

**SENATE . . . . . No. 524**

---

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 524) of Martin T. Reilly and Denis L. McKenna for legislation to further regulate disputes between certain utility companies and their customers. Government Regulations.

---

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-three.

**AN ACT FURTHER REGULATING DISPUTES BETWEEN CERTAIN UTILITY COMPANIES AND THEIR CUSTOMERS.**

*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 one hundred sixty-four of the General  
2 Laws is hereby amended by adding section fifty-eight B: —  
3 *Section 58B.* No city or town having a municipal light-  
4 ing plant shall cut off or fail to restore electric service in  
5 any residence during such time as there is a serious illness  
6 therein, provided that a registered physician or the local  
7 board of health certifies in writing to the city or town that  
8 such serious illness exists and provided, further, that the cus-  
9 tomer cannot afford to pay any overdue bill because of finan-  
10 cial hardship. No such city or town shall between November  
11 fifteenth and March fifteenth shut off electric service to any  
12 residential customer who cannot pay an overdue charge be-  
13 cause of financial hardship, when such electric service is used  
14 to provide heat or to operate the heating system of the cus-  
15 tomer's unit or building. The department may promulgate  
16 such rules and regulations consistent with this section as it  
17 deems reasonable and necessary to carry out the provisions  
18 of this action.

1 SECTION 2. Section one hundred twenty-four of chapter one  
2 hundred sixty-four of the General Laws is hereby amended  
3 by striking out the first sentence thereof and inserting in  
4 place thereof the following: —

5 Except as otherwise provided in this chapter, as gas or elec-  
6 tric company may stop gas or electricity from entering the  
7 premises of any person failing to pay the amount due there-  
8 for or for the use of the meter or instrument necessary to  
9 measure supply of service; and for such purpose, the officers,  
10 servants or workmen thereof may, after ten days' notice by  
11 mail, exclusive of Fridays, Saturdays, Sundays, legal holidays,  
12 and the days before legal holidays, enter his premises between  
13 the hours of eight in the forenoon and four in the afternoon  
14 and separate and take away such meter or other property of  
15 the company, and may disconnect any meter, pipe, wires, fit-  
16 tings, or other works, whether they are property of the com-  
17 pany or not, from its mains, pipes or wires.

1 SECTION 3. Section one hundred twenty-four D of chapter  
2 one hundred sixty-four of the General Laws is hereby amend-  
3 ed by adding the following sentence: —

4 The provisions of this section shall apply to situations in  
5 which a landlord who is a customer of the company purports  
6 or attempts to transfer responsibility for payment of service  
7 to a tenant without the tenant's written agreement to assume  
8 responsibility for such payment or to become a customer.

1 SECTION 4. Chapter one hundred sixty-four of the General  
2 Laws is hereby amended by adding section one hundred  
3 twenty-four G: —

4 *Section 124G.* No gas or electric company shall shut off or  
5 fail to restore service for nonpayment of any bill, or portion  
6 thereof, as to which there is a dispute between the customer  
7 and the company, until the customer has exhausted all ad-  
8 ministrative remedies with respect to such dispute. For the  
9 purposes of the foregoing sentence, a dispute shall exist if  
10 there is a disagreement between the company and a customer  
11 who cannot pay an overdue bill because of financial hardship,  
12 as to the terms and conditions of a deferred payment agree-  
13 ment with respect to such overdue bill. The department shall  
14 issue appropriate orders, and may issue rules and regulations,  
15 to implement the provisions of this section. The department  
16 shall establish a system of providing informal hearings con-  
17 cerning disputes between companies and their customers in

18 each region of the state, and shall order that all companies  
19 give notice, with each notice of termination, of the availability  
20 of such regional hearings.

1 SECTION 5. Section fourteen of chapter one hundred eighty-  
2 six of the General Laws is hereby amended by striking the  
3 first sentence thereof and inserting in place thereof the fol-  
4 lowing: —

5 Any lessor or landlord of any building or part thereof occu-  
6 pied for dwelling purposes, other than a room or rooms in  
7 a hotel, but including a mobile home or land therefor, who  
8 is required by law or by the express or implied terms of any  
9 contract, or lease or tenancy at will to furnish water, hot  
10 water, heat, light, power, gas, elevator service, telephone  
11 service, janitor service or refrigeration service to any occu-  
12 pant of such building or part thereof, who willfully or inten-  
13 tionally fails to furnish such water, hot water, heat, light,  
14 power, gas, elevator service, telephone service, janitor service  
15 or refrigeration service at any time when the same is neces-  
16 sary to the proper or customary use of such building or part  
17 thereof, or any lessor or landlord who directly or indirectly  
18 interferes with the furnishing by another of such utilities or  
19 service, or who transfers the responsibility for payment for  
20 any utility services to the occupant without his agreement,  
21 or any lessor or landlord who directly or indirectly inter-  
22 feres with the quiet enjoyment of any residential premises by  
23 the occupant, or who attempts to regain possession of such  
24 premises by force without benefit of judicial process, shall be  
25 punished by a fine of not less than twenty-five dollars nor  
26 more than three hundred dollars, or by imprisonment of not  
27 more than six months.

The first part of the document discusses the general principles of the law, and the second part discusses the specific facts of the case. The court finds that the defendant is liable for the damages claimed by the plaintiff.

The court's decision is based on the following facts:

- 1. The defendant acted negligently.
- 2. The defendant's negligence caused the plaintiff's injury.
- 3. The plaintiff suffered actual damages as a result of the injury.

Therefore, the court awards the plaintiff the sum of \$10,000 in damages.

The court also awards the plaintiff reasonable attorney's fees and costs.

The defendant is ordered to pay the damages and costs to the plaintiff within 30 days of the date of this judgment.

This judgment is final and subject to appeal.