

SENATE No. 2229

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

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 municipal wholesale electric companies.

PETITION OF:

NAME:

Gale D. Candaras

DISTRICT/ADDRESS:

SENATE No. 2229

By Ms. Candaras, a petition (subject to Joint Rule 9 and Joint Rule 12) (accompanied by bill, Senate, No. 2229) of Gale D. Candaras for legislation relating to municipal wholesale electric companies. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to municipal wholesale electric companies.

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 775 of the Acts of 1975 is hereby further amended by striking out section 6(a), as
2 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

3 Section 6(a). The corporation, and member and non-member cities and towns having
4 municipal electric departments established under chapter one hundred and sixty-four of the
5 General Laws or by a special act and other utilities, public or private, may enter into energy
6 contracts including, without limiting the generality of the foregoing, contracts providing for the
7 sale or purchase of energy or energy facilities, borrowing by members under a pooled loan
8 program, planning, engineering, design, acquiring sites or options for sites and expenses
9 preliminary or incidental to such facilities. Any such contract (i) may be for the life of a facility
10 or other term or for an indefinite period, (ii) may provide for the payment of unconditional
11 obligations imposed without regard to whether a facility is undertaken, completed, operable or
12 operating and notwithstanding the suspension, interruption, interference, reduction or curtailment
13 of the output of a facility and (iii) may contain provisions for prepayment, non-unanimous

14 amendment, arbitration, delegation and other matters deemed necessary or desirable to carry out
15 its purposes. Any such contract may also provide, in the event of default by any party thereto in
16 the performance of its obligations thereunder, for other parties to assume the obligations and
17 succeed to the rights and interests of the defaulting party, pro rata or otherwise as may be agreed
18 upon in the contract.