

**HOUSE . . . . . No. 4819**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act RELATING TO THE PIONEER VALLEY ENERGY CENTER..

*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. “PVEC” as used in this act shall mean the land, facilities, and equipment of  
2 the regional electric generating project in Westfield, Massachusetts known as the Pioneer Valley  
3 Energy Center.

4           “MLPs” as used in this act shall mean municipal lighting plants, municipal lighting plant  
5 cooperatives and municipal electric departments, each whether a domestic electric utility or a  
6 foreign electric utility as defined in chapter 164A, section 1 of the General Laws, including, but  
7 not limited to, municipal lighting plants and municipal electric departments of Westfield,  
8 Chicopee, Holyoke and South Hadley and the Western Massachusetts Public Utilities  
9 Cooperative.

10           “MLP Ownership Interests” as used in this act shall mean fractional tenancy-in-common  
11 ownership interests in the fee or leasehold of PVEC (including, but not limited to, the facilities  
12 and equipment comprising the PVEC generating facility) held by MLPs.

13 SECTION 2. Notwithstanding the provisions of sections 34 to 69S, inclusive, of chapter  
14 164 of the General Laws or of section 3 of chapter 40 of the General Laws, and notwithstanding  
15 the provisions of any general or special law to the contrary:

16 One or more MLPs may (i) acquire MLP Ownership Interests in a portion, but less than  
17 all, of PVEC and/or (ii) contract to purchase all or a portion of the capacity and output of PVEC  
18 including, without limiting the generality of the foregoing, contracts providing for planning,  
19 engineering, design, acquiring sites or options for sites and expenses preliminary or incidental to  
20 PVEC, and contracts to purchase all or a portion of the capacity and output of PVEC attributable  
21 to one or more MLP Ownership Interests; and

22 Any such contract (i) may be for the life of the PVEC generating facility or other term or  
23 for an indefinite period, (ii) may provide for the payment of unconditional obligations imposed  
24 without regard to whether the PVEC generating facility is undertaken, completed, operable or  
25 operating and notwithstanding the suspension, interruption, interference, reduction or curtailment  
26 of the output of such facility and (iii) may contain provisions for prepayment, non-unanimous  
27 amendment, arbitration, delegation and other matters deemed necessary or advisable to carry  
28 out its purposes. Any such contract may also provide, in the event of default by any party thereto  
29 in the performance of its obligations thereunder, for other parties to assume or otherwise satisfy  
30 the obligations and succeed to the rights and interests of the defaulting party, pro rata or  
31 otherwise as may be agreed upon in the contract.

32 SECTION 3. The acquisition of MLP Ownership Interests in a portion, but less than all,  
33 of PVEC by MLPs shall not deem PVEC or any MLP Ownership Interests therein a public  
34 corporation, body politic and corporate or any other public instrumentality.

35 SECTION 4. Sections 38A1/2 to 38O, inclusive, of chapter 7 of the General Laws,  
36 section 20A of chapter 9 of the General Laws, sections 39A to 39S, inclusive, of chapter 30 of  
37 the General Laws, sections 25 to 44J, inclusive, of chapter 149 of the General Laws, chapter  
38 149A of the General Laws, and regulations promulgated under these sections of the General  
39 Laws, or any other provision of any general or special law governing the procurement by MLPs  
40 of construction and design services shall not apply to the design, construction, operation or  
41 maintenance of PVEC or any of the MLP Ownership Interests therein.

42 SECTION 5. Notwithstanding the provisions of sections 14, 17A, 75, 87, 88, 90 and 91  
43 of chapter 164 of the General Laws and the provisions of sections 11 to 22, inclusive of chapter  
44 164A of the General Laws, and notwithstanding the provisions of any general or special law to  
45 the contrary, one or more MLPs may issue revenue bonds for the financing of their acquisition of  
46 MLP Ownership Interests under chapter 164A of the General Laws, with PVEC being hereby  
47 deemed and construed to be an “electric power facility” for all purposes under chapter 164A of  
48 the General Laws. Said revenue bonds shall be supported solely by revenues attributable to, or  
49 derived directly or indirectly from, the MLP Ownership Interests.

50 SECTION 6. The provisions of this Act shall be deemed and construed to be  
51 supplemental and additional to, and not in derogation of, powers conferred upon MLPs, cities  
52 and towns and others by law (including, but not limited to, an MLP’s, city’s or town’s powers to  
53 incur debt, through issuance of bonds or notes or otherwise, pursuant to chapters 44 and 164 of  
54 the General Laws, and, with respect to any MLP that is a municipal lighting plant cooperative,  
55 by section 47C of chapter 164 of the General Laws or any other applicable general or special  
56 law), provided that the territorial limitations of sections 34 and 40 of chapter 164 of the General

57 Laws shall not apply to any city or town acquiring an MLP Ownership Interest or incurring debt,  
58 through issuance of bonds or notes or otherwise, to finance such acquisition.

59 SECTION 7. This act shall take effect upon its passage.