

2024 -- H 7604

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Representatives Handy, Fogarty, Kislak, and Tanzi

Date Introduced: February 15, 2024

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-3-25 of the General Laws in Chapter 39-3 entitled "Regulatory
2 Powers of Administration" is hereby amended to read as follows:

3 **39-3-25. Proceedings for approval of transactions between utilities.**

4 (a) The proceedings for obtaining the consent and approval of the ~~division~~ commission for
5 such authority shall be as follows: There shall be filed with the ~~division~~ commission a petition,
6 joint or otherwise, as the case may be, signed and verified by the president and secretary of the
7 respective companies clearly setting forth the object and purposes desired; stating whether or not it
8 is for the purchase, sale, lease, or making of contracts or for any other purpose in § 39-3-24
9 provided; and also the terms and conditions of the same. The ~~division~~ commission shall upon the
10 filing of the petition, ~~if it deem a hearing necessary,~~ fix a time and place for the hearing thereof. ~~If,~~
11 ~~after the hearing, or, in case no hearing is required, the division is satisfied that the prayer of the~~

12 (b) The petition ~~should~~ may not be granted; ~~that~~ unless the facilities for furnishing service
13 to the public will not thereby be diminished; and ~~that~~ the purchase, sale, or lease and the terms
14 thereof are consistent with the public interest, ~~it shall make such order in the premises as it may~~
15 ~~deem proper and the circumstances may require.~~ The public interest includes, but is not limited to,
16 an interest in rates, in competitive access to markets and elimination of all anti-competitive
17 influence, in proper administration and regulation of any utility functions, in environmental
18 protection, in any interest addressed in the petition, and in any other purpose of Rhode Island law

1 [or policy implicated by the proposed transaction.](#)

2 [\(c\) The commission shall allow intervention and advocacy by any citizen, business or any](#)
3 [other group seeking to advocate on or for any such element of the public interest. It shall not deny](#)
4 [participation on the premise that private commercial interests cannot also be in the public interest](#)
5 [or that any public interest is otherwise represented by any public agency or any other party.](#)

6 [\(d\) Any commission order issued under this section is subject to appellate review under §](#)
7 [42-35-15.](#)

8 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 amendments to the procedures necessary for approval of
2 transactions between utilities by giving the public utilities commission (PUC) jurisdiction over the
3 approval process rather than the division, mandating a public hearing, allowing intervention by any
4 interested party and providing for appeal of its decision.

5 This act would take effect upon passage.

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