

**SENATE . . . . . No. 1933**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joanne M. Comerford***

*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 protect ratepayers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/25/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/28/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/30/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/1/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/12/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>4/16/2019</i>

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By Ms. Comerford, a petition (accompanied by bill, Senate, No. 1933) of Joanne M. Comerford, Natalie M. Blais, Mike Connolly, Mindy Domb and other members of the General Court for legislation to protect ratepayers. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act to protect ratepayers.

*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: Chapter 164 of the General Laws is hereby amended by inserting after  
2 section 94I the following sections:-

3 Section 94J. (a) In any base rate proceeding conducted by the department under section  
4 94 for electric companies or gas companies, the department may not approve an allowed return  
5 on equity higher than the average allowed return on equity approved in neighboring states over  
6 the preceding four years. Such requirement may be waived only upon a specific showing that the  
7 constitutional rights of the electric or gas company would otherwise be violated.

8 (b) The determination of allowed return on equity under this section shall not include  
9 compensation related to programs under section 21 of chapter 25 or any performance incentives  
10 designed to promote the efficient, clean, and reliable operation of the electric or gas system.

11 Section 94K. In any base rate proceeding conducted by the department under section 94  
12 for electric companies or gas companies, the department may not approve a performance-based

13 ratemaking mechanism with a negative productivity factor, negative productivity offset, or  
14 negative X factor, or any other mechanism that automatically results in annual revenue increases  
15 at a rate higher than inflation.

16 SECTION 2: Section 94K of chapter 164 of the General Laws, as inserted by this act,  
17 shall apply to any performance based ratemaking mechanism, including a performance based  
18 ratemaking mechanism, approved prior to December 31, 2019. For any performance based  
19 ratemaking mechanism approved prior to the effective date of this section, the department shall  
20 exclude the negative productivity factor from any future filings for an annual performance based  
21 ratemaking adjustment.