

HOUSE No. 2854

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes

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 consumer protection and private utility lines and poles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/18/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/28/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/30/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/24/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/31/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/28/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>1/29/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/31/2019</i>

HOUSE No. 2854

By Mr. Fernandes of Falmouth, a petition (accompanied by bill, House, No. 2854) of Dylan A. Fernandes and others relative to the delivery of electricity by generation companies or suppliers through service lines or distribution systems to residential ratepayers who use private lines. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act relative to consumer protection and private utility lines and poles.

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. Section 11E of chapter 12 of the General Laws is hereby amended by
2 adding the following subsection: –

3 (d) The department of public utilities shall, upon the request of a residential ratepayer,
4 initiate administrative or judicial previous proceedings to require the delivery of electricity by a
5 generation company or supplier through a supplier’s service line or distribution system to a
6 residential ratepayer who uses a private line, wire, pole, post, structure, attachment or other
7 appliance to receive electricity by the replacement of such private line, wire, pole, post, structure,
8 attachment or other appliance with the generation company or supplier’s primary and secondary
9 electric lines, poles and appliances to deliver power from the substation of the generation
10 company or supplier to the residential ratepayer.

11 SECTION 2. Chapter 93 of the General Laws is hereby amended by adding the following
12 section: –

13 Section 115. The fact of the presence of a private utility pole, post, wire, fixture or other
14 appliance associated with the delivery of electricity or telecommunications shall be a material
15 fact required to be disclosed in a real estate transaction. The failure to disclose to a buyer of such
16 real estate shall be an unfair and deceptive act or practice in the conduct of such transaction and
17 that a cause of action may be maintained against the seller or lessor of real property or real estate
18 broker or salesperson for failure to disclose to a buyer that the real property contained a private
19 pole, post, wire or fixture or other appliance associated with the delivery of electricity or
20 communications.

21 SECTION 3. Section 1D of chapter 164 of the General Laws, as appearing in the 2016
22 Official Edition, is hereby amended by inserting after the first paragraph the following
23 paragraph:-

24 All electric bills sent to a retail customer shall contain a notice that the retail customer
25 uses a private line, wire, pole, post, structure, attachment or other appliance to receive electricity.
26 Each and every failure to provide such notice shall be deemed to be a violation of law under this
27 chapter and upon notification to the department of a violation, the department shall give written
28 notice of a violation to the company or supplier and to the attorney general pursuant to section
29 78.

30 SECTION 4. Section 1F of said chapter 164, as so appearing, is hereby amended by
31 inserting, in line 158, after the word “charged” the following words:- ; provided that such rate to
32 be charged shall exclude the pro rata share of a maintenance fee for delivery of service by the

33 generation company or supplier's service line and distribution system less the maintenance fee
34 for a residential customer who owns and maintains a private line, pole, post, wire fixture or other
35 appliance delivering power from the supplier's service line and distribution system to the
36 residential customer; provided, further that such pro rata share shall be calculated by the
37 department in consultation with the office of ratepayer advocacy of the attorney general and such
38 residential customer.