

220 CMR: DEPARTMENT OF PUBLIC UTILITIES

220 CMR 5.00: TARIFFS, SCHEDULES, AND CONTRACTS (OTHER THAN CARRIERS OF PROPERTY BY MOTOR VEHICLE)

Section

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5.01: Scope of Application

- (1) 220 CMR 5.00 shall apply to all electric, gas, and water companies and all common carriers, except carriers of property by motor vehicles under M.G.L. c. 159B and carriers engaged in the transmission of intelligence by electricity under M.G.L. c. 159.
- (2) The term Contracts shall mean contracts for the sale of gas or electricity to which any gas company or electric company is a party and any contract for the sale of water to which a water company is a party, except contracts subject to M.G.L. c. 164, § 94A and except contracts for the sale of electricity subject to the jurisdiction of the Federal Energy Regulatory Commission.

5.02: Format of Tariffs, Schedules and Contracts

- (1) Form. All tariffs, schedules, and contracts shall be typewritten, printed, or otherwise legibly duplicated on paper cut or folded to letter size, eight inches to 8 ½ inches by 10 ½ inches to 11 inches. However, tariffs or schedules of express companies may be on 9 ½ inch x 11 ½ inch paper. The impression shall be on only one side of the paper, unless printed and bound. Tariffs filed pursuant to the Department's Electronic Filing Guidelines satisfy 220 CMR 5.00.
- (2) Filing.
 - (a) Two copies of all tariffs or schedules and two copies of all contracts will be filed with the Department unless electronically filed pursuant to 220 CMR 5.02(2)(a). One copy of all tariffs, schedules or contracts subject to the jurisdiction of the Federal Energy Regulatory Commission shall be filed for the information of the Department.
 - Electronic Filing. Papers may be filed and signed by electronic means pursuant to the Department's Electronic Filing Guidelines. A paper filed electronically in compliance with the Guidelines is a written

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paper or document for purposes of 220 CMR 5.00. Letters pursuant to 220 CMR 5.03(1) or (3) may be filed electronically.

- (b) The filing of a tariff, rate schedule or terms, conditions, or regulations in connection therewith shall not be considered the adoption of a regulation under 220 CMR 2.00: *Rules for Adopting, Amending, or Repealing Regulations and for Issuing Advisory Rulings*.

(3) Contents.

- (a) Each tariff or schedule shall show prominently the name of the company, firm, association, or individual responsible, together with the name of any independent agency filing the tariff or schedule and its, his, or her address.
- (b) Tariffs and schedules shall show plainly all requisite detail fully to explain the basis of all charges to be made and all rules and regulations governing the same. In the case of tariffs or schedules filed by common carriers, this information shall include that required by and customarily filed with the United States Department of Transportation, Federal Energy Regulatory Commission, or the Federal Aviation Administration, whichever is appropriate. Schedules relating to gas, electric, and water companies shall show not only the price or unit upon which based, but any and all meter rentals, service charges, basis for determining demand, discounts, and other detail necessary for a complete understanding of the charges contemplated.

(4) Numbering and Effective Date.

- (a) Tariffs and Schedules. Each tariff or schedule shall be designated by an individual number progressing from that last filed by the same party or in case of a new series, from No. 1. The number shall be preceded by the letters "M.D.P.U." Each shall show plainly, in a prominent place, the date issued and date to become effective. When forwarding, sufficient time must be allowed to cover transmission in order that tariffs and schedules may become effective on date specified, which, in the case of common carriers is 30 days after the filing with the Department, and in the case of gas, electric, and water companies is the first day of the month next after the expiration of 14 days from the date of filing with the Department. M.G.L. c. 164, § 94; M.G.L. c. 165, § 2.
- (b) Contracts. Each contract shall show the date of execution and the effective date which shall be not earlier than 30 days after the filing. Sufficient time must be allowed for transmittal.

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5.03: Letters of Advice

- (1) Letter.
 - (a) Transmittal Letter. To avoid misunderstanding, tariffs or schedules should be accompanied by a letter of transmittal addressed to the Director of the Rates Division of the Department, showing the name of issuing party, individual number, and effective date. The Letter of Advice should be sent in duplicate, and one copy shall be stamped and returned to the sender to show the date of filing. Duplicates are not required for Letters of Advice filed pursuant to the Department's Electronic Filing Guidelines.
 - (b) Letter of Explanation. All tariffs and schedules at time of filing shall be accompanied by a letter of explanation, which letter shall set forth in whatever detail is necessary the total amount of the increase or reduction in charges proposed by the new schedule and the effect by comparison with customers' charges under the existing rate schedule. The letter of explanation shall indicate the effect on the billings of the customers served under the various rate classifications affected. This letter of explanation shall be in addition to the letter of transmittal referred to in 220 CMR 5.03(1)(a).

- (2) Contracts. All contracts shall be accompanied by a letter containing the following information:
 - (a) The justification of the necessity for a contract rather than billings under the filed rate schedule.
 - (b) The estimated revenue differences as between billings under the proposed contract and the applicable rate schedule.
 - (c) General comments on other special features or provisions of the contract such as:
 1. Billing and payment date;
 2. Discounts, if any;
 3. Service and maintenance of any equipment or appliances;
 4. Length of contract and cancellation provisions;
 5. Any other pertinent information.

5.04: Posting of Rates

- (1) Electric, Gas, and Water Companies. All rates, charges and prices set forth in tariffs or schedules filed by a person or company engaged in the distribution and sale of gas, electricity or water in accordance with the above rules and regulations shall be printed, and copies thereof shall be made available at their offices.

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- (2) Common Carriers. Common carriers of passengers and street railway companies shall, at time of filing proposed increased fares, post notices of same in their buses and their terminals. This notice shall be posted at least 30 days prior to the effective date of the proposed fare change and shall set forth in reasonable detail the extent and effect of the proposed fare change. A copy of this notice shall be submitted to the Department at the time of filing the new tariff.

5.05: Dates

All matters required to be filed by 220 CMR 5.00 shall be deemed to have been filed on the date of receipt by the Department. With respect to electronic filings the document is filed on the date the Department receives the electronic filing, if it is received during normal business hours. If the document is electronically filed on a weekend, holiday, or during hours when the Department is closed, the document will be deemed filed on the date when the Department is next open for business.

5.06: Notice of General Rate Increases to Customers of Gas, Electric, and Water Companies

- (1) When any public utility makes application to the Department of Public Utilities for a general increase in rates pursuant to M.G.L. c. 159, §§ 19 and 20 or M.G.L. c. 164, § 94, it shall publish notice of such filing in a newspaper(s) of general circulation to be specified by the Department. This publication shall constitute legal notice pursuant to M.G.L. c. 159, §§ 19 and 20, or M.G.L. c. 164, § 94.
- (2) The newspaper notice shall be no smaller than $\frac{1}{4}$ page (in width and length of one full sheet) and shall contain the following information in a format prescribed by the Department, or, subject to Department approval, the Company may use an alternative format of its choosing:
 - (a) total dollar amount of rate increase;
 - (b) total percentage increase in annual revenues;
 - (c) typical bill impact of proposed increase:
 1. for heating and nonheating residential customers of electric companies;
 2. for heating and nonheating residential customers of gas companies; or
 3. for residential water use.
 - (d) a statement indicating that the Department has suspended the effective date for the proposed increase until the specified date in order to conduct an investigation of its propriety (if applicable);
 - (e) place, date, and time of public hearing;
 - (f) company telephone number that can be called for further information;

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- (g) mailing address of the Department for the submission of written comments.
- (3) This notice shall be published a minimum of two times with the first publication occurring at least 21 days before the date of the first public hearing. The second publication is to occur approximately seven days before the date of the first public hearing.
- (4) Concurrent with the filing of the rate request with the Department, the Company shall include a copy of the proposed notice in accordance with 220 CMR 5.06(2), as part of its filing. The proposed notice shall include all of the information contained in 220 CMR 5.06(2), except that the dates shall remain blank, and shall later be assigned by the Department.
- (5) Pursuant to 220 CMR 1.06(4)(d): *Order of Notice*, the Department shall issue an Order of Notice to the Company, requiring it to give notice of the filing and the hearing by publication. The Order of Notice shall be returned to the Department with proof of compliance with said Order not later than the first hearing.
- (6) In addition to notice by publication, the Company shall include an insert notice with its regular bill for charges transmitted to each customer during the next regular billing cycle immediately following the filing of the request for rate relief with the Department. Such insert notice shall include, at a minimum, all information required by 220 CMR 5.06(2) and, at the discretion of the Department, may include the place, date, and time of the public hearing and the suspension date.

REGULATORY AUTHORITY

220 CMR 5.00: M.G.L. c. 159 and c. 164.