

HOUSE No. 3529

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 aggregated gas power.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>

HOUSE No. 3529

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 3529) of Thomas A. Golden, Jr. and others relative to aggregated gas power. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to aggregated gas power.

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. Subsection (a) of section 134 of chapter 164 of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by striking out the first 3 paragraphs
3 and inserting in place thereof the following 3 paragraphs:-

4 Any municipality or any group of municipalities acting together within the
5 commonwealth may aggregate the electrical load of interested electricity consumers or heat
6 energy, in therms or British Thermal Units, of interested gas consumers within its boundaries;
7 provided, however, that such municipality or group of municipalities shall not aggregate
8 electrical load or heat energy if such are served by an existing municipal lighting plant or an
9 existing municipal gas plant. Such municipality or group of municipalities may group retail
10 electricity customers to solicit bids, broker, and contract for electric power and energy services
11 for such customers and may group retail gas customers to solicit bids, broker and contract for the
12 supply of gas for such customers. Such municipality or group of municipalities may enter into

13 agreements for services to facilitate the sale and purchase of electric energy and other related
14 services and agreements for services to facilitate the sale and purchase of gas. Such service
15 agreements may be entered into by a single city, town, county, or by a group of cities, towns, or
16 counties.

17 A municipality or group of municipalities which aggregates its electrical load or heat
18 energy and operates pursuant to the provisions of this section shall not be considered a utility
19 engaging in the wholesale purchase and resale of electric power or gas. Providing electric power
20 or energy services or gas to aggregated customers within a municipality or group of
21 municipalities shall not be considered a wholesale utility transaction. The provision of
22 aggregated electric power and energy services as authorized by this section shall be regulated by
23 any applicable laws or regulations which govern aggregated electric power and energy services
24 in competitive markets. The provision of aggregated gas as authorized by this section shall be
25 regulated by any applicable laws or regulations that govern aggregated gas in competitive
26 markets.

27 A town may initiate a process to aggregate electrical load or heat energy upon
28 authorization by a majority vote of town meeting or town council. A city may initiate a process
29 to authorize aggregation by a majority vote of the city council, with the approval of the mayor, or
30 the city manager in a Plan D or Plan E city. Two or more municipalities may as a group initiate a
31 process jointly to authorize aggregation by a majority vote of each particular municipality as
32 herein required.

33 SECTION 2. The fifth paragraph of said subsection (a) of said section 134 of said chapter
34 164, as so appearing, is hereby amended by adding the following sentence:- Nothing in this

35 section shall be construed as authorizing any city or town or any municipal retail gas aggregator
36 to restrict the ability of retail gas customers to obtain or receive service from any authorized
37 provider thereof.