

By Ms. McGovern, a petition (accompanied by bill, Senate, No. 1798) of Patricia McGovern for legislation to streamline the regulation of cogeneration and small power production facilities. Government Regulations.

**The Commonwealth of Massachusetts**

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

AN ACT TO STREAMLINE THE RERULATION OF COGENERATION AND SMALL POWER PRODUCTION FACILITIES.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to encourage immediately the construction and development of cogeneration and small power production facilities, therefore, it is declared an emergency law, necessary for the immediate preservation of the public health, safety and welfare.

*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. Section 1 of chapter 164 of the General Laws is  
 2 hereby amended by inserting before the definition, "Articles  
 3 of organization," inserted by section 1 of chapter 860 of the  
 4 acts of 1973, the following definition: —

5 "Alternative energy producer," any person, firm, partner-  
 6 ship, association, public or private corporation, or any agency,  
 7 department, board, commission or authority of the common-  
 8 wealth or of a subdivision of the commonwealth, that owns or  
 9 operates a cogeneration facility or small power production  
 10 facility as defined in this section, and does not engage in the  
 11 retail sale of electricity other than sales for consumption  
 12 within the confines of the property on which the facility is lo-  
 13 cated or within abutting property.

1 SECTION 2. Said section 1 of said chapter 164 is hereby fur-  
 2 ther amended by inserting after the definition of "Articles of  
 3 organization," inserted by section 1 of said chapter 860, the  
 4 following definition: —

5 "Cogeneration facility," any electrical generating unit which  
 6 produces electric energy and steam or other form of useful

7 energy utilized for heating or cooling purposes, and employs  
8 a fuel other than oil or gas as its primary energy source, ex-  
9 cept that oil may be used in combination with coal, in a mix-  
10 ture not exceeding seventy percent oil, and gas may be used  
11 if it is produced from coal, biomass, solid waste, or wood.

1 SECTION 3. Said section 1 of said chapter 164 is hereby fur-  
2 ther amended by inserting after the definition of "Gas com-  
3 pany" as appearing in the Tercentenary Edition the following  
4 two definitions: —

5 "Primary energy source," the fuel or fuels used for the  
6 generation of electric energy, except that such term does not  
7 include the minimum amounts of fuel required for ignition,  
8 start-up, testing, flame stabilization, and control uses, and the  
9 minimum amounts of fuel required to alleviate or prevent un-  
10 anticipated equipment outages and emergencies declared by  
11 the governor, directly affecting the public health, safety, and  
12 welfare which would result from electric power outages.

13 "Small power production facility," a facility which is any  
14 electrical generating unit which produces electric energy sole-  
15 ly by the use, as a primary energy source, of biomass, waste,  
16 wind, water, wood, geothermal, solar energy, or any combina-  
17 tion thereof, or produces gas if it is produced from coal, bio-  
18 mass, solid waste or wood, and has a power production ca-  
19 pacity which, together with any other facilities located at the  
20 same site is not greater than thirty megawatts.

1 SECTION 4. The definition of "Electric Company" in said  
2 section 1 of said chapter 164, as so appearing, is hereby amend-  
3 ed by inserting after the word "gas," in line 5, the words: —  
4 ; provided, however, that electric company shall not mean  
5 an alternative energy producer.

1 SECTION 5. The definition of "Gas company" in said section  
2 1 of said chapter 164, as so appearing, is hereby amended by  
3 inserting after the word "electricity," in line 4, the words: —  
4 ; provided, however, that gas company shall not mean an al-  
5 ternative energy producer.

1 SECTION 6. Section 76 of said chapter 164, as appearing in

2 the Tercentenary Edition, is hereby amended by inserting af-  
3 ter the word "department" in the last line, the words: —  
4 ; provided, however, that, any alternative energy producer  
5 shall be exempt from regulation by the department.

1 SECTION 7. Section 92 of said chapter 164, as so appearing,  
2 is hereby amended by inserting after the word "corporation,"  
3 in line 1 the words: —  
4 ; and provided, further, that no order shall be issued direct-  
5 ing or requiring an alternative energy producer to supply the  
6 petitioner with electricity or gas.

1 SECTION 8. Section 94A of said chapter 164, as amended by  
2 section 1 of chapter 400 of the acts of 1941, is hereby further  
3 amended by inserting after the word "electricity," in line 16,  
4 the words: —  
5 , or as affecting a contract for the purchase of electricity  
6 from an alternative energy producer.

