

An Initiative Petition for a Law to Promote Consent and Transparency in Utility Billing

Be it enacted by the People, and by their authority:

An Initiative Petition for a Law to Promote Consent and Transparency in Utility Billing

**SECTION 1. Purpose.**

The purpose of this act is to prevent ratepayers from being involuntarily charged for programs, surcharges, tariffs, or other cost recovery mechanisms that are not directly related to the physical delivery of gas and electricity. This act requires affirmative, written consent before such charges may be imposed, defines the scope of delivery-related charges, establishes a cap on non-delivery-related charges in the absence of consent, and ensures that billing is clear and transparent. All provisions of this act are intended to advance the single public policy of ensuring consent and transparency in utility billing through informed, affirmative ratepayer consent.

**SECTION 2 Definitions.**

As used in this act, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

**"Affirmative, written election"** shall mean an explicit written or electronic authorization by a ratepayer, submitted through a form, secure web portal, or other verifiable medium approved by the Department, indicating the ratepayer's intent to participate in a specific cost recovery program. Failure to opt out, default enrollment, or inaction shall not constitute affirmative consent.

**"Non-delivery-related charges"** shall mean any charge, fee, adjustment, rider, surcharge, or rate component imposed on a ratepayer that is not directly attributable to the physical infrastructure used to deliver gas or electricity or to system maintenance necessary for the safe

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and reliable operation of the electric grid. This term shall include, but not be limited to:

- (i) charges for energy efficiency, demand-side management, rebate, or incentive programs;
- (ii) charges imposed to fund public education, climate adaptation, decarbonization, or electrification initiatives;
- (iii) fixed ratepayer fees or administrative charges not associated with delivery-related infrastructure.

**"Infrastructure-based delivery charges"** shall mean charges imposed on ratepayers that are directly and exclusively related to the operation, maintenance, depreciation, or authorized return on investment of physically constructed and in-service infrastructure necessary for the delivery of gas or electricity to the ratepayer's point of use. Such charges shall include only:

- (i) distribution charges for gas or electricity, including line maintenance and service restoration;
- (ii) metering equipment, poles, wires, substations, transformers, mains, or related delivery infrastructure placed in service on or before January 1, 2027;
- (iii) transition charges authorized under section 1G of chapter 164 of the General Laws;
- (iv) transmission charges approved by the Federal Energy Regulatory Commission, provided that nothing in this act shall be construed to alter the jurisdictional authority of said Commission under federal law.

### **SECTION 3. Comprehensive Opt-In Requirement.**

1. Chapter 25 of the General Laws is hereby amended by inserting the following section after section 21:

"Section 21A.

(a) Notwithstanding any general or special law to the contrary, the department shall not authorize any distribution company or municipal lighting plant to recover, from any ratepayer who does not affirmatively opt in, any costs, revenue losses, or charges

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associated with:

- (i) net metering credits;
  - (ii) renewable energy incentives;
  - (iii) clean energy programs, including but not limited to energy efficiency or demand-side management plans approved under sections 19 through 21;
  - (iv) tariff structures or rate mechanisms designed to support such programs; or
  - (v) funding for the development and promotion of renewable energy projects.
- (b) Participation in any such program or funding mechanism shall require an affirmative, written election by the ratepayer.”

2. Section 20 of Chapter 25 of the General Laws is hereby amended by striking subsection (a) in its entirety and inserting in place thereof the following subsection:

“(a) Notwithstanding any general or special law to the contrary, the department shall not authorize any distribution company to recover, from any ratepayer who does not affirmatively opt in, any costs, revenue losses, or charges associated with net metering credits, renewable energy incentives, clean energy programs, tariff structures, or funding for development and promotion of renewable energy projects.”

3. Section 139 of Chapter 164 of the General Laws is hereby amended by inserting the following subsection (m):

“(m) The department shall not authorize any distribution company to recover, from any ratepayer who does not affirmatively opt in to net metering, any costs, revenue losses, or charges associated with net metering credits, incentives, tariff structures, or billing mechanisms provided to other ratepayers. Participation in net metering shall require an affirmative, written election by the ratepayer, and no ratepayer shall be deemed to have

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consented to cost recovery under this section through default enrollment, failure to opt out, or any implied consent.”

4. Chapter 164 of the General Laws is hereby amended by inserting the following Section 149:

“Section 149. Gas Adjustment Charge Restrictions.

(a) Notwithstanding any general or special law to the contrary, the department shall not authorize any gas distribution company to recover, from any ratepayer who does not affirmatively opt in, any costs, revenue losses, investments, or charges associated with:

(i) local distribution adjustment clauses, distribution adjustment charges, or any other surcharge or rider used to recover costs outside of base rates;

(ii) energy efficiency programs, low-income assistance programs, environmental remediation, pension or benefits recovery, or infrastructure enhancement plans; or

(iii) any tariff, surcharge, or billing mechanism used to support such programs, projects, or cost recovery schemes.

(b) Participation in any such gas-related program or funding mechanism shall require an affirmative, written election by the ratepayer.”

#### **SECTION 4. Aggregate Cap on Non-Delivery Charges.**

Chapter 164 of the General Laws is hereby amended by inserting the following section after Section 1K:

“Section 1L. Aggregate Cap on Non-Delivery Charges.

(a) Notwithstanding any general or special law to the contrary, no ratepayer who has not

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affirmatively opted in to a program or funding mechanism described in Sections 19 through 21 of Chapter 25 or Section 139 of this chapter shall be assessed charges, fees, surcharges, or adjustments that, in the aggregate, exceed five percent of that ratepayer's total monthly bill.

(b) For purposes of this section, charges subject to the cap shall include, but not be limited to:

- (i) customer charges;
- (ii) charges for energy efficiency programs, net metering credits, demand-side management, or clean energy incentives;
- (iii) charges for electric vehicle infrastructure, electric vehicle incentive or deployment programs including but not limited to make-ready infrastructure, charging stations, rebates, or system upgrades; or
- (iv) any surcharge, rider, or tariff used to recover programmatic costs not associated with infrastructure-based delivery service.

(c) All delivery charges shall be grouped and itemized separately from system modernization and resilience charges and supplier charges on each ratepayer's utility bill. Each delivery charge shall disclose:

- (i) the statutory or regulatory basis for the charge;
- (ii) the administering agency or program;
- (iii) the amount charged for the current billing period; and
- (iv) the total amount paid by the ratepayer year-to-date.

(d) Nothing in this section shall prohibit lawful recovery of delivery-related infrastructure costs, transition charges authorized under section 1G, or transmission charges approved

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by the Federal Energy Regulatory Commission to preclude lawful cost recovery authorized by federal statute or order.”

#### **SECTION 5. Utility Consent Mechanisms.**

1. Subsection (c) of Section 139 of Chapter 164 of the General Laws is hereby amended by inserting the following sentence at the end thereof:

“Any surcharge authorized under this subsection shall be imposed only on ratepayers who have affirmatively opted in to net metering in accordance with subsection (m), and nothing in this subsection shall be construed to permit cost recovery from ratepayers who have not provided such affirmative, written election.”

2. Section 1F of Chapter 164 of the General Laws is hereby amended in paragraph (4)(i) by striking the third sentence in its entirety.

3. Section 21 of Chapter 25 of the General Laws is hereby amended in subsection (b), clause (2), by striking the following sentence:

*“The department shall approve a fully reconciling funding mechanism for the approved plan and, in the case of municipal aggregators, a fully reconciling funding mechanism that requires coordination between the distribution company and municipal aggregator to ensure that program costs are collected, allocated and distributed in a cost effective, fair and equitable manner.”*

4. Section 19 of Chapter 25 of the General Laws is hereby amended as follows:

(a) In subsection (a), by striking the first sentence.

(b) In subsection (a), by striking the words: “In addition to the aforementioned mandatory charge,” and inserting in place thereof the following words: “To the extent otherwise authorized

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by law.”.

(c) In subsection (a), by striking clause (3) in its entirety.

(d) By striking subsection (d) in its entirety.

#### **SECTION 6. Implementation Appropriations Limitation.**

The department shall promulgate regulations to implement this act, including standards for verifying affirmative written election and procedures to prevent bundling, misrepresentation, or default enrollment. Nothing in this act shall be construed to require the department to undertake any duty, obligation, or enforcement action for which sufficient funding has not already been appropriated. All such duties shall be carried out only to the extent that existing appropriations to the department permit, and no provision of this act shall be construed to require a new, additional, or specific appropriation.

#### **SECTION 7. Severability.**

If any section or provision of this act is found to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect and be construed to fulfill the primary purposes of ensuring consent and transparency in utility billing through informed, affirmative ratepayer consent.

#### **SECTION 8. Effective Date.**

This act shall take effect on the later of January 1, 2027, or as provided in Article 48 of the Amendments to the Massachusetts Constitution, as amended.

*Signatures begin on the next page.*

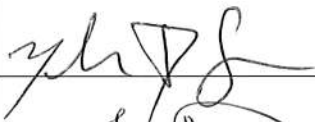






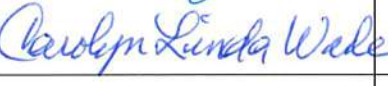




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The undersigned qualified voters of the Commonwealth of Massachusetts have personally reviewed the final text of this initiative petition, fully subscribe to its contents, agree to be one of its original signers and have signaled that agreement by initialing each page and signing the last, and hereby submit the measure for approval by the people pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article 74 of said articles of amendment.

Name	Signature	Address	Date
Eliseu DeSouza		48 Davis Street New Bedford, MA 02746	8/5/25
Amanda Davis Fiores		117 H.A. St. #5 Taunton, MA 02780	8/6/25
Lorrie Lee Carpenter		30 Johnson St. Taunton, Ma. 02780	8/6/25
Rodina Ann Rheume		536 DIVISION RD S. DARTMOUTH MA 02748	8/6/25
Tammy Afaisy		416 Chacey St. New Bedford, MA 02740	8/6/25
Kimberly Ann Marie Bire		119 Carnasci Street Dartmouth, MA 02747	8/6/25
Christina J. McMullen		374 Sharps Lot Rd Swansea, MA 02777	8/6/25
Carolyn LINDA WADE		80 Willis Street New Bedford, MA 02740	8/6/25
David Richard Woods		80 Willis Street New Bedford, MA 02740	8/6/25
Shelley Ann Redaux		84 Park Road Plymouth, MA 02360	8/6/25
BETH Ann McCormick		171 Sea St. Dennis Port, MA 02639	8/6/25
Sharon A Walsh		54 Highland Circle Halifax, MA 02388	8/6/25

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Name	Signature	Address	Date
<del>Blanca Gonzalez</del>	<del>Blanca Gonzalez</del>	<del>254815 Wake</del>	<del>8/6/25</del>
William L. Gibelli	WLG	154 Spence Dr Plymouth, MA	8/6/25
Lisa Potter	[Signature]	38 Lakewood Pl. Taunton, MA	8/6/25
Linda Jean Gilbert	Linda J. Gilbert	703 Somerset Ave Taunton MA 02780	08/06/25
Sharon Lopes	Sharon F Lopes	433 Richmond St East Taunton MA 02718	8/6/25
Erin M. Hullnath	[Signature]	214 Edge Hill Rd Milton MA 02190	8/6/25

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