

HOUSE No. 3093

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to certain utility regulations..

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. The fifth paragraph of section 69H of chapter 164 of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (4) and
3 inserting in place thereof the following 2 subparagraphs:—(4) The board shall have the
4 opportunity to issue orders with respect to any matter over which it has jurisdiction. Anyone who
5 violates any such order may be subject to a civil penalty not to exceed \$25,000 for each violation
6 for each day of the violation; but the maximum civil penalty shall not exceed \$5,000,000 in the
7 aggregate. In the case of plants under construction, the board shall have the authority to revoke
8 all related permits should there be repeated violations. Additionally, the board shall in cases for
9 plants under construction, have the authority to deny the opening of such plant should there be
10 related violations (5) In the event that the board finds a violation, the board shall have the
11 authority to assemble a citizen advisory group, consist of 5 persons, 3 of whom to be appointed
12 by the mayor or board of selectman or governing body of the municipality in which the energy
13 facility is located, 1 of whom to be appointed by the energy company which is the subject of the
14 potential violations, and 1 of whom to be appointed by the department of telecommunications

15 and energy. Such board will serve as an advisory authority to assist the department of
16 telecommunication and energy and or the energy facilities siting board with review of violations,
17 or potential violations, and such board will assist with and make recommendations for penalties
18 to the energy facilities siting board and the department of telecommunications and energy.