

HOUSE No. 543

By Mr. Sleeper of Medford, petition of Wycliffe C. Marshall that the Department of Public Utilities be given supervision of associations and trusts which sell gas or electricity to gas and electric companies under common ownership. Power and Light.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Three.

An Act giving the Department of Public Utilities General Supervision of Associations, Trusts and Companies which sell Gas or Electricity or Raw Material to Gas and Electric Companies under Common Ownership.

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 one hundred and eighty-two of the Gen-
2 eral Laws, as amended, is hereby further amended
3 by adding after section eleven the following new
4 sections:—

5 *Section 12.* The department shall have the gen-
6 eral supervision of all associations or trusts which
7 own or hold the capital stock or any part thereof
8 of a gas or electric or gas and electric company, and
9 shall make all necessary examination and inquiries
10 and keep itself informed as to all the relations and
11 dealings, including contracts, between such asso-
12 ciations or trusts and any such company with refer-

13 ence to the effect of said relations and dealings upon
14 the price of gas or electricity sold and delivered by
15 any such company or the quality thereof. Said
16 relations and dealings shall be subject to review and
17 investigation by the department in any proceedings
18 instituted under the provisions of sections ninety-
19 three and ninety-four of chapter one hundred and
20 sixty-four of the General Laws as amended, and any
21 such association or trust shall be joined as a party
22 respondent with such a gas or electric or gas and
23 electric company in said proceedings.

24 *Section 13.* The department shall have the gen-
25 eral supervision of any partnership, express trust,
26 voluntary association or corporation which is under
27 the same ownership, control or management as a
28 gas or electric or gas and electric company, and
29 shall make all necessary examination and inquiries
30 and keep itself informed as to all the relations and
31 dealings, including contracts, between such gas or
32 electric or gas and electric company and such part-
33 nership, express trust, voluntary association or cor-
34 poration with reference to the effect of such relations
35 and dealings upon the price of gas or electricity sold
36 and delivered by any such company or the quality
37 thereof. Said relations and dealings shall be subject
38 to review and investigation by the department in
39 any proceedings instituted under the provisions of
40 sections ninety-three and ninety-four of chapter one
41 hundred and sixty-four of the General Laws as
42 amended, and any such partnership, express trust,
43 voluntary association or corporation shall be joined
44 as a party respondent with such a gas or electric or
45 gas and electric company in said proceedings.

46 *Section 14.* Associations or trusts which own or

47 hold the capital stock or any part thereof of a gas
48 or electric or gas and electric company and which
49 are in any degree engaged in the manufacture and
50 sale or distribution of gas or electricity and which
51 sell gas or electricity or raw material for the same
52 to any such company shall keep their books and
53 accounts in a form to be prescribed by the depart-
54 ment, and the accounts shall be closed annually,
55 so that a balance sheet can be taken therefrom.
56 Such associations or trusts in which the manufacture
57 of gas or electricity or business in raw material for
58 the same is a minor portion of their business shall
59 be required to keep accounts of the expenses and
60 income of their gas or electric or said raw material
61 business only; and such associations or trusts shall
62 report said expenses and income to the department
63 annually.

64 *Section 15.* Any partnership, express trust, vol-
65 untary association or corporation which is under the
66 same ownership, control or management as a gas or
67 electric or gas and electric company and which is in
68 any degree engaged in the manufacture and sale or
69 distribution of gas or electricity and which sells
70 gas or electricity or raw material for the same to
71 any such gas or electric or gas and electric company
72 shall keep their books and accounts in a form to be
73 prescribed by the department, and the accounts
74 shall be closed annually, so that a balance sheet can
75 be taken therefrom. Such a partnership, express
76 trust, voluntary association or corporation in which
77 the manufacture of gas or electricity or business in
78 raw material for the same is a minor portion of
79 their business shall be required to keep accounts of
80 the expenses and income of their gas or electric or

81 raw material business only; and such a partnership,
82 express trust, voluntary association or corporation
83 shall report said expenses and income to the depart-
84 ment annually.

85 *Section 16.* Said associations or trusts and said
86 partnerships, express trusts, voluntary associations
87 or corporations are hereby made subject to the pro-
88 visions of sections eighty-two, eighty-three, eighty-
89 four, eighty-five, ninety-three and ninety-four of
90 chapter one hundred and sixty-four of the General
91 Laws, as amended, so far as the same may be made
92 applicable by the department, in order to give the
93 department effective control over all their relations
94 and dealings, including contracts and costs of manu-
95 facture and sale of gas or electricity or raw material
96 for the same, with such gas or electric or gas and
97 electric companies.

98 *Section 17.* The supreme judicial court shall have
99 jurisdiction in equity to enforce compliance with
100 the five preceding sections and the sections therein
101 referred to, and with all orders of the department
102 made under authority thereof.

103 *Section 18.* If any part, subdivision or section
104 of this act shall be declared unconstitutional, the
105 validity of its remaining provisions shall not be
106 affected thereby.

107 *Section 19.* This act shall take effect on October
108 first of the current year.