

**SENATE . . . . . No. 1979**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Donald F. Humason, Jr.***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning market review.

PETITION OF:

NAME:

*Donald F. Humason, Jr.*

DISTRICT/ADDRESS:

*Second Hampden and Hampshire*

**SENATE . . . . . No. 1979**

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By Mr. Humason, a petition (accompanied by bill, Senate, No. 1979) of Donald F. Humason, Jr. for legislation relative to market review . Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act concerning market review.

*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 164 of the General Laws is hereby amended by striking out Section  
2    1D in its entirety and replacing it with the following

3           Section 1D. Beginning January 1, 1998, all electric and gas bills sent to a retail customer  
4    shall be unbundled to separately reflect the rates charged for generation, transmission, and  
5    distribution services, as well as any other charges, as added pursuant to any provision of law,  
6    contained in the total retail price. Any transition charge, if so allowed to be assessed, shall be  
7    reflected separately on bills as of March 1, 1998. Electric and gas bills may reflect the total costs  
8    of services, without breakdown for type of service, in addition to, but not instead of, separately  
9    itemized rates for generation, transmission, and distribution services and transition charges as of  
10   March 1, 1998. Not later than six months after said March 1, in order to promote customer  
11   choice and convenience in a restructured electricity and gas market, eligible companies shall  
12   create and send bills to retail customers pursuant to the following billing options: (1) single bill  
13   from the distribution company that shows such charges; or (2) two bills: one from the non-utility

14 supplier that shows energy-related charges, and one from the distribution company that shows  
15 distribution-related charges; or (3) single bill from the non-utility supplier that shows such  
16 charges provided, however, that all bills shall contain information concerning the quantity of gas  
17 or electricity consumed by said customer during the same billing period for the previous year.  
18 Costs for such inserts shall be apportioned accordingly between the parties. The department is  
19 hereby authorized and directed to determine whether any additional information shall be required  
20 to be disclosed on the bills and to promulgate rules and regulations to implement the provisions  
21 of this subsection. Rules and regulations relative to the appeals process for billing disputes or  
22 damage claims made by customers shall be published and distributed to customers as part of an  
23 education and outreach program.

24 Residential or small commercial customers: (a) initiating new utility service; (b)  
25 reinstating service following a change of residence or business location; (c) making an inquiry  
26 regarding their rates; or (d) seeking information regarding energy efficiency shall be offered the  
27 option to learn about their ability to enroll with a participating non-utility competitive supplier of  
28 energy. Customers expressing an interest in learning about their electric supply options shall be  
29 informed of offers available by participating non-utility competitive suppliers. The electric  
30 distribution company shall describe then available offers available through a method approved  
31 by the department.

32 Participating non-utility competitive suppliers of energy may list qualifying electric  
33 offers to provide electric generation service to residential and small commercial customers in  
34 each customer's utility bill. The department shall determine the manner such information is  
35 presented in customers' utility bills.

36 For electric suppliers who have chosen the single bill from the distribution company  
37 billing method, the electric distribution company shall make timely payments to such suppliers in  
38 accordance with this paragraph. The distribution company shall: (a) bill all of the electric  
39 supplier's customers in a service class according to complete billing; (b) pay such suppliers the  
40 full amounts due from customers for generation services in a time period consistent with the  
41 average payment period of the participating class of customer, less a percentage of such amounts  
42 that reflects the average of the uncollectible bills for the participating customer classes of the  
43 electric distribution company and other reasonable development, operating or carrying costs  
44 incurred, as approved by the department. For electric suppliers who have chosen the single bill  
45 from the non-utility supplier billing method, the non-utility supplier shall make timely payments  
46 to such distribution companies in accordance with this paragraph. The non-utility supplier  
47 company shall: (a) bill all of the electric distribution company's customers in a service class  
48 according to complete billing; (b) pay such distribution companies the full amounts collected  
49 from customers for distribution services as approved by the department.

50 Nothing in this section shall be construed to prevent a non-utility supplier company from  
51 including non-commodity products and non-commodity services in a bill issued in accordance  
52 with this section. The department shall determine the manner such information is presented in  
53 customers' bills.

54 SECTION 2. Section 1 of Chapter 164 is hereby amended by inserting after the words "as  
55 provided by law" the following 2 definitions:

56           “Non-Commodity Product” Any Energy related product that could reasonably impact a  
57 customer’s renewable, energy efficiency needs or a product that meets a customer’s energy-  
58 related objective.

59           “Non-Commodity Service” Any Energy related services that could reasonably impact a  
60 customer’s renewable, energy efficiency needs or a service that meets a customer’s energy-  
61 related objective.

62           SECTION 3. Notwithstanding any general or special law to the contrary, the department  
63 of public utilities shall investigate the following matters concerning the competitive energy  
64 supply market for individual residential customers, and shall submit a report on its activities and  
65 findings, including any recommendations to protect residential consumers, to the clerks of the  
66 senate and house of representatives, the senate and house chairs of the joint committee on  
67 telecommunications, utilities and energy, the senate and house chairs of the joint committee on  
68 consumer protection and professional licensure, and the chairs of the senate and house  
69 committees on ways and means not later than December 31, 2019.

70           (a) The impact of the competitive energy supply market on residential customers

71           (b) Jobs and economic activity generated by the competitive energy supply market

72           (c) Amount and impact of renewable energy used by competitive energy supply  
73 residential customers

74           SECTION 4. Within 180 days of passage of this act, the department of public utilities  
75 shall promulgate regulations necessary to allow non-utility competitive suppliers to issue bills in  
76 accordance with SECTION 1.