

By Mr. Gauch of Shrewsbury, petition of Ronald W. Gauch and other members of the House relative to the operation of certain telecommunications systems by municipal light plants. Government Regulations.

The Commonwealth of Massachusetts

—
In the Year One Thousand Nine Hundred and Ninety-Nine.
—

AN ACT RELATIVE TO MUNICIPAL LIGHT PLANTS.

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 8 of Chapter 44 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 inserting after the word "television," in line 50, the following
4 words:— or telecommunications.

1 SECTION 2. Subsection 8A of Section 8 of said chapter 44 as
2 so appearing, is hereby amended by inserting after the word "tele-
3 vision," in line 65, the following words:— or telecommunications.

1 SECTION 3. Subsection 8A of Section 8 of Chapter 44 as so
2 appearing, is hereby further amended by inserting after the word
3 "antenna," in line 75, the following words: — or telecommunica-
4 tions.

1 SECTION 4. Section 12 of Chapter 159 of the General Laws,
2 as appearing in the 1996 Official Edition, is hereby amended by
3 inserting after the word "Commonwealth," in line 5, the following
4 words:— except when such services are provided by a munici-
5 pality that provides telecommunications services pursuant to
6 Chapter 164, Section 34C.

1 SECTION 5. Subsection (d) of Section 12 of said Chapter 159
2 as so appearing, is hereby further amended by adding at the end
3 thereof the following sentence:— the provision of such services

4 by a municipally owned telecommunications system organized
5 pursuant to G. L. c. 164. Section 34C shall be subject to this
6 Chapter with respect to customer billing notification and termina-
7 tion; filing of tariffs; and filing of annual reports; as if privately
8 owned and operated.

1 SECTION 6. Chapter 164 of the General Laws, as so
2 appearing, is hereby further amended by adding the following new
3 Section 34C: A municipal lighting plant established pursuant to
4 this chapter or any general or special law is hereby authorized to
5 construct, purchase or lease, and maintain within its service terri-
6 tory facilities for the distribution or for the operation of a telecom-
7 munications system for municipal use or for the use of its
8 inhabitants. Such municipal light plant may incur debt for same
9 by a vote taken in the manner prescribed in Section Eight of
10 Chapter Forty-Four. Such facilities may include suitable land,
11 structure and machinery and other apparatus and appliances for
12 operating a telecommunications system. A town, engaged in the
13 business of operating a telecommunications system, may, as a part
14 of such business if an appropriation is made therefor, rent, lease or
15 sell for cash or credit at prevailing retail prices, install and
16 service, within the territory served by such business, merchandise,
17 equipment, utensils and chattels of any description, incidental or
18 auxiliary to the operation of said telecommunications system or
19 the use to its customers or necessary to expedient in the protection
20 or management of its property used in such business. Wherever
21 apt, the provisions of this chapter and Chapter Forty-Four which
22 apply to the operation and maintenance of a municipal light plant
23 shall apply also to the operation and maintenance of such telecom-
24 munications system.

1 SECTION 7. Section 1 of Chapter 166 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 adding at the end thereof the following sentence:- For purposed of
4 sections one through ten "company" shall not include a municipi-
5 tality that provides telephone services pursuant to Chapter 164,
6 Section 34C.

1 SECTION 8. Section 11 of said Chapter 166, as amended by
2 Chapter 164 of the Acts of 1997, is hereby amended in the last
3 sentence by striking the word “and” an inserting after the word
4 “corporation” the following words:— and municipality that pro-
5 vides telecommunications services pursuant to Chapter 164,
6 Section 34C.

1 SECTION 9. Section 13 of said chapter 166, as appearing in the
2 1996 official Edition, is hereby amended by adding at the end
3 thereof the following sentence;— For purposes of Sections 13
4 through 15D “person” or “company” also shall include a munici-
5 pality that provides telephone services pursuant to Chapter 164,
6 Section 34C.

1 SECTION 10. Subsection (a) of Section 15E of said Chapter
2 166 as so appearing, is hereby amended by adding, in line 6, the
3 following sentence:— For purposes of this section common car-
4 rier also shall include a municipality that provides telecommuni-
5 cations services pursuant to Chapter 164, Section 34C.

1 SECTION 11. Section 1 of Chapter 258 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 inserting after the word “plant” in line 42 the following words:—
4 or community antenna television telecommunications system.

