

2017 -- H 5838

LC001930

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Introduced By: Representatives Tanzi, Marszalkowski, Ajello, Walsh, and Fogarty

Date Introduced: March 02, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-2-5 of the General Laws in Chapter 39-2 entitled "Duties of
2 Utilities and Carriers" is hereby amended to read as follows:

3 **39-2-5. Exceptions to anti-discrimination provisions.**

4 The provisions of §§ 39-2-2 -- 39-2-4 shall be subject to the following exceptions:

5 (1) A public utility may issue or give free transportation or service to its employees and
6 their families, its officers, agents, surgeons, physicians, and attorneys at law, and to the officers,
7 agents, and employees, and their families of any other public utility.

8 (2) With the approval of the division any public utility may give free transportation or
9 service, upon such conditions as the public utility may impose, or grant special rates therefor to
10 the state, to any town or city, or to any water or fire district, and to the officers thereof, for public
11 purposes, and also to any special class or classes of persons, not otherwise referred to in this
12 section, in cases where the same shall seem to the division just and reasonable, or required in the
13 interests of the public, and not unjustly discriminatory.

14 (3) With the approval of the division any public utility operating a railroad or street
15 railway may furnish to the publishers of newspapers and magazines, and to their employees,
16 passenger transportation in return for advertising in the newspapers or magazines at full rates.

17 (4) With the approval of the division any public utility may exchange its service for the
18 service of any other public utility furnishing a different class of service.

1 (5) Nothing in this section or any other provision of the law shall be construed to prohibit
2 the giving by any public utility, free or reduced rate service to an elderly person as defined by the
3 division.

4 (6) Any motor carrier of persons, as defined in chapter 13 of this title, may elect to file a
5 tariff providing for a rate reduction of twenty-five percent (25%) below its one-way fare tariff
6 applying to any person who is sixty-five (65) years of age or older and any person assisting and
7 traveling with a blind passenger who is not required to pay any fare pursuant to the provisions of
8 § 39-2-13 for bus rides between the hours of ten o'clock (10:00) a.m. and three o'clock (3:00) p.m.
9 of each day. In such event, the reduced fare shall be paid in part by the passenger and in part by
10 the state. That part of the reduced fare payable by the state shall be one half (1/2) of the reduced
11 fare adjusted upward to end in the nearest zero (0) or five cents (.05), and that part payable by the
12 passenger shall be the balance of the reduced fare. Payments by the state under this section shall
13 be paid monthly under procedures agreed upon by the department of transportation and the
14 carrier.

15 (7) [Deleted by P.L. 2004, ch. 378, § 4, and by P.L. 2004, ch. 504, § 4.]

16 (8) Any person, firm, or corporation or any officer, agent, servant, or employee thereof
17 who shall violate the provisions of subsection (7) of this section by fraudulently obtaining a
18 telecommunications device shall, upon conviction, be fined not exceeding five hundred dollars
19 (\$500) or be imprisoned for a term not exceeding one year.

20 (9) (i) Nothing in this section or any other provision of the general laws shall be
21 construed to prohibit the commission from taking actions to enable the state to participate in a
22 federal communications commission telephone lifeline program. The commission may set a
23 subscriber funded monthly residence basic exchange lifeline telephone service credit in an
24 amount not to exceed the federal subscriber line access charge or the monthly basic service
25 charge, whichever is less, for those persons who receive supplemental social security income
26 (SSI), aid to families with dependent children (AFDC), general public assistance (GPA), aid from
27 the Rhode Island medical assistance program, or food stamps issued pursuant to the Food Stamp
28 Act of 1964 as amended (public law 88-525 and amendments made thereto, 7 U.S.C. § 2011 et
29 seq.), assistance from the low-income home energy assistance program (LIHEAP) as
30 administered by the department of administration, division of planning, ~~and effective April 1,~~
31 ~~1993,~~ assistance from the Rhode Island pharmaceutical assistance program and the home and
32 community care services to the elder program authorized under chapter 66.3 of title 42
33 administered by the department of elderly affairs. The public utilities commission may
34 promulgate regulations to implement this section. The department of human services, ~~and~~ the

1 department of administration, division of planning [and the division of elderly affairs](#) shall certify
2 subscriber eligibility for the programs in accordance with public utilities commission and federal
3 communications commission guidelines.

4 (ii) The department of human services shall report monthly to the governor and to the
5 house of representatives fiscal advisor the number of persons newly eligible for the lifeline
6 telephone service credit hereunder solely by virtue of their eligibility to receive food stamp
7 assistance and the department of administration, division of planning shall, also, report monthly
8 to the governor and to the house of representatives fiscal advisor the number of persons newly
9 eligible for the lifeline telephone service credit hereunder solely by virtue of their participation in
10 the low-income home energy assistance program (LIHEAP).

11 (10) Nothing in this section or any other provision of the general laws shall be construed
12 to prohibit any public utility with the approval of the commission, from forgiving arrearages of
13 any person in accordance with the provisions of subsection 39-2-1(d).

14 (11) Nothing in this section or any other provision of the law shall be construed to
15 prohibit any utility company from cutting, disconnecting, or removing mains, poles, wires,
16 conduits, or fixtures free of charge to nonprofit housing development corporations prior to
17 moving a building to be used as affordable housing for at least a ten (10) year period.

18 (12) Nothing in this section or any other provision of the general laws shall be construed
19 to prohibit any telecommunications provider with the approval of the commission, from offering
20 any residential customer a reduced rate, provided such rate covers all costs. A
21 telecommunications provider may offer a business customer a reduced rate without commission
22 approval; provided that such rate covers all costs.

23 (13) A gas or electric distribution company may provide discounts to low income
24 customers in accordance with the affordable energy plan provisions of subsection 42-141-5(d).
25 Nothing contained herein shall prohibit the continuation of any low income discounts approved
26 by the commission prior to January 1, 2006, and in effect as of that date.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that those persons taking part in the home and community care
2 services to the elderly program (chapter 66.3 of title 42) would be eligible for lifeline telephone
3 service.

4 This act would take effect upon passage.

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