SENATE DOCKET, NO. FILED ON: 1/16/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Jennifer L. Flanagan**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act Regarding Service Outage Restoration Penalties.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

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| --- | --- |
| Name: | District/Address: |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act Regarding Service Outage Restoration Penalties. .

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 **SECTION 1.** Chapter 164 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 1H the following new section:-

Section 1I. The department is hereby authorized to promulgate rules and regulations to establish standards of acceptable performance for the restoration of service outages for distribution, transmission and gas distribution companies doing business in the commonwealth. The department shall establish a penalty of not less than $500,000 for each separate instance for a failure to perform and the department may increase the penalty should it find it necessary based on the severity as a result of the failure to perform. The department shall open a full investigation and evidentiary hearings, upon petition of the Attorney General or by any municipality that has service outages, to determine whether the distribution, transmission or gas distribution company’s service outage violated the standards established by the department; provided, that said petition shall be made within 45 days after service has been restored.