



*Board*  
The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

March 24, 1986

D.P.U. 85-38

Petition of W. J. Trudelle Company, Inc., one of approximately fifty tenants of the King's Terminal Trust in South Boston, Massachusetts, for determination that the resale of electricity by King's Terminal Trust to its tenants is an activity proscribed by the Department and within its regulatory jurisdiction under G.L. c. 164, § 1, et seq.

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APPEARANCES: Robert Baum, Esq.  
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100 Summer Street  
Boston, Massachusetts 02110  
FOR: W. J. TRUELLE COMPANY, INC.

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Boston, Massachusetts 02110  
FOR: KING'S TERMINAL TRUST

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On December 18, 1984, W. J. Trudelle Company, Inc. ("Trudelle"), one of approximately fifty tenants of King's Terminal Trust ("Trust"), filed a petition with the Department of Public Utilities ("Department") for determination that the resale of electricity by the Trust to its tenants is an activity proscribed by the Department and within its regulatory jurisdiction under G.L. c. 164, § 1 et seq. The Commission designated Kathleen Hearn, Esq., as hearing officer for this case.

After several attempts by the parties to resolve the matter informally, due notice was given and hearings were held on May 13 and June 10, 1985. At the June 10, 1985, hearing the parties filed the following stipulation:

1. The current arrangement between the parties with respect to rent/electricity is set forth in the document entitled "Second Addendum to 11 Elkins Street, South Boston, Lease".
2. Respondent will not submeter or resell electricity to Petitioner during the remainder of the Petitioner's occupancy of the premises at Elkins Street but may provide for the payment of electricity charges by Petitioner by the rent inclusion method subject to the policies and regulations of the [Department] presently in force being amended or modified hereafter.
3. The foregoing shall be incorporated in an order of the [Department].

The Department finds that the stipulation complies with Department policy and that the petition before it is thus rendered moot.

Accordingly, after due notice, hearing, and consideration, it is

ORDERED: That the petition of W. J. Trudelle Company, Inc., be and hereby is DISMISSED.

By Order of the Department,

/s/ BERNICE K. McINTYRE

Bernice K. McIntyre  
Commissioner

A true copy  
Attest;

Mary L. Cottrell  
Secretary

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).