

HOUSE No. 3274

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 fairness in energy billing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/19/2021</i>

HOUSE No. 3274

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3274) of Tackey Chan relative to energy billing. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to fairness in energy billing.

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 1 of Chapter 164 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the definition of “Mitigation”, the
3 following 2 definitions:-

4 “Non-commodity product”, any energy related product that could reasonably impact a
5 customer’s renewable, energy efficiency needs or a product that meets a customer’s energy-
6 related objective.

7 “Non-commodity service”, any energy related services that could reasonably impact a
8 customer’s renewable, energy efficiency needs or a service that meets a customer’s energy-
9 related objective.

10 SECTION 2. Chapter 164 of the General Laws, as so appearing, is hereby amended by
11 striking out Section 1D in its entirety and inserting in place thereof the following:-

12 Section 1D. Beginning January 1, 1998, all electric and gas bills sent to a retail customer
13 shall be unbundled to separately reflect the rates charged for generation, transmission, and
14 distribution services, as well as any other charges, as added pursuant to any provision of law,
15 contained in the total retail price. Any transition charge, if so allowed to be assessed, shall be
16 reflected separately on bills as of March 1, 1998. Electric and gas bills may reflect the total costs
17 of services, without breakdown for type of service, in addition to, but not instead of, separately
18 itemized rates for generation, transmission, and distribution services and transition charges as of
19 March 1, 1998. Not later than six months after said March 1, in order to promote customer
20 choice and convenience in a restructured electricity and gas market, eligible companies shall
21 create and send bills to retail customers pursuant to the following billing options: (1) single bill
22 from the distribution company that shows such charges; or (2) two bills: one from the non-utility
23 supplier that shows energy-related charges, and one from the distribution company that shows
24 distribution-related charges; or (3) single bill from the non-utility supplier that shows such
25 charges; provided, however, that all bills shall contain information concerning the quantity of
26 gas or electricity consumed by said customer during the same billing period for the previous
27 year. Costs for such inserts shall be apportioned accordingly between the parties. Customers
28 shall not be charged the cost of the administrating the billing, including said inserts. The
29 department is hereby authorized and directed to determine whether any additional information
30 shall be required to be disclosed on the bills and to promulgate rules and regulations to
31 implement the provisions of this subsection, including, but not limited to reasonably uniform
32 billing consumer protections and disclosures regardless of billing option, phone number of the
33 appropriate government agency to register a consumer complaint, and the issuance of bills in the
34 customer's preferred language in a clear and concise manner. Rules and regulations relative to

35 the appeals process for billing disputes or damage claims made by customers shall be published
36 and distributed to customers as part of an education and outreach program.

37 Residential or small commercial customers: (a) initiating new utility service; (b)
38 reinstating service following a change of residence or business location; (c) making an inquiry
39 regarding their rates; or (d) seeking information regarding energy efficiency shall be offered the
40 option to learn about their ability to enroll with a participating non-utility competitive supplier of
41 energy. Customers expressing an interest in learning about their electric supply options shall be
42 informed of offers available by participating non-utility competitive suppliers. The electric
43 distribution company shall describe then available offers available through a method approved
44 by the department.

45 Participating non-utility competitive suppliers of energy may list qualifying electric
46 offers to provide electric generation service to residential and small commercial customers in
47 each customer's utility bill. The department shall determine the manner such information is
48 presented in customers' utility bills.

49 For electric suppliers who have chosen the single bill from the distribution company
50 billing method, the electric distribution company shall make timely payments to such suppliers in
51 accordance with this paragraph. The distribution company shall: (a) bill all of the electric
52 supplier's customers in a service class according to complete billing; (b) pay such suppliers the
53 full amounts due from customers for generation services in a time period consistent with the
54 average payment period of the participating class of customer, less a percentage of such amounts
55 that reflects the average of the uncollectible bills for the participating customer classes of the
56 electric distribution company and other reasonable development, operating or carrying costs

57 incurred, as approved by the department. For electric suppliers who have chosen the single bill
58 from the non-utility supplier billing method, the non-utility supplier shall make timely payments
59 to such distribution companies in accordance with this paragraph. The non-utility supplier
60 company shall: (a) bill all of the electric distribution company's customers in a service class
61 according to complete billing; (b) pay such distribution companies the full amounts collected
62 from customers for distribution services as approved by the department.

63 Nothing in this section shall be construed to prevent a non-utility supplier company from
64 including non-commodity products and non-commodity services in a bill issued in accordance
65 with this section. The department shall determine the manner such information is presented in
66 customers' bills.

67 SECTION 3. Within 180 days the department of public utilities shall promulgate
68 regulations necessary to allow non-utility competitive suppliers to issue bills in accordance with
69 this Act.