



Legislation Summary:

An Act clarifying authority and responsibilities of the department of public utilities

Initial bill number: [H.3400/S.1847](#) (Bill numbers will change as legislation proceeds.)

Sponsors: Rep. Stephen Kulik, Sen. Jamie Eldridge

This bill seeks to ensure new, natural gas pipeline construction cannot be financed by electricity customers. The bill would also reform the Department of Public Utilities' management of gas infrastructure proceedings to allow for a more open and transparent process and greater involvement on the part of those directly impacted by new gas line construction projects, siting impacts, and analysis of alternatives.

Specifically, this bill would:

- protect ratepayers against self-dealing by energy conglomerates;
- allow for more involvement from impacted communities and ratepayers in DPU proceedings;
- require review of siting impacts and detailed alternative analysis, including demand-side solutions and protections to conservation lands (also must find that contract “compares favorably to other reasonably available options in terms of its impact on rates, the economy, environment, climate, local communities, public health, safety and welfare”);
- in intrastate siting cases, allow the DPU to require the presentation of information relative to the demand for gas;
- protect landowners from avoidable intrusion by pipeline companies seeking to survey property;
- codify the August 2016 ruling by the Massachusetts Supreme Judicial Court prohibiting financing of new natural gas pipelines by electric ratepayer;¹

¹ The 2016 Massachusetts Supreme Judicial Court issued a ruling that charging electric customers for the cost of new natural gas pipeline construction (a “pipeline tax”) would undermine the intent of the 1997 utility restructuring act, exposing ratepayers to financial risks the 1997 Act sought to eliminate.

This bill is important because permitting and financing provisions for expanding natural gas infrastructure are not consistent with the clean energy goals of the Commonwealth. Studies show that continued use of fossil fuels will undercut efforts to meet emissions reductions mandated by the Global Warming Solutions Act in 2020 and beyond.

If passed, this bill would start a transformation of an outdated regulatory system and bring it more into alignment with a changing energy landscape. In addition, it would ensure that ratepayers have greater access and say over how electricity is sourced and how it is distributed to them as customers.

League Positions: Action by appropriate levels of government to encourage the use of renewable resources and energy conservation through funding for research and development, financial incentives, rate-setting policies and mandatory standards.