House, No. 3137) of Jennifer Balinsky Armini and others relative to intervenors and utility work. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to intervenors and utility work.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 30A of the General Laws is hereby amended by inserting after
2 section 10A the following section:-

3 Chapter 30A, Section 10B. Notwithstanding the provisions of section 10, in any
4 adjudicatory proceeding conducted by the department of public utilities regarding any petition,
5 request for approval of a rate case or design or investigation of a gas company or an electric
6 company, as defined in section 1 of chapter 164, the following shall be allowed by the
7 department to participate fully as a party in such proceeding: (i) any municipality that is within
8 the service area of such company; (ii) any member of the general court whose district includes
9 ratepayers within the service area of such company; (iii) any group of not fewer than 10 persons
10 who are ratepayers within the service area of such company; and (iv) a non-profit organization
11 with expertise in the law of utilities. Such intervenors may appear pro se without counsel so long
12 as they comply with the procedural rules of the department for an adjudicatory proceeding.

13 SECTION 2. Section 70 of chapter 164 of the General Laws is hereby repealed and
14 replaced with the following:-

15 Section 70. (a) A gas company may, with the written consent of the city council of a city
16 or the select board of a town, dig up and open the ground in any of the streets, lanes and
17 highways of a city or town, so far as necessary to accomplish the objects of said corporation; but
18 such consent shall not affect the right or remedy to recover damages for an injury caused to
19 persons or property by the acts of such corporation. It shall put all such streets, lanes and
20 highways in as good repair as they were when opened; and upon failure so to do within a
21 reasonable time, shall be guilty of a nuisance.

22 (b) For the purposes of this section, damage to property shall include (i) any tree on
23 public property damaged or killed by gas migrating into the critical root zone of such tree,
24 defined as the area measured from the trunk of a tree at a radius of 1 foot per inch of the diameter
25 of the tree at 4.5 feet above grade; or (ii) damage by construction during the course of repairing
26 or replacing gas infrastructure.

27 (c) As a condition of granting consent as provided in subsection (a) or consenting to a
28 grant of location, a city council or select board may require a gas company to provide the
29 following information within 30 days of request: (i) a map of the gas infrastructure in the city or
30 town; (ii) the age and condition of gas pipelines; (iii) the type and size of pipeline material; (iv)
31 the pipeline pressure; (v) the repair history of gas infrastructure in each street segment; (vi) the
32 number of leaks within the city or town having a significant environmental impact and the status
33 and timeframe of their expected repair; (vii) probable cause of the leak, including defect,
34 deterioration, or damage in pipe material or joint; (viii) estimated annual cost of gas lost from

35 leaks in the municipality; (ix) estimated cost and timeframe for making any repairs to, or
36 replacement of, existing pipelines, including estimated commencement date and completion date
37 of such construction; (x) whether a gas main is being extended, repaired, or replaced; (xi) where
38 and how many leaks are in the sections where work will be performed; (xii) the purpose of work
39 to be performed, such as upcoming municipal roadwork, extension of service to new
40 development, or repair or replacement of leak-prone pipeline; (xiii) whether any replacement
41 will increase pipeline capacity; (xiv) any anticipated risks or hazards from such repair or
42 replacement; and (xv) such other information as the city council or select board may reasonably
43 require in order to make an informed consent.

44 (d) On written petition of a city council of a city or of a select board of a town aggrieved
45 by the failure or refusal of a gas company to comply with a request made by said city council or
46 select board pursuant to subsection (c), the department shall, after notice to such gas company to
47 appear at a time and place therein named to show cause why the prayer of such petition should
48 not be granted, issue an order directing such gas company to provide the petitioner with the
49 information requested, upon such terms as are reasonable.

50 (e) Nothing in this section shall prevent a municipality from further regulating the
51 opening of streets or the use of public ways by a gas company, or from conditioning the consent
52 of such municipality to dig up and open the ground.

53