

HOUSE No. 1464

Bill accompanying the petition of Joseph B. Eastman for legislation relative to the control and regulation of rates and charges of gas and electric light companies. Public Lighting. January 18.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

Relative to the Rates and Charges 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. Every corporation or company which is
2 engaged in the manufacture or sale of gas or electricity
3 for light, heat or power, shall file with the board of gas
4 and electric light commissioners a schedule showing all
5 rates and charges made, established or enforced, or to be
6 charged or enforced, all forms of contract or agreement
7 and all rules and regulations relating to rates, charges or
8 service, used or to be used, and all general privileges and
9 facilities granted or allowed by such corporation or com-
10 pany. Such schedules shall be printed in plain type and

11 kept open to public inspection. The board shall have
12 power to prescribe the form of every such schedule and,
13 from time to time, to prescribe changes in said form.
14 Copies of such schedules, or so much thereof as the board
15 shall deem necessary for the use and information of the
16 public, shall be printed in plain type by the respective
17 corporations or companies and be kept on file for public
18 distribution or be posted in such places and in such man-
19 ner as the board may order.

1 SECTION 2. No such corporation or company shall
2 charge, demand, exact, receive or collect a different
3 rate or charge for any service rendered or furnished by
4 it, or to be rendered or furnished, than that applicable
5 to such service as specified in its schedule filed with the
6 board of gas and electric light commissioners, as above
7 provided, and in effect at the time. Nor shall any such
8 corporation or company refund or remit, directly or in-
9 directly, in any manner or by any device, any rate or
10 charge so specified, or any portion thereof, nor extend to
11 any person, firm or corporation any form of contract or
12 agreement, or any rule or regulation, or any privilege or
13 facility, except such as are specified in such schedule and
14 regularly and uniformly extended to all persons, firms
15 and corporations under like circumstances.

1 SECTION 3. Unless the board of gas and electric light
2 commissioners otherwise orders, no change shall be made
3 in any rate or charge, or in any form or contract or agree-
4 ment, or any rule or regulation relating to any rate,
5 charge or service, or in any general privilege or facility,
6 as shown upon a schedule filed as above provided, except
7 after thirty days' notice to the board and publication for
8 thirty days as required by order of the board, which shall

9 plainly state the changes proposed to be made in the
10 schedule then in force and the time when such changes
11 will go into effect. The board for good cause shown
12 may allow changes without requiring the thirty days
13 notice under such conditions as it may prescribe. At the
14 time when any changes take effect, they shall be plainly
15 indicated upon existing schedules, or new schedules shall
16 be printed and filed, as the commission may order.

1 SECTION 4. Any corporation or company which is
2 engaged in the manufacture or sale of gas or electricity
3 for light, heat or power which violates any provision of
4 this act, or which after due notice fails, omits or neglects
5 to obey, observe or comply with any order or any direction
6 or requirement of the board of gas and electric light com-
7 missioners made under authority of this act, shall forfeit
8 to the commonwealth not to exceed the sum of one
9 thousand dollars for each and every such offense, and, in
10 case of a continuing violation, failure, omission or neglect,
11 every day's continuance thereof shall be and be deemed
12 to be a separate and distinct offense.

1 SECTION 5. Actions to recover penalties and forfeit-
2 ures provided for in this act shall be prosecuted in the
3 name of the commonwealth. Such an action shall be
4 commenced and prosecuted by the attorney-general, when-
5 ever directed so to do by the board of gas and electric light
6 commissioners. Moneys recovered by such action shall
7 be deposited in the treasury of the commonwealth to the
8 credit of the general revenue fund.

1 SECTION 6. In case a corporation or company which
2 is engaged in the manufacture or sale of gas or electricity
3 for light, heat or power shall do, cause to be done or per-

4 mit to be done, any act, matter or thing prohibited, for-
5 bidden or declared to be unlawful by this act, or shall
6 omit to do any act, matter or thing required to be done,
7 either by any provision of this act or by an order of the
8 board of gas and electric light commissioners made under
9 authority of this act, such corporation or company shall
10 be liable to any person, firm or corporation affected
11 thereby for all loss, damage or injury caused thereby or
12 resulting therefrom, and in case of recovery, if the court
13 shall find that such act or omission was wilful, it may
14 in its discretion fix a reasonable counsel or attorney's fee,
15 which fee shall be taxed and collected as part of the costs
16 in the case. An action to recover for such loss, damage
17 or injury may be brought in any court of competent
18 jurisdiction by any such person, firm or corporation:
19 *provided, however,* that any recovery under this section
20 shall in no manner affect the recovery by the common-
21 wealth for any penalty or forfeiture provided for in this
22 act.

1 SECTION 7. This act shall take effect upon its passage.