

**2012 -- S 2963 SUBSTITUTE A**

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LC02613/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2012**

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A N A C T

RELATING TO TOWNS AND CITIES - PASCOAG UTILITY DISTRICT

Introduced By: Senator P Fogarty

Date Introduced: May 17, 2012

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-58-8 of the General Laws in Chapter 45-58 entitled "Pascoag  
2 Utility District" is hereby amended to read as follows:

3           **45-58-8. Powers of the Utility District.** -- The utility district shall have the power:

4           (1) To acquire real or personal property and tangible or intangible personal property by  
5 voluntary purchase from the owner or owners of the property, and to the extent that the board of  
6 utility commissioners deems it advisable, to acquire property held by a corporation through  
7 acquisition of the stock of the corporation and dissolution of the corporation;

8           (2) To acquire real property, fixtures and rights and interests in real property within its  
9 utility service area by eminent domain, subject to the supervision of the public utilities  
10 commission in the manner prescribed in section 39-1-31;

11           (3) To own, operate, maintain, repair, improve, enlarge and extend, in accordance with  
12 the provisions of this chapter, any property acquired under this section all of which, together with  
13 the acquisition of the property, are hereby declared to be public purposes;

14           (4) To produce, purchase, acquire, distribute and sell water and electricity at wholesale  
15 or retail within or without its utility service area subject to franchise rights of other utilities; to lay  
16 down, construct, own, operate, maintain, repair and improve mains, pipes, wells, towers and other  
17 equipment and facilities necessary, appropriate or useful for those purposes; and to contract with  
18 others for any or all of the foregoing purposes;

19           (5) To produce, buy, sell and trade electric capability, power or energy products or

1 services at wholesale or retail; to purchase for its own use or for resale electric transmission  
2 service and ancillary services; and to engage in any other transaction with respect to electricity or  
3 electricity products that was heretofore authorized for the Pascoag fire district or investor-owned  
4 electric companies operating as domestic electric utilities with within the state (including  
5 participation in generating facilities as authorized by chapter 20 of title 39); provided, that the  
6 utility district shall operate and be subject to regulation of its retail rates for electricity under title  
7 39 of the general laws when operating within its utility service area;

8 (6) To operate as a nonregulated power producer within the meaning and contemplation  
9 of section 39-1-2(19) when engaging in the sale of electricity at retail outside of its utility service  
10 area;

11 (7) To acquire, own, lease, operate, maintain, repair and expand facilities and equipment  
12 necessary, appropriate or useful to the operation of other utilities, including, but not limited to,  
13 communications services such as internet service, high speed data transfer, local and long  
14 distance telephone service, community antenna television service, and to engage in the operation  
15 of such utilities;

16 (8) To sue and be sued;

17 (9) To adopt and alter a corporate seal;

18 (10) To acquire, hold, use, lease, sell, transfer, assign or otherwise dispose of any  
19 property, real, personal or mixed, or any interest therein for its corporate purposes, and to  
20 mortgage, pledge or lease any such property;

21 (11) To make and adopt bylaws for the management and regulation of its affairs;

22 (12) To borrow money for any of the purposes or powers granted to it under or by  
23 operation of this chapter, including the creation and maintenance of working capital, and to issue  
24 negotiable bonds, notes or other obligations, to fund or refund the same, and to secure the  
25 obligation of such bond, notes or other obligations in any case by pledge of or security interest in  
26 the revenues and property of the utility district.

27 (13) To fix rates (subject to the requirements of title 39 of the general laws in the case of  
28 retail electric rates within its utility service area) and collect charges for the use of the facilities or  
29 services rendered by or any commodities furnished by the utility district;

30 (14) To contract in its own name for any lawful purpose which would effectuate the  
31 purposes and provisions of this chapter; to execute all instruments necessary to carry out the  
32 purposes of this chapter; and to do all things necessary or convenient to carry into effect and  
33 operation the powers granted by this chapter; and

34 (15) Until and only until such time as those utility bond obligations to which the Pascoag

1 utility district succeeds under or by operation of this chapter shall have been retired, defeased or  
2 otherwise satisfied in their entirety, to levy property tax assessments upon property owners within  
3 its utility service area for the purpose of supporting utility bond obligations of the Pascoag fire  
4 district outstanding as of April 4, 2001 in the same manner and to the same extent as the Pascoag  
5 fire district was authorized to do so under the act passed at the May session 1887, entitled "An  
6 Act to Incorporate the Pascoag Fire District" as thereafter amended and supplemented from time  
7 to time.

8 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 TOWNS AND CITIES - PASCOAG UTILITY DISTRICT

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1           This act would allow the Pascoag Utility District to produce, purchase, acquire, distribute  
2 and sell electricity at wholesale or retail within or without its utility service area subject to  
3 franchise rights of other utilities.

4           This act would take effect upon passage.

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