

HOUSE No. 2642

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 20, 1914.

The committee on Public Lighting, to whom was referred so much of the Governor's Address (Senate, No. 1) under the heading "Public Service Commissions" as does not relate to the maintenance of public service commissions, report the accompanying bill.

For the committee,

JOSEPH S. McDONOUGH.

Mr. DOYLE, of the Senate, dissents.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to the Supervision and Regulation of Companies engaged in the Transmission of Intelligence by Electricity.

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. The board of gas and electric light com-
2 missioners (hereinafter called the "board") shall have
3 general supervision of all companies organized for or
4 engaged in the transmission of intelligence by electricity
5 within the commonwealth, and shall make all necessary
6 examinations and inquiries and shall keep itself informed
7 as to their compliance with the provisions of law and
8 the orders, directions and requirements of the board.
9 None of the members of the board shall be in the employ
10 of or own any stock in any company engaged in the trans-
11 mission of intelligence by electricity, or be in any way
12 directly or indirectly pecuniarily interested in the manu-
13 facture or sale of any article or commodity used by such
14 company or for any purpose connected with the business
15 of transmitting intelligence by electricity; nor shall they
16 be connected with or in the employ of any person, part-
17 nership, association or corporation which finances any

18 such company. Each member of the board shall receive
19 from the commonwealth annually six thousand dollars.

1 SECTION 2. The board may expend annually for the
2 performance of its duties under this act for necessary
3 statistics, books, stationery and contingent expenses, and
4 for clerical and other assistance such sums as the gen-
5 eral court shall annually appropriate.

1 SECTION 3. All sums of money annually appropriated
2 by the general court for the salaries and expenses of the
3 board, its clerks and employees, shall be apportioned by
4 the tax commissioner among the several gas and electric
5 light companies and companies engaged in the trans-
6 mission of intelligence by electricity; and on or be-
7 fore the first day of July in each year, he shall assess
8 upon each of said companies its share of said sums
9 in proportion to its gross earnings for the year last pre-
10 ceding the year in which the assessment is made; and such
11 assessments shall be collected in the same manner as
12 taxes upon corporations. Of the amount so assessed and
13 collected, any balance remaining on the thirtieth day
14 of November in any year and all forfeitures collected
15 under section thirty-two of chapter one hundred and
16 twenty-one of the Revised Laws, as amended by section
17 five of this act, shall be carried forward to the next year
18 and shall be taken into account in making an appropria-
19 tion for that year. But nothing herein contained shall
20 affect or control the provisions of section seven of chap-
21 ter two hundred and twenty-eight of the acts of the year
22 nineteen hundred and two or of section thirty-seven of
23 chapter one hundred and twenty-one of the Revised Laws.
24 Such portion of the sums annually appropriated, as the
25 board shall certify to the tax commissioner is to be ex-

26 pended exclusively in the exercise of the authority con-
27 ferred by this act, shall be assessed upon and recovered
28 from the companies mentioned in section one.

1 SECTION 4. The board shall include in its annual re-
2 port, required by the provisions of section seven of chapter
3 one hundred and twenty-one of the Revised Laws, an
4 account of its doings under the provisions of this act, to-
5 gether with such suggestions as to the condition of af-
6 fairs or conduct of the companies engaged in the trans-
7 mission of intelligence by electricity as may be appro-
8 priate, and with such abstracts of the returns required by
9 section thirty-one of chapter one hundred and twenty-
10 one of the Revised Laws, as amended by section five of
11 this act, as it considers expedient, and an abstract of the
12 accidents reported to it under the provisions of section
13 thirty-nine of chapter one hundred and twenty-one of
14 the Revised Laws, as amended by section five of this act.

1 SECTION 5. The provisions of sections eight, nine,
2 twelve, thirteen, twenty-eight, twenty-nine, thirty, thirty-
3 one, thirty-two, thirty-three and thirty-nine of chapter
4 one hundred and twenty-one of the Revised Laws, and all
5 acts in amendment thereof, of chapter four hundred and
6 forty-one of the acts of the year nineteen hundred and
7 nine of chapter one hundred and eighty-four of the acts
8 of the year nineteen hundred and eleven; and of chapters
9 four hundred and ninety-nine, five hundred and nine
10 and five hundred and ninety-seven of the acts of the year
11 nineteen hundred and thirteen, are hereby extended so
12 as to include and apply to all companies mentioned in
13 section one, and to the plants, works and service of such
14 companies. Section twenty-four of chapter one hundred
15 and nine of the Revised Laws is hereby amended by

16 striking out the word “and” in the fifth line thereof,
17 and inserting:—or,—in its place, and by inserting
18 after the word “companies”, in the tenth line, the
19 words:—or companies established for or engaged in
20 the business of transmitting intelligence by electricity,—
21 section twenty-six of said chapter one hundred and nine
22 is hereby amended by inserting after the word “com-
23 pany”, in the third line thereof:—or a company estab-
24 lished for or engaged in the business of transmitting
25 intelligence by electricity,—and chapter four hundred
26 and seventy-seven of the acts of the year nineteen hun-
27 dred and nine is hereby amended by inserting after the
28 word “company”, in the first line thereof, the words:—
29 or a company established for and engaged in the business
30 of transmitting intelligence by electricity.

1 SECTION 6. In a city or town in which a company is
2 engaged in the business of transmitting intelligence by
3 electricity no other person, firm or corporation shall lay,
4 erect, maintain or use over or under the streets, lanes
5 and highways of such city or town any wires for the
6 transmission of intelligence by electricity without the
7 consent of the mayor and aldermen of such city or select-
8 men of such town, granted after notice to all parties in-
9 terested and a public hearing.

1 SECTION 7. Any corporation, company or person ag-
2 grieved by the decision of the mayor and aldermen of a
3 city or selectmen of a town, under the provisions of the
4 preceding section, may, within thirty days from the
5 notice of said decision, appeal therefrom to the board,
6 and the board shall thereupon give due notice and hear
7 all parties interested, and its decision thereon shall be
8 final.

1 SECTION 8. Upon a complaint in writing of the
2 mayor of a city or the selectmen of a town in which a
3 company is engaged in the business of transmitting
4 intelligence by electricity, or of twenty customers thereof,
5 either of the service or of the charges for service ren-
6 dered by such company, the board shall notify said
7 company by leaving at its office a copy of said complaint
8 and shall thereupon, after notice, give a public hearing
9 to such complainant or complainants and said company,
10 and after said hearing may order a reduction or modi-
11 fication of such charges for service, or an improvement
12 in the quality thereof, and a report of such proceedings
13 and of the result thereof shall be included in its annual
14 report. Any charges for service fixed by such order
15 shall not thereafter be increased by said company ex-
16 cept as provided in the following section. No such
17 company shall directly or indirectly give any free service
18 within this commonwealth.

1 SECTION 9. A company which is engaged in the busi-
2 ness of transmitting intelligence by electricity may
3 apply to the board to fix and determine the charges for
4 service to be thereafter rendered by said company, or
5 to revise any former order or action of the board relative
6 to the service rendered by said company or the charges
7 therefor. The board shall thereupon, after notice by
8 publication or otherwise, give a public hearing to said
9 company, to the cities or towns in which such service
10 is operated, or which will be affected by any change in
11 the quality of or charges for such service and to all
12 other persons interested, and thereafter may pass such
13 orders relative to the service and the charges therefor
14 as it deems are just and reasonable. Such orders shall
15 be binding upon all parties until the further order of
16 said board.

1 SECTION 10. Upon the taking effect of this act the
2 public service commission shall transfer and deliver to
3 the board all books, maps, papers, files and letters in
4 its possession relating to the supervision of companies
5 engaged in the transmission of intelligence by electricity,
6 and the board is hereby authorized to take possession of
7 all such books, maps, papers, files and letters. Upon the
8 taking effect of this act every officer or employee sub-
9 ordinate to, or under the control of or connected with,
10 the public service commission whose sole duty or ex-
11 clusive employment relates to, or has reference to, the
12 supervision of companies engaged in the transmission
13 of intelligence by electricity shall become subordinate
14 to and be transferred to the control of the board in the
15 same manner as if he had been originally appointed or
16 employed by the board.

1 SECTION 11. Any investigation, examination or pro-
2 ceedings undertaken, begun or instituted by or before
3 the Massachusetts highway commission or the public
4 service commission, in connection with the supervision
5 of companies engaged in the transmission of intelligence
6 by electricity prior to the taking effect of this act, may
7 be conducted and continued to a final determination by
8 the board in the same manner, under the same terms and
9 conditions, and with the same effect as though the juris-
10 diction of the Massachusetts highway commission or
11 of the public service commission over such matters had
12 not been terminated, and no order or ruling heretofore
13 made by either of said commissions, and then in force,
14 shall be invalidated by the taking effect of this act. This
15 act shall not affect pending actions or proceedings, civil
16 or criminal, brought by or against the Massachusetts
17 highway commission or the public service commission;

18 but the same may be prosecuted or defended in the name
19 of the board: *provided*, that the subject matter thereof
20 is within the statutory jurisdiction of the board, and
21 this act shall not release or waive any right or penalty
22 which may have arisen or which may have been incurred,
23 nor shall any right or penalty created or enforceable
24 under this act be a bar to or affect any recovery or in-
25 dictment for such right or such penalty.

1 SECTION 12. In the construction of this act, unless the
2 context requires otherwise, the term "company" shall
3 include every person, partnership, association or corpora-
4 tion engaged in the transmission of intelligence by elec-
5 tricity within the commonwealth.

1 SECTION 13. Chapter four hundred and thirty-three
2 of the acts of the year nineteen hundred and six, and such
3 of the provisions of chapter seven hundred and eighty-four
4 of the acts of the year nineteen hundred and thirteen as
5 apply to the service rendered for public use within the
6 commonwealth of transmitting intelligence by electricity,
7 and to such persons, firms, corporations or associations as
8 are engaged therein, and all other acts and parts of acts
9 inconsistent herewith so far as they apply to persons,
10 firms, corporations or associations, subject to the pro-
11 visions of this act, are hereby repealed. The provisions
12 of this act, so far as they are the same as existing statutes,
13 shall be construed as a continuation thereof, and not as
14 new enactments and a reference in a statute, which has
15 not been repealed to provisions of law which have been
16 revised and re-enacted herein, shall be construed as apply-
17 ing to such provisions as so incorporated in this act.

1 SECTION 14. This act shall take effect on the first
2 day of July in the year nineteen hundred and fourteen.