

# SENATE NO. 1934

## **AN ACT** RELATIVE TO CERTAIN UTILITY REGULATIONS

*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, as appearing in the 2004 Official Edition, is hereby  
2 amended by inserting after the definition of “horizontal market power” the following  
3 definition:-

4 “Local agent”, individual employed by a gas or electric company to influence decisions  
5 made on the municipal level with regard to legislation or the adoption, defeat or postponement  
6 of a standard, rate, rule or regulation pursuant thereto, or to communicate directly with a  
7 municipal official to influence a decision concerning policy or procurement.

8 SECTION 2. Said chapter 164 is hereby amended by inserting after section 33A, as so  
9 appearing, the following section:-

10 Section 33B. In addition to the disclosures required pursuant to Section 41 of chapter 3,  
11 all gas or electric companies doing business in the commonwealth shall submit to the state  
12 secretary the names of all local agents employed to influence the decision of any municipal  
13 official, employee of the executive branch, or an authority, where the decision concerns  
14 legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation  
15 pursuant thereto, or any act to communicate directly with a municipal official to influence a  
16 decision concerning policy or procurement.

17 SECTION 3. The fifth paragraph of Section 69H of said chapter 164 of the General Laws, as  
18 so appearing, is hereby amended by striking out subparagraph (4) and inserting in place thereof  
19 the following subparagraph:-

20 (4) The board shall have the opportunity to issue orders with respect to any matter over  
21 which it has jurisdiction. An applicant who violates any such order may be subject to a civil  
22 penalty not to exceed \$5000 for each violation for each day of the violation; but the maximum  
23 civil penalty shall not exceed \$1,000,000 in the aggregate. In the case of plants under  
24 construction, the board shall have the authority to revoke all related permits should there be  
25 repeated violations. Any person who commences construction of a facility at a site without first  
26 obtaining approval of the facility pursuant to section 69J or section 69J ¼ shall be subject to a  
27 civil penalty not to exceed \$10,000,000 for generating facilities, and not to exceed \$2,000,000  
28 for other facilities.