

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 373) of Mark C. Montigny, Therese Murray and Brian J. McDonald for legislation to promote economic development through the use of alternative energy. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four

AN ACT TO PROMOTE ECONOMIC DEVELOPMENT THROUGH THE USE OF ALTERNATIVE ENERGY.

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 definition of "Alternative energy producer"
2 in section 1 of chapter 164 of the General Laws, as appearing in
3 the 1992 Official Edition, is hereby amended by inserting the
4 symbol "(i)" before the word "customers" in line 9 and by adding,
5 after the word "megawatts" in line 12, the following words: —
6 ; or (ii) a commercial or industrial customer located in an eco-
7 nomic hardship area of the commonwealth, upon whose property
8 such alternative energy producer owns and operates a cogenera-
9 tion facility or small power production facility for the purpose of
10 generating and selling thermal and/or electric power directly to
11 such single commercial or industrial customer.

1 SECTION 2. Section 1, of chapter 164 of the General Laws, as
2 appearing in the 1992 Official Edition, is hereby amended by
3 inserting the following new definitions: —

4 "Commercial and industrial customer", a single customer of an
5 electric company which purchases electricity from such electric
6 company for use at an individual fixed facility and which is
7 charged a commercial/industrial rate by such electric company,
8 based upon the electric company's rate classifications filed with
9 the department; or a single prospective customer which, if it were

10 to purchase electricity directly for the electric company serving
11 the area to which such new customer is locating, would be
12 charged a commercial/industrial rate by such electric company,
13 based upon the electric company's rate classifications filed with
14 the department.

15 "Commercial/industrial rate", a rate charged by an electric
16 company and included in such electric company's rate classifica-
17 tion, which is filed with the department, as a rate other than resi-
18 dential or street lighting.

19 "Economic hardship area", a city, town, country, or region of
20 the commonwealth which is designated by the secretary of eco-
21 nomic affairs, pursuant to standards based upon (i) unemployment
22 rates (ii) income levels; (iii) poverty rates; and (iv) level of com-
23 mercial and industrial employment in said areas.

1 SECTION 3. Chapter 164 is hereby further amended by insert-
2 ing after Section 92A the following new section: —

3 Section 92B. An electric company or municipally owned elec-
4 tric power plant engaged in the manufacture, transmission, or sale
5 of electricity shall, if requested, provide back-up power on a non-
6 discriminatory basis to a commercial or industrial customer of an
7 alternative energy producer, as such customer is defined in
8 section 1.

1 SECTION 4. The department of public utilities shall, within
2 nine months from the effective date hereof, promulgate regula-
3 tions to implement and enforce the provisions of this act, includ-
4 ing but not limited to the determination of fair and reasonable fees
5 for connection and/or reconnection of a commercial or industrial
6 customer of an alternative energy producer to an electric compa-
7 ny's system, and back-up or emergency rates for electricity pro-
8 vided by an electric company to a commercial or industrial cus-
9 tomer of an alternative energy producer.

1 SECTION 5. Nothing contained in this act shall limit the
2 authority of the department to review and approve or reject a con-
3 tract for the purchase of electricity by an electric company from
4 an alternative energy producer.