

HOUSE No. 2915

The Commonwealth of Massachusetts

PRESENTED BY:

Tram T. Nguyen

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 to enhance municipal leadership and energy autonomy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Nick Collins</i>	<i>First Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>

HOUSE No. 2915

By Ms. Nguyen of Andover, a petition (accompanied by bill, House, No. 2915) of Tram T. Nguyen and others relative to municipal authority in relation to gas and electric companies. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to enhance municipal leadership and energy autonomy.

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 75 of Chapter 164 of the general laws is hereby amended by striking the section
2 in its entirety and replacing the section with the following text:

3 Section 75. The city council, aldermen or selectmen of a municipality may regulate,
4 restrict and control all acts and doings of a corporation subject to this chapter which may in any
5 manner affect the health, safety, convenience or property of the inhabitants of their towns.
6 Beginning in January 1, 2020, a municipality may require an electric company or a gas company
7 to establish or renew a license, permit, right or franchise agreement in accordance with the terms,
8 conditions and limitations of regulatory acts of the municipality, including the placing of
9 distribution lines and facilities underground. An electric company or gas company required by
10 municipal ordinance to establish a franchise agreement shall enact such agreement in order to
11 retain the exclusive obligation to provide distribution service to all retail customers within its
12 service territory. Such franchise may be established in 10-year increments and may be

13 renegotiated and renewed upon expiration or in the year prior to expiration. Under the license,
14 permit, right or franchise, an electric company or a gas company may be obligated by a
15 municipality (i) to pay to such municipality fees to raise revenue or to defray any increase in
16 municipal costs accruing as a result of operations by such company; and (ii) to share data or
17 information regarding electric or gas infrastructure or operations, provided that such data would
18 not unreasonably expose Critical Energy/Electric Infrastructure Information as designated by the
19 Federal Energy Regulatory Commission. Such fees may include, but not be limited to, a sum of
20 money based upon gross operating revenues or upon gross earnings from the operations or such
21 company in such municipality so long as such company shall continue to operate in such
22 municipality, unless upon request at any time of such company, such municipality expressly
23 releases such company from the obligation. No fees charged pursuant to this section shall be
24 recoverable by such company in a proceeding conducted in accordance with Section 94 of this
25 Chapter.