HOUSE No. 2683

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

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 protecting consumers of gas and electricity from paying for leaked and unaccounted for gas.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Christine P. Barber	34th Middlesex
James B. Eldridge	Middlesex and Worcester
Jose F. Tosado	9th Hampden
Carmine L. Gentile	13th Middlesex
Edward F. Coppinger	10th Suffolk
Denise Provost	27th Middlesex
Jack Lewis	7th Middlesex
Steven S. Howitt	4th Bristol
Leonard Mirra	2nd Essex
Jason M. Lewis	Fifth Middlesex
Chris Walsh	6th Middlesex
James R. Miceli	19th Middlesex
Ruth B. Balser	12th Middlesex
Steven Ultrino	33rd Middlesex
Lori A. Ehrlich	8th Essex
Sarah K. Peake	4th Barnstable
Marjorie C. Decker	25th Middlesex

Thomas P. Walsh Jonathan Hecht Dylan Fernandes Barnstable, Dukes and Nantucket Thomas J. Calter Lith Plymouth Natalie Higgins Hith Worcester Brian M. Ashe John W. Scibak Michelle M. DuBois John Plymouth John W. Scibak Michelle M. DuBois John Plymouth John W. Scibak John W. Scibak Michelle M. DuBois John Plymouth John W. Scibak John W. Scibak Mike Connolly John W. Scibak John W. Scibak John W. Scibak Mike Connolly John Middlesex Joh	Louis L. Kafka	8th Norfolk
Donathan Hecht 29th Middlesex Barnstable, Dukes and Nantucket 12th Plymouth Natalie Higgins 4th Worcester Brian M. Ashe 2nd Hampehen Dohn W. Scibak 2nd Hampshire Michelle M. DuBois 10th Plymouth Michelle M. DuBois 10th Plymouth Michelle M. DuBois 10th Plymouth Michelle M. DuBois 10th Middlesex Mike Connolly 26th Middlesex 3rd Berkshire Barbara A. L'Italien Second Essex and Middlesex Second Essex and Middlesex 2nd Bristol Brendan P. Crighton 11th Essex Paul R. Heroux 2nd Bristol Brendan P. Crighton 11th Essex Paul Tucker 7th Essex Paul W. Mark 2nd Berkshire 2nd	Cory Atkins	14th Middlesex
Dylan Fernandes Barnstable, Dukes and Nantucket Thomas J. Calter 12th Plymouth Natalie Higgins 4th Worcester Brian M. Ashe 2nd Hampshire John W. Scibak 2nd Hampshire Michelle M. DuBois John Plymouth John W. Scibak Inth Plymouth John W. Scibak Inth Middlesex John M. Benson 37th Middlesex John Meschino Joh	Thomas P. Walsh	12th Essex
Thomas J. Calter Natalie Higgins Hohm M. Ashe Polh W. Scibak Plant M. DuBois Plantifer E. Benson Michelle M. DuBois Plantifer E. Benson Mike Connolly Politicia Farley-Bouvier Barbara A. L'Italien Paul R. Heroux Paul R. Heroux Paul R. Heroux Paul Tucker Paul W. Mark	Jonathan Hecht	29th Middlesex
Natalie Higgins Brian M. Ashe 2nd Hampden John W. Scibak 2nd Hampshire Michelle M. DuBois John W. Scibak 2nd Hampshire Michelle M. DuBois John W. Scibak 2nd Hampshire Michelle M. DuBois John W. Scibak John W. Scibak John W. Scibak Mike Connoily 26th Middlesex Mike Connoily 21st Middlesex Mary S. Keefe Middlesex Middles	Dylan Fernandes	Barnstable, Dukes and Nantucket
Brian M. Ashe John W. Scibak John W.	Thomas J. Calter	12th Plymouth
John W. Scibak Michelle M. DuBois John W. Scibak Michelle M. DuBois John Plymouth Jennifer E. Benson John Michelle M. DuBois John Middlesex Mike Connolly Zoth Middlesex Zoth Bristol Zoth Middlesex Zoth Brekshire Zoth Berkshire Zoth Berkshire Zoth Berkshire Zoth Berkshire Zoth John Middlesex Zoth John Middlesex Zoth Suffolk Zoth John Middlesex Zoth Suffolk Zoth Middlesex	Natalie Higgins	4th Worcester
Michelle M. DuBois Jennifer E. Benson Stay Khan Ilth Middlesex Mike Connolly 26th Middlesex Mike Connolly Michelle M. D'Italien Second Essex and Middlesex Middlese	Brian M. Ashe	2nd Hampden
Jennifer E. Benson37th MiddlesexKay Khan11th MiddlesexMike Connolly26th MiddlesexBricia Farley-Bouvier3rd BerkshireBarbara A. L'ItalienSecond Essex and MiddlesexKenneth I. Gordon21st MiddlesexPaul R. Heroux2nd BristolBrendan P. Crighton11th EssexPatrick M. O'ConnorPlymouth and NorfolkRussell E. Holmes6th SuffolkPaul Tucker7th EssexPaul W. Mark2nd BerkshireDavid F. DeCoste5th PlymouthSolomon Goldstein-Rose3rd HampshireJoan Meschino3rd PlymouthJay D. Livingstone8th SuffolkGailanne M. Cariddi1st BerkshireAdrian Madaro1st SuffolkJay R. Kaufman15th MiddlesexDaniel Cullinane12th SuffolkJoan B. LovelySecond EssexMary S. Keefe15th WorcesterCarolyn C. Dykema8th MiddlesexPaul Brodeur32nd MiddlesexDavid Paul Linsky5th MiddlesexDavid Paul Linsky5th MiddlesexDaniel M. Donahue16th WorcesterKimberly N. Ferguson1st WorcesterSean Garballey23rd Middlesex	John W. Scibak	2nd Hampshire
Kay Khan I 11th Middlesex Mike Connolly 26th Middlesex Tricia Farley-Bouvier Barbara A. L'Italien Second Essex and Middlesex Kenneth I. Gordon 21st Middlesex Paul R. Heroux 2nd Bristol Brendan P. Crighton Plymouth and Norfolk Russell E. Holmes Paul Tucker Paul W. Mark David F. DeCoste Solomon Goldstein-Rose Joan Meschino Jay D. Livingstone Gailanne M. Cariddi Jay R. Kaufman Daniel Cullinane Joan B. Lovely Mary S. Keefe Carolyn C. Dykema Paul M. Donahue Kimberly N. Ferguson Sean Garballey Second Essex Ist Worcester Sean Garballey 2st Middlesex 2st Middlesex Pall th Middlesex Sard Haddlesex Pall th Middlesex Second Esser Ist Worcester Sean Garballey 2st Middlesex Sth Middlesex Stan Garballey	Michelle M. DuBois	10th Plymouth
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Tricia Farley-Bouvier Barbara A. L'Italien Second Essex and Middlesex Kenneth I. Gordon 21st Middlesex 2nd Bristol Brendan P. Crighton Patrick M. O'Connor Plymouth and Norfolk Russell E. Holmes 6th Suffolk Paul Tucker Paul W. Mark David F. DeCoste Solomon Goldstein-Rose Joan Meschino Jay D. Livingstone Gailanne M. Cariddi Adrian Madaro Jay R. Kaufman Daniel Cullinane Joan B. Lovely Mary S. Keefe Carolyn C. Dykema Paul W. Dochtel Sean Garballey Second Essex Jat Middlesex Jat Middlesex Sth Middlesex Jand Middlesex Sth Middlesex Jand Middlesex Sth Middlesex Jand Middlesex	Kay Khan	11th Middlesex
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Barbara A. L'Italien Kenneth I. Gordon 2 Ist Middlesex Paul R. Heroux Brendan P. Crighton Patrick M. O'Connor Plymouth and Norfolk Russell E. Holmes 6th Suffolk Paul Tucker Paul W. Mark David F. DeCoste Solomon Goldstein-Rose Joan Meschino Jay D. Livingstone Gailanne M. Cariddi Jay R. Kaufman Daniel Cullinane Joan B. Lovely Mary S. Keefe Carolyn C. Dykema Paul Brendan M. Donahue Kimberly N. Ferguson Sean Garballey Jay D. Ist Worcester Sth Middlesex Jand Middlesex	Tricia Farley-Bouvier	3rd Berkshire
Paul R. Heroux Brendan P. Crighton Patrick M. O'Connor Plymouth and Norfolk Russell E. Holmes Oth Suffolk Paul Tucker Paul W. Mark Paul W. Mark Paul F. DeCoste Solomon Goldstein-Rose Joan Meschino Jay D. Livingstone Gailanne M. Cariddi Jay R. Kaufman Jish Middlesex Daniel Cullinane Joan B. Lovely Second Essex Mary S. Keefe Carolyn C. Dykema Paul Brodeur Daniel M. Donahue Kimberly N. Ferguson Sean Garballey 20th Essex Plymouth Suffolk Joan B. Ist Suffolk Joan B. Lovely Second Essex Sth Middlesex Johniel M. Gariddi Sth Middlesex Johniel M. Gariddi Sth Middlesex Johniel M. Gariddi Second Essex Johniel M. Donahue Johniel M. Ferguson Johniel M. Worcester Johniel M. Johniel Johniel Johniel M. Johniel	Barbara A. L'Italien	Second Essex and Middlesex
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Paul W. Mark David F. DeCoste Solomon Goldstein-Rose Joan Meschino Jay D. Livingstone Gailanne M. Cariddi Adrian Madaro Jay R. Kaufman Daniel Cullinane Joan B. Lovely Mary S. Keefe Carolyn C. Dykema Paul Brodeur David Paul Linsky Daniel M. Donahue Kimberly N. Ferguson Sean Garballey Solan Garballey Star Hampshire Staft Plymouth Sth Plymouth Sth Plymouth Sth Plymouth Sth Suffolk Ist Suffolk Ist Suffolk Set Suffolk Set See See Sth Middlesex Sth Middlesex Sth Middlesex Sth Middlesex Sth Middlesex Sth Middlesex Staft Worcester Staft Worcester Staft Worcester Staft Middlesex	Russell E. Holmes	6th Suffolk
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Adrian Madaro Ist Suffolk Iay R. Kaufman Ist Middlesex Daniel Cullinane I2th Suffolk Ioan B. Lovely Second Essex Mary S. Keefe I5th Worcester Carolyn C. Dykema Paul Brodeur David Paul Linsky Daniel M. Donahue Kimberly N. Ferguson Sean Garballey Ist Suffolk Ist Middlesex Ist Morcester Ist Worcester Ist Worcester Ist Worcester Ist Worcester Ist Middlesex	Jay D. Livingstone	8th Suffolk
Jay R. Kaufman15th MiddlesexDaniel Cullinane12th SuffolkJoan B. LovelySecond EssexMary S. Keefe15th WorcesterCarolyn C. Dykema8th MiddlesexPaul Brodeur32nd MiddlesexDavid Paul Linsky5th MiddlesexDaniel M. Donahue16th WorcesterKimberly N. Ferguson1st WorcesterSean Garballey23rd Middlesex	Gailanne M. Cariddi	1st Berkshire
Daniel Cullinane Joan B. Lovely Second Essex Mary S. Keefe Carolyn C. Dykema Paul Brodeur David Paul Linsky Daniel M. Donahue Kimberly N. Ferguson Sean Garballey 12th Suffolk Second Essex 15th Worcester 23th Middlesex 5th Middlesex 16th Worcester 23rd Middlesex	Adrian Madaro	1st Suffolk
Joan B. Lovely Second Essex Mary S. Keefe 15th Worcester Carolyn C. Dykema 8th Middlesex Paul Brodeur 32nd Middlesex David Paul Linsky 5th Middlesex Daniel M. Donahue 16th Worcester Kimberly N. Ferguson 1st Worcester Sean Garballey 23rd Middlesex	Jay R. Kaufman	15th Middlesex
Mary S. Keefe Carolyn C. Dykema 8th Middlesex Paul Brodeur David Paul Linsky Daniel M. Donahue Kimberly N. Ferguson Sean Garballey 15th Worcester 15th Worcester 12th Worcester 23rd Middlesex 23rd Middlesex	Daniel Cullinane	12th Suffolk
Carolyn C. Dykema Paul Brodeur 32nd Middlesex David Paul Linsky 5th Middlesex Daniel M. Donahue Kimberly N. Ferguson Sean Garballey 8th Middlesex 12nd Middlesex 1th Worcester 23rd Middlesex	Joan B. Lovely	Second Essex
Paul Brodeur 32nd Middlesex David Paul Linsky 5th Middlesex Daniel M. Donahue 16th Worcester Kimberly N. Ferguson 1st Worcester Sean Garballey 23rd Middlesex	Mary S. Keefe	15th Worcester
David Paul Linsky 5th Middlesex Daniel M. Donahue 16th Worcester Kimberly N. Ferguson 1st Worcester Sean Garballey 23rd Middlesex	Carolyn C. Dykema	8th Middlesex
Daniel M. Donahue16th WorcesterKimberly N. Ferguson1st WorcesterSean Garballey23rd Middlesex	Paul Brodeur	32nd Middlesex
Kimberly N. Ferguson 1st Worcester Sean Garballey 23rd Middlesex	David Paul Linsky	5th Middlesex
Sean Garballey 23rd Middlesex	Daniel M. Donahue	16th Worcester
	Kimberly N. Ferguson	1st Worcester
Walter F. Timilty Norfolk. Bristol and Plymouth	Sean Garballey	23rd Middlesex
	Walter F. Timilty	Norfolk, Bristol and Plymouth

Danielle W. Gregoire	4th Middlesex
Stephen Kulik	1st Franklin
Patricia A. Haddad	5th Bristol
Daniel J. Ryan	2nd Suffolk
Linda Dean Campbell	15th Essex
Bruce E. Tarr	First Essex and Middlesex
Kathleen O'Connor Ives	First Essex
William Smitty Pignatelli	4th Berkshire
Colleen M. Garry	36th Middlesex
Geoff Diehl	7th Plymouth
Byron Rushing	9th Suffolk
Patricia D. Jehlen	Second Middlesex
Hannah Kane	11th Worcester
Elizabeth A. Malia	11th Suffolk
Peter V. Kocot	1st Hampshire
David M. Rogers	24th Middlesex
Linda Dorcena Forry	First Suffolk
Alice Hanlon Peisch	14th Norfolk
Jeffrey Sánchez	15th Suffolk
Paul McMurtry	11th Norfolk
Paul K. Frost	7th Worcester
Shaunna L. O'Connell	3rd Bristol
Paul A. Schmid, III	8th Bristol
Thomas M. Stanley	9th Middlesex
William C. Galvin	6th Norfolk

HOUSE No. 2683

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 2683) of Christine P. Barber and others relative to the payment by ratepayers for gas and electricity use of lost and unaccounted for gas. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 2870 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court (2017-2018)

An Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas.

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

- The General Laws of the Commonwealth of Massachusetts are hereby amended as
- 2 follows:
- 3 SECTION 1 Chapter 164 of the General Laws, as appearing in the 2014 Official Edition,
- 4 is hereby amended by adding the following section:
- 5 Section 147. (a) As used in this Section, the following words shall have the following
- 6 meanings:
- 7 "Gas" natural gas and any of its products, components or derivatives and methane,
- 8 whether produced by, or gathered from or collected as a result of exploration and production by

- well, mining or otherwise, hydraulic fracturing, biomass gasification reactors, biogas reactors,
 anaerobic digestion, methane emissions from landfills and liquid natural gas and whether mixed
 with propane air or not or with synthetic natural gas or not.
- "Hydraulic fracturing" the process of pumping a fluid into or under the surface of the ground in order to create or develop or enhance the flow through fractures in rock for the purpose of the production or recovery of oil or gas.
- "Liquefied natural gas " a natural gas that has been changed into a liquid by cooling the temperature at atmospheric pressure to approximately 260°F.
- "Local Distribution Company" includes a municipal distribution company, and is referred to as an LDC.
- 19 "Local retail outlets" Distributors of gas at retail to retail customers for individual
 20 household use.
 - "Natural gas " a type of gas which originates in the ground and is predominantly methane.

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- "Propane air" a type of gas produced by those facilities which add commercial grade propane to air for mixture with natural gas .
- "Provider" anyone that purchases, acquires, transmits, barters, forfeits, exchanges, transports, stores, processes, compresses or decompresses, distributes, sells or conveys gas for resale or reuse and any Public Utility. A Provider may use one or more system types.
- "Public Utility" a gas or electric company as defined in section one of chapter one hundred and sixty four, or any municipal corporation which owns or may acquire municipal

lighting plants as referred to in section two of said chapter one hundred and sixty four or any person, firm, association, or private corporation which owns or operates works or a distribution plant for the manufacture and sale or distribution and sale of gas for heating and illuminating purposes, or of electricity, within the Commonwealth as referred to in section two of said chapter one hundred and sixty four or any domestic electric utility or foreign electric utility as defined in section one of chapter one hundred and sixty four A.

"Synthetic natural gas " - a type of gas which is made by a facility which produces a gaseous fuel from the manufacture, conversion or reforming of liquid or solid hydrocarbons.

"System type" – any one of a gas distribution system, gas transmission or transportation system, gas storage facility whether in liquefied or other state, gas production, gathering or handling system. and a Public Utility.

Unaccounted-for-gas (UFG) —The difference between the total gas available from all sources that is acquired by a system type and the total gas accounted for as sales, net interchange and company use. This difference includes leakage or loss by other means, discrepancies due to measuring or monitoring inaccuracies, variations of temperatures or pressures, or both, and other variants.

(b). Calculation of UFG.

- 47 (1) When possible, UFG must be measured, computed and reported by system type.
- 48 (2) UFG for a system type equals Gas Received less Gas Delivered less Adjustments.
 - (3) Percent of UFG equals UFG divided by Gas Received times 100

- (4) Gas received, gas delivered, and adjustments must represent actual gas quantities.

 Measuring and monitoring equipment that meets current industry standards applicable in

 Massachusetts must be installed. Estimates shall be treated as UFG unless clearly identified,

 have supporting justification, assumptions and calculations and can be determined to be at least

 as accurate as measured results. All records of acquisition by purchase or otherwise, sales and

 internal usage must be made available and have been kept in the usual course of business.
 - (5) All lost and unaccounted for gas shall be presumed to be lost gas unless the portion represented by unaccounted for gas, including but not limited to losses to company used gas, liquids extraction, and meter errors due to inaccurate calibration or temperature and pressure fluctuations, is proven by a preponderance of the evidence in a given ratemaking proceeding.
 - (6) A Provider shall be responsible for the UFG of each other Provider that is a source of gas within the state that is not subject to ratemaking and the gas received for measuring UFG shall be the gas received within the state by that Provider that it not subject to rate making.
 - (c). The cost of UFG in excess of the maximum allowable and all expenses for decreasing UFG down to the maximum allowable shall be disallowed for ratemaking purposes.
 - (1) The maximum allowable loss is as shown in the following table.
- Maximum Allowable Loss as a Percent of UFG per System Type
- 67 Year/ Distribution/ Transmission/ Storage/ Public utility/ Other
- 68 1/1.00%/0.50%/0.25%/0.25%/0.25%

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69 2/0.750%/0.25%/0.10%/0.10%/0.10%

70	3/ 0.50%/ 0.10%/ 0.05%/ 0.05%/ 0.05%
71	4/ 0.25%/ 0.05%/ to/ to/ to
72	5/ 0.10%/ to
73	6/ 0.00%/ 0.00%/ 0.00%/ 0.00%/ 0.00%
74	(2) The calculation of the percentage of lost and unaccounted for gas shall be based on an
75	annual period. Notwithstanding the choice of test year for other aspects of ratemaking, and
76	unless a more appropriate period can be demonstrated by a preponderance of the evidence in a
77	given ratemaking proceeding, the annual period ends June 30, and is the most recent such period
78	for which data are available.
79	(3) Local retail outlets shall use best available technology and practices for preventing
80	leakage.
81	SECTION 2. Section 1 shall take effect on January 1. 2019.