

2015 -- S 0741

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - MUNICIPAL STREETLIGHT
INVESTMENT ACT

Introduced By: Senators Sosnowski, and Miller

Date Introduced: March 19, 2015

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-30-3 of the General Laws in Chapter 39-30 entitled "Municipal
2 Streetlight Investment Act" is hereby amended to read as follows:

3 **39-30-3. Streetlight investment.** -- (a) Any city or town or other public entity receiving
4 and managing public street lighting service from an electric distribution company pursuant to an
5 electric rate tariff providing for the use by such municipality of lighting equipment owned by the
6 electric distribution company, at its option, upon sixty (60) days notice to the electric company
7 and to the department, and subject to the provisions of subsections (b) through (e), may:

8 (1) Convert its street lighting service from the subject tariff rate to an alternative tariff
9 rate providing for delivery service by the electric distribution company of electric energy,
10 whether or not supplied by the electric distribution company, over distribution facilities and wires
11 owned by the electric distribution company to lighting equipment owned or leased by the
12 municipality, and further providing for the use by such municipality of the space on any pole,
13 lamp post, or other mounting surface previously used by the electric distribution company
14 primarily for the mounting of the lighting equipment and for any other reasonable purpose at the
15 municipality's discretion. The alternative tariff rate shall provide for monthly bills for street and
16 area lighting that shall include a schedule of energy charges based on metering, if the
17 municipality chooses to install municipally owned controls that include metering chips, or a
18 determination annual kilowatt-hour usage per lumen rating or nominal wattage of all types of

1 lighting equipment, but shall not include facility, support, maintenance, or accessory charges. The
2 new tariff shall use [metering, if the municipality chooses to install municipally owned controls](#)
3 [that include metering chips, or](#) existing usage calculation methods and existing rates for any
4 currently existing lighting equipment, only setting reasonable new rates for newly adopted
5 lighting equipment. The new tariff shall be structured so as to allow options for various street
6 lighting controls, including [metering, if the municipality chooses to install municipally owned](#)
7 [controls that include metering chips, or](#) both conventional dusk/dawn operation using photocell or
8 scheduling controls, as well as schedule-based dimming or on/off controls that dim or turn off
9 street lights during periods of low activity. The electric distribution company, in consultation with
10 the office, shall file the new tariff with the public utilities commission within sixty (60) days of
11 the effective date of this chapter and the commission shall then issue a decision within sixty (60)
12 days after the filing to effectuate the purposes and provisions of this chapter.

13 (2) Purchase electric energy for use in such municipal lighting equipment from the
14 electric distribution company or any other person allowed by law to provide electric energy; and

15 (3) After due diligence, including an analysis of the cost impact to the municipality,
16 acquire all of the public street and area lighting equipment of the electric distribution company in
17 the municipality, [including all warranties and assigned access agreements pursuant to subsection](#)
18 [\(d\) of this section](#), compensating the electric distribution company as necessary, in accordance
19 with subsection (b).

20 (b) Any municipality exercising the option to convert its lighting equipment pursuant to
21 subsection (a) must compensate the electric distribution company for the original cost, less
22 depreciation and less amortization, of any active or inactive existing public lighting equipment
23 owned by the electric distribution company and installed in the municipality as of the date the
24 municipality exercises its right of acquisition pursuant to subsection (a), net of any salvage value.
25 [The electric distribution company shall produce an accurate lighting inventory and purchase price](#)
26 [calculation within thirty \(30\) days of the municipality's notice of intent to acquire and the](#)
27 [inventory and price shall be subject to negotiated agreement between the parties or subject to](#)
28 [dispute resolution pursuant to subsection \(e\) of this section](#). Upon such payment, the municipality
29 shall have the right to use, alter, remove, or replace such acquired lighting equipment in any way
30 the municipality deems appropriate [without any further agreements, restrictions, oversight,](#)
31 [indemnification obligations or charges by the electric distribution company excepting only as](#)
32 [specifically proposed to and approved by the public utilities commission as specifically necessary](#)
33 [to prevent interference with the electric distribution company's provision of electric distribution](#)
34 [services. The municipality shall have sixty \(60\) days after the purchase to verify the inventory](#)

1 and if it finds discrepancies, the purchase price shall be adjusted pro rata. Any contract a
2 municipality enters for such services must require appropriate levels of training and certification
3 of personnel providing pole service for public and worker safety, evidence of twenty-four (24)
4 hour call capacity and a committed timely response schedule for both emergency and routine
5 outages. The municipality may also request that the electric company remove any part of such
6 lighting equipment that it does not acquire from the electric distribution company in which case
7 the municipality shall reimburse the electric distribution company the cost of removal by the
8 electric distribution company, along with the original cost, less depreciation, of the removed part,
9 net of any salvage value.

10 (c) When a municipality exercises its option pursuant to this subsection, the municipality
11 will notify the electric distribution company of any alterations to street and area lighting
12 inventory within sixty (60) days of the alteration. The electric distribution company will then
13 adjust its monthly billing determinations to reflect the alteration within sixty (60) days.

14 (d) When a municipality exercises its option pursuant to subsection (a), anyone other
15 than the electric distribution company controlling the right to use space on any pole, lamp post, or
16 other mounting surface previously used by the electric distribution company in such municipality
17 shall allow the municipality to assume ~~the~~ all rights and obligations of the electric distribution
18 company with respect to such space for the unexpired term of any lease, easement, or other
19 agreement under which the electric distribution company used such space all of which
20 agreements the electric distribution company shall assign and provide to the municipality;
21 provided, however, that:

22 (i) ~~The municipality is subject to the same terms and conditions that pole owners make to~~
23 ~~others that attach to the poles; and~~

24 ~~(ii) In~~ in the assumption of the rights and obligations of the electric distribution company
25 by such a municipality, such municipality shall in no way or form restrict, impede, or prohibit
26 universal access for the provision of electric and other services.

27 (e) Any dispute regarding the terms of the alternative tariff, the compensation to be paid
28 the electric distribution company, or any other matter arising in connection with the exercise of
29 the option provided in subsection (a), including, but not limited to, the terms on which space is to
30 be provided to the municipality in accordance with subsection (c), shall be resolved by the
31 ~~division of~~ public utilities ~~and carriers~~ commission within ninety (90) days of any request for
32 such resolution by the municipality or any person involved in such dispute.

33 (f) Notwithstanding any general or special law, rule, or regulation to the contrary, any
34 affiliate of any electric distribution company whose street lighting service is converted by any

1 municipality in accordance with the provisions of this section may solicit and compete for the
2 business of any such municipality for the provision of lighting equipment or any other service
3 such as equipment maintenance in connection therewith.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - MUNICIPAL STREETLIGHT
INVESTMENT ACT

1 This act would amend the provisions of the general laws related to conversion charges for
2 municipality service, from a subject tariff rate to an alternative tariff rate, for delivery service of
3 electric energy.

4 This act would take effect upon passage.

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