

HOUSE No. 02608

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 passage of the accompanying bill:

An Act relative to not raising energy cost as a result of a utility merger.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Tackey Chan

2nd Norfolk

Jennifer E. Benson

37th Middlesex

HOUSE No. 02608

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 2608) of Benson and Chan for legislation to further regulate utility company mergers Joint Committee on Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to not raising energy cost as a result of a utility merger.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 164 of the General Laws is hereby amended by striking out section 96, as so appearing,
- 2 and inserting in place thereof the following section:-
- 3 Section 96. Companies, except steam distribution companies, subject to this chapter and their
- 4 holding companies may, notwithstanding any other provisions of this chapter or of any general
- 5 or special law, consolidate or merge with one another, or may sell and convey their properties to
- 6 another of such companies or to a wholesale generation company and such other company may
- 7 purchase such properties if such purchase, sale, consolidation or merger, and the terms thereof,
- 8 have been approved, at meetings called thereof, by vote of the holders of at least two-thirds of
- 9 each class of stock outstanding and entitled to vote on the question of each of the contracting
- 10 companies, and that the department, after notice and a public hearing, has determined that such
- 11 purchase and sale or consolidation or merger, and the terms thereof, are consistent with the

12 public interest and results in improved distribution service and customer service; provided,
13 however, that in making such a determination the department shall at a minimum consider:
14 proposed rate changes, if any; the long term strategies that will assure a reliable, cost effective
15 energy delivery system; any anticipated interruptions in service; or other factors which may
16 negatively impact customer service; provided further, that the department shall not approve nor
17 add any merger terms or conditions that will result in increasing customer energy rates; and
18 provided further, that the purchase or sale of properties by, or the consolidation or merger of,
19 wholesale generation companies shall not require departmental approval.

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