

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Cynthia Stone Creem***

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*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 intervenors and utility work.**

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PETITION OF:

NAME:

*Cynthia Stone Creem*

DISTRICT/ADDRESS:

*Norfolk and Middlesex*

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

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By Ms. Creem, a petition (accompanied by bill) (subject to Joint Rule 12) of Cynthia Stone Creem for legislation relative to intervenors and utility work. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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

An Act relative to intervenors and utility work.

*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 30A of the General Laws is hereby amended by inserting after  
2 section 10A the following section:-

3           Section 10B. Notwithstanding the provisions of section 10, in any adjudicatory  
4 proceeding conducted by the department of public utilities regarding any petition, request for  
5 approval of a rate case or design or investigation of a gas company or an electric company, as  
6 defined in section 1 of chapter 164, the following shall be allowed by the department to  
7 participate fully as a party in such proceeding: (i) any municipality that is within the service area  
8 of such company; (ii) any member of the general court whose district includes ratepayers within  
9 the service area of such company; (iii) any group of not fewer than 10 persons who are  
10 ratepayers within the service area of such company and are substantially and directly affected by  
11 the proceeding; and (iv) a non-profit organization with expertise in the law of utilities. Such

12 intervenors may appear pro se without counsel so long as they comply with the procedural rules  
13 of the department for an adjudicatory proceeding.

14 SECTION 2. Chapter 164 of the General Laws is hereby amended by striking section 70  
15 and inserting in place thereof the following:-

16 Section 70. (a) A gas company may, with the written consent of the city council of a city  
17 or the select board of a town, dig up and open the ground in any of the streets, lanes and  
18 highways of a city or town, so far as necessary to accomplish the objects of said corporation; but  
19 such consent shall not affect the right or remedy to recover damages for an injury caused to  
20 persons or property by the acts of such corporation. It shall put all such streets, lanes and  
21 highways in as good repair as they were when opened; and upon failure so to do within a  
22 reasonable time, shall be guilty of a nuisance.

23 (b) For the purposes of this section, damage to property shall include (i) any tree on  
24 public property damaged or killed by gas migrating into the critical root zone of such tree,  
25 defined as the area measured from the trunk of a tree at a radius of 1 foot per inch of the diameter  
26 of the tree at 4.5 feet above grade; or (ii) damage by construction during the course of repairing  
27 or replacing gas infrastructure.

28 (c) As a condition of granting consent as provided in subsection (a) or consenting to a  
29 grant of location, a city council or select board may require a gas company to provide the  
30 following information within 30 days of request: (i) a map of the gas infrastructure in the city or  
31 town; (ii) the age and condition of gas pipelines; (iii) the type and size of pipeline material; (iv)  
32 the pipeline pressure; (v) the repair history of gas infrastructure in each street segment; (vi) the  
33 number of leaks within the city or town having a significant environmental impact and the status

34 and timeframe of their expected repair; (vii) probable cause of the leak, including defect,  
35 deterioration, or damage in pipe material or joint; (viii) estimated annual cost of gas lost from  
36 leaks in the municipality; (ix) estimated cost and timeframe for making any repairs to, or  
37 replacement of, existing pipelines, including estimated commencement date and completion date  
38 of such construction; (x) whether a gas main is being extended, repaired, or replaced; (xi) where  
39 and how many leaks are in the sections where work will be performed; (xii) the purpose of work  
40 to be performed, such as upcoming municipal roadwork, extension of service to new  
41 development, or repair or replacement of leak-prone pipeline; (xiii) whether any replacement  
42 will increase pipeline capacity; (xiv) any anticipated risks or hazards from such repair or  
43 replacement; and (xv) such other information as the city council or select board may reasonably  
44 require in order to make an informed consent.

45 (d) On written petition of a city council of a city or of a select board of a town aggrieved  
46 by the failure or refusal of a gas company to comply with a request made by said city council or  
47 select board pursuant to subsection (c), the department shall, after notice to such gas company to  
48 appear at a time and place therein named to show cause why the prayer of such petition should  
49 not be granted and after determining that the gas company has failed to comply with the  
50 requirements of subsection (c), issue an order directing such gas company to provide the  
51 petitioner with the information requested, upon such terms as are reasonable.

52 (e) Nothing in this section shall prevent a municipality from further regulating the  
53 opening of streets or the use of public ways by a gas company in a manner that is otherwise  
54 consistent with the laws and regulations of the commonwealth, or from conditioning the consent  
55 of such municipality to dig up and open the ground in a manner that is otherwise consistent with  
56 the laws and regulations of the commonwealth.