

SENATE No. 2088

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 protecting consumers from unreasonable utility rate increases.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/15/2023</i>

SENATE No. 2088

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 2088) of Joanne M. Comerford and Susannah M. Whipps for legislation to protect consumers from unreasonable utility rate increases. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2143 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act protecting consumers from unreasonable utility rate increases.

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 4 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 approved more than 30 days after
18 the effective date of this act. For any performance-based ratemaking mechanism approved prior
19 to 30 days after the effective date of this act, the department shall exclude the negative
20 productivity factor from any future filings for an annual performance-based ratemaking
21 adjustment.