

SENATE No. 1494

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

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 regarding service outage restoration penalties.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	Worcester and Middlesex
Jennifer Benson	37th Middlesex
Stephen L. DiNatale	3rd Worcester
Susan C. Fargo	Third Middlesex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Geraldo Alicea	6th Worcester
Jennifer M. Callahan	18th Worcester
Robert L. Rice, Jr.	2nd Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING SERVICE OUTAGE RESTORATION PENALTIES. .

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 164 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after section 1H the following new section:-
3 Section 1I. The department is hereby authorized to promulgate rules and regulations to establish
4 standards of acceptable performance for the restoration of service outages for distribution,
5 transmission and gas distribution companies doing business in the commonwealth. The
6 department shall establish a penalty of not less than \$500,000 for each separate instance for a
7 failure to perform and the department may increase the penalty should it find it necessary based
8 on the severity as a result of the failure to perform. The department shall open a full
9 investigation and evidentiary hearings, upon petition of the Attorney General or by any
10 municipality that has service outages, to determine whether the distribution, transmission or gas
11 distribution company's service outage violated the standards established by the department;
12 provided, that said petition shall be made within 45 days after service has been restored.