HOUSE . . . . No. 1929

Petition (from the Secretary of the Commonwealth) of the City of Holyoke Gas and Electric Department that the city of Holyoke be authorized to apply for and receive a license from the Federal Power Commission for a hydro electric project to develop the waters of the Connecticut River at said city for electric power. Power and Light.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT AUTHORIZING THE CITY OF HOLYOKE TO APPLY FOR AND RECEIVE A LICENSE FROM FEDERAL POWER COMMISSION UNDER FEDERAL POWER ACT FOR A HYDRO ELECTRIC PROJECT WHICH WILL DEVELOP ALL THE WATERS OF THE CONNECTICUT RIVER AT HOLYOKE FOR HYDRO ELECTRIC AND OTHER BENEFICIAL PUBLIC PURPOSES AND TO DO ALL THINGS REQUIRED TO COMPLETE AND MAINTAIN SAID POWER PROJECT.

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

SECTION 1. The city of Holyoke, acting through its municipal gas and electric commission, may apply for and receive from the Federal Power Commission, under the federal power act, a license for the development of a hydro electric project in the Connecticut river at Holyoke which will utilize all the waters of the Connecticut river at Holyoke for electric power and other beneficial public uses, and the said city of

Holyoke, acting through its aforesaid commission, is authorized to construct, complete and maintain said power project under said license, and to do all things necessary to comply with the requirements of the federal power act relating to municipalities as a political subdivision of the commonwealth, and the said city of Holyoke, acting through its aforesaid commission, is authorized to carry on the business of developing, transmitting, utilizing, distributing, and selling electric power to any purchasers within or outside the limits of said city of Holyoke.

SECTION 2. The said city of Holyoke, acting through its municipal gas and electric commission, in accordance with any license of the Federal Power Commission, may construct, purchase, lease or maintain one or more plants, or any part of any plant for the manufacture or distribution of electricity within or outside its own limits. Such plants may include suitable land, dams, structures, machinery, transmission lines, conduits, canals, apparatus, reservoirs, power house and all appurtenant works and facilities. The dam, power house and any part of the plant may be constructed and maintained in the Connecticut river, subject to regulation under the provisions of the federal power act, and in compliance with the terms contained in a license therefor from the Federal Power Commission.

SECTION 3. The said city of Holyoke may acquire by purchase or by right of eminent domain any land, structures, water rights, easements, or real and personal property necessary or useful in the establishment, construction or maintenance of any part, of its

plant. The right of eminent domain, if exercised, shall be exercised by the municipal gas and electric commission under the provisions of chapter seventy-nine of the General Laws except wherein inconsistent herewith, which rights shall be in addition to similar rights granted to licensees under the federal power act. Any contracts for acquirement by purchase shall be made by the municipal gas and electric commission.

SECTION 4. The cost of the work performed under authority of this chapter, or under a license for a project under the federal power act by the Federal Power Commission shall be paid by the issuance of revenue bonds the proceeds of which shall be used for the cost of the project. The said revenue bonds shall be payable solely from the receipts of the project, shall not be a debt of the city of Holyoke, and the taxing power of the city shall not be used to raise any money for the payment of principal or interest of said revenue bonds, which shall contain a statement that the credit of the city or its taxing power are not pledged for the payment of said bonds.

SECTION 5. The municipal gas and electric commission shall exercise all the power and authority created by this chapter, through its manager, who subject to the direction and control of the commission, shall have full charge and supervision of the construction of the plant, its management and operation as provided for municipal electric plants in General Laws, chapter one hundred and sixty-four. The said commission shall have full power and authority to make all contracts to accomplish the purposes of this chap-

ter or which may be necessary or incidental to compliance with the federal power act, or the terms of a license of the Federal Power Commission, for the establishment, construction, maintenance or operation of the said plant for the production of electricity and its sale but shall be subject to the provisions of chapter one hundred and sixty-four of the General Laws relating to municipal electric plants, except where said provisions conflict with the federal power act or the provisions of this chapter.

SECTION 6. The income of the plants shall be used to pay the expense of the plant without appropriation of the same, and the provisions of chapter one hundred and sixty-four, General Laws, relative to the operation, maintenance and management of municipal electric plants, whenever not inconsistent herewith or with the federal power act, shall apply to the plant established hereunder.

SECTION 7. The acquisition of real or personal property for the purposes of this chapter shall not deprive any city or town in which the said property is taxable of the amount of taxes thereon being paid at the time of acquisition under this chapter and the municipal gas and electric commission shall provide for the payment of the aforesaid amounts in lieu of taxes from the receipts of the plant.

SECTION 8. All liability in contract or tort which may be incurred under the provisions of this act shall be enforced, if payment of a final judgment is not made, by writ of mandamus and neither the taxing power of the city of Holyoke nor the real or personal

6 property of any person shall be responsible for the
7 payment of any such liability. The property and
8 income of the municipal electric plant only shall be
9 subject to any debts or liability incurred under this
10 chapter and the property and income of the plants
11 shall not be subject to liens, or to attachment or to
12 levy and sale on execution, except as may be ordered
13 in proceedings for a writ of mandamus or its equiva-
14 lent.

1 SECTION 9. The cost of the project shall include all
2 expenses incurred for the acquisition of land, ease-
3 ments, property, rights and interest therein or con-
4 struction of land structure, machinery, financing
5 charges, interest during construction, the cost of en-
6 gineering and legal expenses, plans, specifications, sur-
7 veys, estimates of costs and revenues, other expenses
8 necessary or incident to determining the feasibility or
9 practicability of constructing or acquiring the proj-
10 ect, administrative expense and such other expenses
11 as may be necessary or incidental to the construction,
12 acquisition and placing of said project in operation.

1 SECTION 10. All general or special laws or parts
2 thereof, which are inconsistent herewith, or which are
3 inconsistent with the provisions of the federal power
4 act, shall not be applicable to any acts done under
5 authority of this chapter.