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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - MUNICIPAL STREETLIGHT  
INVESTMENT ACT

Introduced By: Representatives Amore, Hull, and Johnston

Date Introduced: March 01, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

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

3 **39-30-1. Findings and purposes.**

4 (a) The Rhode Island general assembly finds and declares that:

5 (1) A primary purpose of an electric distribution company regulated by the public utilities  
6 commission is to provide safe and reliable electric service to the people and businesses  
7 throughout the state. In order to accomplish this purpose it is necessary that the electric  
8 distribution company is manned by a highly skilled and qualified workforce, capable of working  
9 on any component of electrical equipment attached to the transmission, distribution and  
10 secondary electrical lines within its area.

11 ~~(+)~~(2) Taxpayers are mandated to pay the electric distribution company large sums every  
12 year to light municipal and many state-owned streets;

13 ~~(+)~~(3) Municipalities are limited in how they can manage this public safety resource  
14 because they do not own or control the light fixtures within their borders;

15 ~~(+)~~(4) There is no incentive in the applicable electric rate tariff for installing energy  
16 efficient lighting technologies that may reduce both power and maintenance expenses;

17 ~~(+)~~(5) There is no provision in the applicable electric rate tariff for municipalities to work  
18 collectively to manage the maintenance of the street lighting system; and

1           ~~(5)~~(6) Municipalities around the country have saved considerable resources by  
2 purchasing their streetlight systems from electric distribution companies and contracting for the  
3 maintenance independently.

4           (b) Now, therefore, the purpose of this chapter is to reduce municipal street lighting costs  
5 and improve service to citizens by:

6           (1) Improving public safety with street lights that provide better illumination;

7           (2) Reducing maintenance costs by allowing municipalities to own the street and area  
8 lighting within their borders and to enter into regional maintenance service contracts;

9           (3) Reducing whole-system cost through municipal ownership and regional management  
10 and by eliminating the current "facilities charge;"

11           (4) Providing innovative and proven technologies for more efficient lighting; and

12           (5) Providing more responsive service for lighting repairs.

13           **39-30-2. Definitions.**

14           When used in this chapter, the following terms shall have the following meanings:

15           (1) "Office" means the Office of Energy Resources.

16           (2) "Electric distribution company" means a company defined in subdivision 39-1-2(12),  
17 supplying standard offer service, last resort service, or any successor service to end-use  
18 customers.

19           (3) "Lighting equipment" means all equipment, approved in conjunction by the electric  
20 distribution company and the office of emergency resources, used to light streets in the  
21 municipality, the operation and maintenance of which is currently charged to the municipality,  
22 including lighting ballasts, fixtures, and other equipment necessary for the conversion of electric  
23 energy into street lighting service, but excluding the utility poles upon which the lighting  
24 equipment is fixed. Lighting equipment shall include, but not be limited to, decorative street and  
25 area lighting equipment and solid-state (LED) lighting technologies.

26           **39-30-3. Streetlight investment.**

27           (a) Any city or town receiving street lighting service from an electric distribution  
28 company pursuant to an electric rate tariff providing for the use by such municipality of lighting  
29 equipment owned by the electric distribution company, at its option, upon sixty (60) days notice  
30 to the electric company and to the department, and subject to the provisions of subsections (b)  
31 through ~~(e)~~(d), may:

32           (1) Purchase or lease from the electric distribution company, lighting equipment that has  
33 been approved by the electric distribution company and the office of energy resources as being  
34 appropriate. Notwithstanding a municipality's preference for a particular brand or model of

1 [lighting equipment, the electric distribution company may install similar brands or models of](#)  
2 [lightening equipment that have been approved by the office of energy resources.](#)

3 ~~(+)(2)(i)~~ Convert its street lighting service from the subject tariff rate to an alternative  
4 tariff rate providing for delivery service by the electric distribution company of electric energy,  
5 whether or not supplied by the electric distribution company, over distribution facilities and wires  
6 owned by the electric distribution company to lighting equipment owned or leased by the  
7 municipality, ~~and further providing for the use by such municipality of the space on any pole,~~  
8 ~~lamp post, or other mounting surface previously used by the electric distribution company for the~~  
9 ~~mounting of the lighting equipment.~~

10 (A) The alternative tariff rate shall provide for monthly bills for street and area lighting  
11 that shall include a schedule of energy charges based on a determination annual kilowatt-hour  
12 usage per lumen rating or nominal wattage of all types of lighting equipment, ~~but shall not~~  
13 ~~include facility, support, maintenance, or accessory charges.~~

14 (B) The new tariff shall use existing usage calculation methods and existing rates for any  
15 currently existing lighting equipment, only setting reasonable new rates for newly adopted  
16 lighting equipment.

17 (C) The new tariff shall be structured so as to allow options for various street lighting  
18 controls, including both conventional dusk/dawn operation using photocell or scheduling  
19 controls, as well as schedule-based dimming or on/off controls that dim or turn off street lights  
20 during periods of low activity.

21 (ii) The electric distribution company, in consultation with the office [for energy](#)  
22 [resources](#), shall file the new tariff with the public utilities commission within sixty (60) days of  
23 the effective date of this chapter and the commission shall then issue a decision within sixty (60)  
24 days after the filing to effectuate the purposes and provisions of this chapter.

25 ~~(2)(3)~~ Purchase electric energy for use in such municipal lighting equipment from the  
26 electric distribution company or any other person allowed by law to provide electric energy; and

27 ~~(3)(4)~~ After due diligence, including an analysis of the cost impact to the municipality,  
28 acquire [through lease or purchases provided, pursuant to this section](#), all of the ~~public street and~~  
29 ~~area~~ lighting equipment ~~of~~ [from](#) the electric distribution company ~~in that it deems necessary on~~  
30 [behalf of](#) the municipality, compensating the electric distribution company as necessary, in  
31 accordance with subsection (b) [of this section](#).

32 (b) Any municipality exercising the option to ~~convert~~ [purchase or lease](#) its lighting  
33 equipment pursuant to subsection (a) [of this section](#) must compensate the electric distribution  
34 company for [its loss](#).

1           (1) Any municipality choosing to purchase from the electric distribution company  
2 lighting equipment already in use upon the streets and highways within the municipality shall  
3 reimburse the electric distribution company the original cost, less depreciation and less  
4 amortization, of any active or inactive existing public lighting equipment owned by the electric  
5 distribution company. ~~and installed in the municipality as of the date the municipality exercises~~  
6 ~~its right of acquisition pursuant to subsection (a), net of any salvage value. Upon such payment,~~  
7 ~~the municipality shall have the right to use, alter, remove, or replace such acquired lighting~~  
8 ~~equipment in any way the municipality deems appropriate. Any contract a municipality enters for~~  
9 ~~such services must require appropriate levels of training and certification of personnel providing~~  
10 ~~pole service for public and worker safety, evidence of twenty four (24) hour call capacity and a~~  
11 ~~committed timely response schedule for both emergency and routine outages. The municipality A~~  
12 municipality choosing to purchase from the electric distribution company and lighting equipment  
13 included herein may also at its discretion request that the electric distribution company remove  
14 any part of such lighting equipment that it does not choose to acquire from the electric  
15 distribution company in which case the municipality shall reimburse the electric distribution  
16 company the cost of removal by the electric distribution company, along with the original cost,  
17 less depreciation, of the removed part, net of any salvage value.

18           (2) Any municipality choosing to replace existing lighting equipment and purchase or  
19 lease from the electric distribution company new lighting equipment shall reimburse the electric  
20 distribution company the cost of removal by the electric distribution company, together with the  
21 original cost, minus any depreciation, of the removed part, net of any salvage value.

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

26           ~~(d) When a municipality exercises its option pursuant to subsection (a), anyone other than~~  
27 ~~the electric distribution company controlling the right to use space on any pole, lamp post, or~~  
28 ~~other mounting surface previously used by the electric distribution company in such municipality~~  
29 ~~shall allow the municipality to assume the rights and obligations of the electric distribution~~  
30 ~~company with respect to such space for the unexpired term of any lease, easement, or other~~  
31 ~~agreement under which the electric distribution company used such space; provided, however,~~  
32 ~~that:~~

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

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

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

10           (f) ~~Notwithstanding any general or special law, rule, or regulation to the contrary, any~~  
11 ~~affiliate of any electric distribution company whose street lighting service is converted by any~~  
12 ~~municipality in accordance with the provisions of this section may solicit and compete for the~~  
13 ~~business of any such municipality for the provision of lighting equipment or any other service~~  
14 ~~such as equipment maintenance in connection therewith.~~

15           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

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1           This act would amend the definition of "lighting equipment" for the purposes of the  
2 "Municipal Streetlight Investment Act", and would allow cities and towns to purchase or lease  
3 certain lighting equipment from electric distribution companies for a cost, and would amend  
4 certain provisions related to training required for certification of personnel providing electrical  
5 pole service.

6           This act would take effect upon passage.

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