

1 H.273

2 Introduced by Representatives Masland of Thetford, Deen of Westminster,
3 Edwards of Brattleboro, Howard of Rutland City, Jerman of
4 Essex, Jewett of Ripton, McCullough of Williston, Minter of
5 Waterbury, Wilson of Manchester and Zuckerman of
6 Burlington

7 Referred to Committee on

8 Date:

9 Subject: Public service; municipal government; powers; street lighting

10 Statement of purpose: This bill proposes to allow municipalities to acquire
11 street lights from local public utility companies.

12 An act relating to municipal acquisition of street lights

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 30 V.S.A. chapter 80 is added to read:

15 CHAPTER 80. MUNICIPAL ACQUISITION OF STREET LIGHTS

16 § 2951. MUNICIPAL ACQUISITION OF STREET LIGHTS

17 (a) A municipality receiving street lighting services from an electric
18 company, pursuant to a tax which provides for the use by that municipality of
19 lighting equipment owned by the electric company, such as luminaries, lamps,
20 brackets, and other equipment necessary for the conversion of electric energy

1 into street lighting service, shall have the rights with respect to lighting
2 equipment as set forth in this section. These rights shall apply in the event that
3 the municipality does not establish a municipal plant in accordance with
4 chapter 79 of this title. These rights shall apply in the event that a municipal
5 plant is established but ownership and control of the distribution facilities
6 needed to deliver electric energy to the lighting equipment is held and retained
7 by the electric company servicing the municipality prior to the establishment of
8 the municipal plant.

9 (b) A municipality subject to the provisions of this section upon 60-day
10 notice to the public service board may:

11 (1) purchase electric energy for use in lighting equipment owned or
12 leased by the municipality from the electric company or any other person
13 allowed by law to provide electric energy;

14 (2) use the space on a pole, lamppost, or other mounting surface
15 previously used by the electric company for the mounting of the lighting
16 equipment of the electric company;

17 (3) acquire any or all of the lighting equipment of the electric company
18 in the municipality in accordance with subsection (c) of this section.

19 (c) A municipality exercising the option to convert its street lighting
20 service pursuant to this section shall be required to compensate the electric
21 company an amount equal to its unamortized investment, minus any salvage

1 value obtained by the electric company under the circumstances, in the lighting
2 equipment owned by the electric company in the municipality as of the date the
3 electric company receives notice of an exercise pursuant to subsection (b) of
4 this section. In meeting this requirement, the municipality has the authority to
5 acquire all or any part of lighting equipment of the electric company upon
6 payment of the unamortized investment assignable to that equipment. Upon
7 payment, the municipality shall have the right to use, alter, remove, or replace
8 the equipment in any way the municipality deems appropriate. The electric
9 company or any owner of any pole, lamppost, or other mounting surface
10 previously used by the electric company for the mounting of the lighting
11 equipment may not charge the municipality an attachment or detachment fee
12 for the placement or removal of that equipment on any mounting surfaces
13 previously used.

14 (d) A municipality may request that the electric company remove any
15 unacquired part of the lighting equipment. The municipality shall pay the
16 electric company for the cost of removal by the electric company along with an
17 amount equal to its unamortized investment, minus any salvage value
18 attributable to the removed equipment.

19 (e) The electric company may not require:

1 (1) That maintenance of the lighting equipment acquired pursuant to this
2 section meet any standard of qualification that exceeds that of state law or state
3 regulation;

4 (2) That lighting equipment meet any code or standard that exceeds that
5 of state law or regulation;

6 (3) Any greater liability protection from the community, including but
7 not limited to hazard insurance, than the electric company itself provides to the
8 community.

9 (f) A person other than the electric company controlling the right to use
10 space on a pole, lamppost, or other mounting surface previously used by the
11 electric company in that municipality shall allow the municipality to assume
12 the right and obligations of the electric company with respect to such space for
13 the unexpired term of a lease or other agreement under which the electric
14 company used the space. However, in the assumption of the rights and
15 obligations of the electric company by that municipality, the municipality shall
16 in no way or form restrict, impede, or prohibit universal access for the
17 provision of electric and other services.

18 (g) A dispute concerning the compensation to be paid to the electric
19 company or any other matter arising in connection with the dispute, including
20 the terms on which space is to be provided to the municipality in accordance
21 with subsection (f) of this section, shall be resolved by the board within 60

1 days of a request for a resolution brought by the municipality or person
2 involved in the dispute.

3 (h) Notwithstanding any other provision of law to the contrary, an affiliate
4 of an electric company whose street lighting service is acquired by a
5 municipality in accordance with the provisions of this section may solicit and
6 compete for the business of those municipalities to provide lighting equipment
7 or any other service normally provided by an electric company.