

# HOUSE . . . . . No. 2608

---

## The Commonwealth of Massachusetts

---

PRESENTED BY:

*Tackey Chan*

---

*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 not raising energy cost as a result of a utility merger.

---

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/21/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/1/2011</i>

# HOUSE . . . . . No. 2608

---

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 2608) of Tackey Chan and Jennifer E. Benson for legislation to further regulate utility company mergers.  
Telecommunications, Utilities and Energy.

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Eleven  
\_\_\_\_\_

An Act relative to not raising energy cost as a result of a utility merger.

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

1           Chapter 164 of the General Laws is hereby amended by striking out section 96, as so  
2   appearing, and inserting in place thereof the following section:-

3           Section 96. Companies, except steam distribution companies, subject to this chapter and  
4   their holding companies may, notwithstanding any other provisions of this chapter or of any  
5   general or special law, consolidate or merge with one another, or may sell and convey their  
6   properties to another of such companies or to a wholesale generation company and such other  
7   company may purchase such properties if such purchase, sale, consolidation or merger, and the  
8   terms thereof, have been approved, at meetings called thereof, by vote of the holders of at least  
9   two-thirds of each class of stock outstanding and entitled to vote on the question of each of the  
10   contracting companies, and that the department, after notice and a public hearing, has determined  
11   that such purchase and sale or consolidation or merger, and the terms thereof, are consistent with  
12   the public interest and results in improved distribution service and customer service; provided,  
13   however, that in making such a determination the department shall at a minimum consider:

14 proposed rate changes, if any; the long term strategies that will assure a reliable, cost effective  
15 energy delivery system; any anticipated interruptions in service; or other factors which may  
16 negatively impact customer service; provided further, that the department shall not approve nor  
17 add any merger terms or conditions that will result in increasing customer energy rates; and  
18 provided further, that the purchase or sale of properties by, or the consolidation or merger of,  
19 wholesale generation companies shall not require departmental approval.

20 .