

2015 -- H 5703

=====  
LC001494  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————  
A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- REGULATORY POWERS OF  
ADMINISTRATION

Introduced By: Representative Blake Anthony Filippi

Date Introduced: February 26, 2015

Referred To: House Corporations

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 39-3-3 and 39-3-11 of the General Laws in Chapter 39-3 entitled  
2 "Regulatory Powers of Administration" are hereby amended to read as follows:

3 **39-3-3. Certificate requirement for water carriers.** -- (a) No common carrier of  
4 persons and/or property operating upon water between termini within this state shall hereafter  
5 furnish or sell its services unless the common carrier shall first have made application to and  
6 obtained a certificate from the division certifying that public convenience and necessity required  
7 the services. A filing fee of one hundred dollars (\$100) must accompany all filings made pursuant  
8 to this section. Certificates issued under this section shall be renewed before the close of business  
9 on December 31 of each calendar year. The renewal fee shall be one hundred dollars (\$100) and  
10 shall be submitted with the renewal form. All revenues received under this section shall be  
11 deposited as general revenues; provided, however, that this fee shall not apply to any city or  
12 town, to any agency or department of any city or town of the state, or to any nonprofit  
13 corporation, in the tourism industry.

14 (b) A copy of any application filed with either the commission or the division by a water  
15 common carrier which includes a New Shoreham terminus shall be provided by the water  
16 common carrier to the New Shoreham town clerk by certified mail.

17 (c)(1) Notwithstanding any provision of §§ 39-5-1 and/or 42-35-15 or any other  
18 provision of the general or public laws to the contrary, no agency nor reviewing court, may order

1 an interlocutory stay of any order of the division with respect to an application entered under §  
2 39-3-3.1, and/or certificate under § 39-3-3.1. Nothing herein shall be construed to limit the right  
3 of any petitioner, public utility, party in interest or other person or entity aggrieved by an order of  
4 the division entered under § 39-3-3.1, from seeking judicial review in accordance with §§ 39-5-1  
5 and/or 42-35-15.

6 (2) Each and every city and/or town in which a common carrier desires to pick up or  
7 discharge passengers and/or property shall have standing before the division as a party to the  
8 proceeding.

9 **39-3-11. Notice of change in rates -- Suspension of change -- Hearings. --** (a) No  
10 change shall be made in the rates, tolls, and charges which have been filed and published by any  
11 public utility in compliance with the requirements of § 39-3-10, except after thirty (30) days  
12 notice to the commission and to the public published as provided in § 39-3-10, which shall  
13 plainly state the changes proposed to be made in the schedule then in force, and the time when the  
14 changed rates, tolls, or charges will go into effect. Whenever the commission receives notice of  
15 any change or changes proposed to be made in any schedule filed under the provisions of § 39-3-  
16 10, the commission shall hold a public hearing and make investigation as to the propriety of the  
17 proposed change or changes. After notice of any investigation, the commission shall have power,  
18 by any order served upon the public utility affected, to suspend the taking effect of the change or  
19 changes pending the decision thereof, but not for a longer period than eight (8) months beyond  
20 the time when the change or changes would otherwise take effect. Each hearing and investigation  
21 shall be conducted as expeditiously as may be practicable, and with a minimum of delay. Within  
22 ninety (90) days after the completion of any hearing, the commission shall make such order in  
23 reference to any proposed rate, toll, or charge as may be proper. Notwithstanding the provisions  
24 of this section, the commission shall periodically hold a public hearing and make investigation as  
25 to the propriety of rates when charged by any public utility and shall make such order in reference  
26 to the rate, toll, or charge as may be just. The hearing prescribed by this section may be held  
27 simultaneously with the hearing prescribed by § 39-3-7. In the event of an appeal from an order  
28 of the commission in any hearing under this section, the order shall remain in full force and effect  
29 during the pendency of said appeal.

30 (b)(1) Upon receipt from a common carrier of persons and/or property upon water of a  
31 notice of any change proposed to be made in any schedule filed pursuant to § 39-3-10, the  
32 commission shall give notice as it may prescribe of the pendency of the proposal and of the time  
33 and place of the hearing thereon to the mayor and also any city manager of each city, and to the  
34 president of the town council and also any town manager of each town in which the carrier picks

1 up or discharges passengers. The commission shall also publish a notice of the hearing at least ten  
2 (10) days prior to the date thereof in a newspaper of general circulation in each city or town in  
3 which the carrier picks up or discharges passengers. In all other respects, hearings and  
4 investigations with respect to the proposals by the carriers shall be governed by the provisions of  
5 subsection (a) of this section.

6 (2) Each and every city and/or town in which a common carrier of persons and/or  
7 property seeking a change in any schedule filed pursuant to § 39-3-10 shall have standing before  
8 the commission as a party to the proceeding.

9 (c) The Kent County water authority shall provide notice by certified mail of rate  
10 increase requests to the several fire districts which purchase water from the authority.

11 (d) Costs incurred by electric distribution companies for filing rates, tolls and charges,  
12 for participating in hearings and investigations prior to December 31, 2000 or for appealing  
13 commission decisions rendered prior to December 31, 2000 pursuant to this section shall not be  
14 included in the rates, tolls or charges established by the commission pursuant to this section.

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

=====  
LC001494  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- REGULATORY POWERS OF  
ADMINISTRATION

\*\*\*

1           This act would grant the right to a city or town to appear before the division of public  
2 utilities and the public utilities commission as a party to the proceedings relating to water carriers  
3 picking up or discharging passengers at facilities in that city or town.

4           This act would take effect upon passage.

=====  
LC001494  
=====