

HOUSE No. 1556.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 23, 1908.

The committee on Public Lighting, to whom was referred the special report of the Board of Gas and Electric Light Commissioners of an investigation of the purchase, sale and consolidation of gas and electric light companies (House, No. 301), report the accompanying bill.

For the committee,

THOMAS PATTISON.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To authorize the Purchase, Sale and Consolidation of Gas and Electric Light Companies.

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. In this act "gas company" means all
2 corporations organized under the laws of this Common-
3 wealth for the purpose of making or selling gas for light,
4 heat or power, and actually engaged in said business,
5 including such of said corporations as are also duly au-
6 thorized to generate and furnish electricity for light and
7 power; and "electric light company" means all corpo-
8 rations organized under the laws of this Commonwealth
9 for the purpose of making or selling electricity only for
10 light, heat or power and actually engaged in said busi-
11 ness.

1 SECTION 2. A gas company may purchase the fran-
2 chise and property of another gas company whose gas
3 mains are in the same or contiguous municipalities, or
4 may consolidate with such other gas company, and such
5 other gas company may sell and convey its franchise and

6 property to, or may consolidate with, such first-mentioned
7 gas company; and an electric light company may pur-
8 chase the franchise and property of another electric light
9 company whose lines are in the same or contiguous muni-
10 cipalities, or may consolidate with such other electric light
11 company, and such other electric light company may sell
12 and convey its franchise and property to, or may consoli-
13 date with, such first-mentioned electric light company:
14 *provided*, that no such purchase and sale or consolidation
15 shall be valid or binding until the terms thereof have
16 been approved, at meetings called for the purpose, by a
17 vote of at least two thirds in interest of the stockholders
18 of each of the contracting companies, and until the board
19 of gas and electric light commissioners, after notice and
20 a public hearing, have determined that the facilities for
21 furnishing and distributing light, heat and power will not
22 thereby be diminished, and that such purchase and sale
23 or consolidation and the terms thereof are consistent with
24 the public interest.

1 SECTION 3. The purchasing or consolidated company
2 shall have and enjoy all the powers, rights, locations,
3 licenses, privileges and franchises, and shall be subject
4 to all the duties, liabilities and restrictions, of the com-
5 pany selling or merged as aforesaid, as far as the same
6 are applicable to the purchasing or consolidated company.

1 SECTION 4. The purchasing or consolidated company
2 may, for the purpose authorized in section one, increase
3 its capital stock and issue bonds in the manner and sub-
4 ject to the limitations provided by law; and may, for the
5 same purpose and subject to the same limitations, ex-
6 change its securities for those of the selling or merged
7 company, upon such terms as may be approved by the
8 board of gas and electric light commissioners.

1 SECTION 5. No electric light company shall purchase
2 the franchise or property of, or consolidate with, a gas
3 company; and no gas company shall purchase the fran-
4 chise or property of, or consolidate with, an electric light
5 company: *provided*, that a gas company authorized to
6 engage in the business of generating and furnishing elec-
7 tricity for light and power under the provisions of section
8 fourteen of chapter one hundred and twenty-one of the
9 Revised Laws may, with the approval of the board, ex-
10 ercise the authority conferred in section twenty-two of
11 said chapter.

1 SECTION 6. Nothing contained in this act shall be
2 construed as authorizing the consolidation of the Boston
3 Consolidated Gas Company and the Edison Illuminating
4 Company of the city of Boston.

1 SECTION 7. All general laws which are inconsistent
2 herewith are hereby repealed.

1 SECTION 8. This act shall take effect upon its passage.