

SENATE, NO. 2315

AN ACT RESTRICTING THE AUTHORITY OF THE HOLYOKE POWER AND ELECTRIC COMPANY AND THE HOLYOKE WATER POWER COMPANY

*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. Chapter 147 of the acts of 1926 is hereby amended to provide that the Holyoke Power
2 and Electric Company shall not directly or indirectly (a) engage in distribution, as defined in section 1
3 of chapter 164 of the General Laws, operations in the municipalities of Holyoke, South Hadley,
4 Chicopee, Northampton, Easthampton, Southampton, Westfield and West Springfield Massachusetts;
5 or (b) supply electricity to retail customers, as defined in chapter 164 of the General Laws, in Holyoke,
6 South Hadley, Chicopee, and Westfield Massachusetts, unless and until as to each such municipality,
7 any person, other than the municipal lighting plant serving such municipality, has the right to supply
8 retail customers in such municipality, provided that the foregoing shall not affect the right of Holyoke
9 Power and Electric Company to engage in the wholesale sales of electricity.

10 SECTION 2. Within one year after the effective date of this act, Holyoke Power and Electric
11 Company shall change its corporate name, through the amendment of its certificate of incorporation
12 filed with the Secretary of State, to a corporate name that does not include the word "Holyoke".

13 Nothing in this act shall prevent Holyoke Power and Electric Company from changing its corporate
14 name at any time so long as the corporate name does not include the word “Holyoke.”

15 SECTION 3. Nothing in this act shall affect the status of the Holyoke Power and Electric Company as
16 an electric company under Chapter 164 of the General Laws, including, without limitation, its right to
17 transmit electricity and electricity-related products.

18 SECTION 4. This act shall not affect in any manner whatsoever any of the contracts, agreements and
19 credit facilities that Holyoke Power and Electric Company is a party to, or by which any of its assets
20 are bound.

21 SECTION 5. Notwithstanding any special or general law to the contrary, nothing in this act shall
22 prevent Holyoke Power and Electric Company from selling or otherwise disposing of all or a portion
23 of its assets to the City of Holyoke Gas & Electric Department or other purchaser or transferee.

24 SECTION 6. Notwithstanding any special or general law, administrative order, regulations or any
25 limitation imposed on the corporate existence of the Holyoke Power and Electric Company to the
26 contrary, the provisions of this act will be controlling.

27 SECTION 7. Chapter 6 of the acts of 1859 is hereby repealed.

28 SECTION 8. Section 11 of chapter 62 of the acts of 1872 is hereby repealed.

29 SECTION 9. Chapter 52 of the acts of 1873 is hereby repealed.

30 SECTION 10. Section 4 of chapter 368 of the acts of 1887 is hereby repealed.

31 SECTION 11. Chapter 225 of the acts of 1888 is hereby repealed.

32 SECTION 12. Chapter 109 of the acts of 1895 is hereby repealed.

33 SECTION 13. Chapter 390 of the acts of 1900 is hereby repealed.

34 SECTION 14. Chapter 350 of the acts of 1903 is hereby repealed.

35 SECTION 15. Chapter 152 of the acts of 1909 is hereby repealed.

36 SECTION 16. Chapter 147 of the acts of 1926 is hereby repealed.

37 SECTION 17. Chapter 131 of the acts of 1938 is hereby repealed.

38 SECTION 18. Chapter 183 of the acts of 1938 is hereby repealed.

39 SECTION 19. The Holyoke Water Power Company shall not directly or indirectly engage in
40 distribution, as defined in section 1 of chapter 164 of the General Laws, operations or conduct retail
41 electricity sales in the city of Holyoke, or serve at retail customers located in the towns of South
42 Hadley, Chicopee, Northampton, Easthampton, Southampton, Westfield and West Springfield.

43 SECTION 20. Notwithstanding anything to the contrary in this act, on and after the effective date of
44 this act, Holyoke Water Power Company shall be vested with all the powers and privileges and be
45 subject to all restrictions, conditions and limitations set forth in the General Laws applicable to a
46 company formed under chapter 156B of the General Laws, but the Holyoke Water Power Company
47 and its successors shall have the power and authority to engage in the generation and transmission, as
48 defined in chapter 164 of the General Laws, of electricity and electricity-related products.

49 SECTION 21. This act shall not affect the contracts, agreements and credit facilities that Holyoke
50 Water Power Company is a party to, or by which any of its assets are bound.

51 SECTION 22. Notwithstanding any general or special act to the contrary, the Holyoke Water Power
52 Company may change its corporate name at any time, and may sell or otherwise dispose of all or a
53 portion of its assets to the city of Holyoke gas and electric department or other purchaser or transferee.

54 SECTION 23. Insofar as the provisions of this act are inconsistent with the provisions of any general
55 or special law, administrative order, regulations or any limitation imposed on the corporate existence
56 of the Holyoke Water Power Company, the provisions of this act shall be controlling.

57 SECTION 24. The provisions of this act are severable, and if any provision hereof shall be held
58 invalid, such invalidity shall not affect any other provisions.

59 SECTION 25. This act shall take effect on and after its passage.