

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

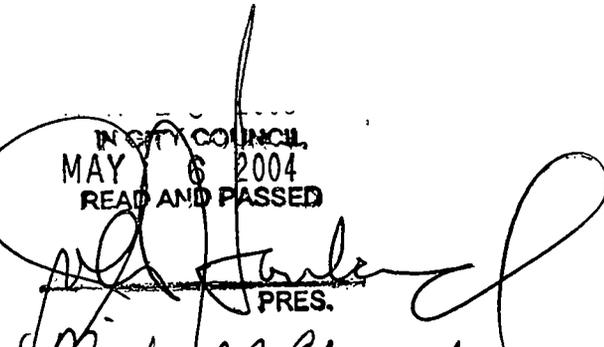
RESOLUTION OF THE CITY COUNCIL

No. 197

Approved May 17, 2004

RECEIVED
CITY OF PROVIDENCE
MAY 18 2004
CITY CLERK

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2004-H 8054 and Senate Bill 2004-S 2870, Relative to State Affairs and Government – Energy Facility Siting Act.

IN CITY COUNCIL,
MAY 18 2004
READ AND PASSED

PRES.
Michael B. Clement
CLERK (CMB)

NO
MAY 18 2004
CITY CLERK

APPROVED
 5/17/04
MAYOR

IN CITY COUNCIL
APR 1 2004
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael J. Almet
CLERK

Councilman Segal

THE COMMITTEE ON
STATE LEGISLATION
Recommends Approval

Caird Buntz
APR 21 2004
CLERK

2004 -- H 8054

=====
LC02413
=====**STATE OF RHODE ISLAND**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING ACT**Introduced By:** Representatives Moura, Dennigan, Rose, Savage, and Ajello**Date Introduced:** February 24, 2004**Referred To:** House Judiciary

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Chapter 42-98 of the General Laws entitled "Energy Facility Siting Act" is
1-2 hereby amended by adding thereto the following section:
- 1-3 **42-98-21. Damages incurred due to delay in filing.** – (a) In any proceeding in which
1-4 sufficient evidence lies to demonstrate that the applicant's delay of filing for approval of any new,
1-5 modified, upgraded, relocated transmission line or structure (including any "replacement-in-
1-6 kind") and that such delay has precluded the consideration of any alternative configuration, an
1-7 action shall lie in the superior court for damages by any affected municipality that suffers harm as
1-8 a result of such delay.
- 1-9 (b) In the event that damages are awarded pursuant to subsection (a) such damages,
1-10 including all incidental costs related to said litigation, shall not be recoverable from the ratepayers
1-11 of the affected public utility.
- 1-12 SECTION 2. Chapter 8-2 of the General Laws entitled "Superior Court" is hereby
1-13 amended by adding thereto the following section:
- 1-14 **8-2-40. Action for delay in filing transmission lines application.** – The superior court
1-15 shall, except as otherwise provided by law, have exclusive jurisdiction of suits and proceedings
1-16 arising out of any violation of the provisions contained in section 42-98-21 of the Rhode Island

1-17 general laws.

2-1 SECTION 3. This act shall take effect upon passage.

=====
LC02413
=====

**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF**

**A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING
ACT**

3-1 This act would permit a civil action in superior court for the delay in filing applications

3-2 for approvals for modifying, upgrading, or relocating transmissions lines.

3-3 This act would take effect upon passage.

=====
LC02413
=====

2004 -- S 2870

LC02600**STATE OF RHODE ISLAND**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

**AN ACT
RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING
ACT****Introduced By:** Senators DaPonte, Perry, and Damiani**Date Introduced:** February 11, 2004**Referred To:** Senate Judiciary

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Chapter 42-98 of the General Laws entitled "Energy Facility Siting Act" is
1-2 hereby amended by adding thereto the following section:
- 1-3 **42-98-21. Damages incurred due to delay in filing.** – (a) In any proceeding in which
1-4 sufficient evidence lies to demonstrate that the applicant's delay of filing for approval of any new,
1-5 modified, upgraded, relocated transmission line or structure (including any "replacement-in-
1-6 kind") and that such delay has precluded the consideration of any alternative configuration, an
1-7 action shall lie in the superior court for damages by any affected municipality that suffers harm as
1-8 a result of such delay.
- 1-9 (b) In the event that damages are awarded pursuant to subsection (a) such damages,
1-10 including all incidental costs related to said litigation, shall not be recoverable from the ratepayers
1-11 of the affected public utility.
- 1-12 SECTION 2. Chapter 8-2 of the General Laws entitled "Superior Court" is hereby
1-13 amended by adding thereto the following section:
- 1-14 **8-2-40. Action for delay in filing transmission lines application.** – The superior court
1-15 shall, except as otherwise provided by law, have exclusive jurisdiction of suits and proceedings
1-16 arising out of any violation of the provisions contained in section 42-98-21 of the Rhode Island

1-17 general laws.

2-1 SECTION 3. This act shall take effect upon passage.

=====
LC02600
=====

**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF**

**A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING
ACT**

3-1 This act would permit a civil action in superior court for the delay in filing applications

3-2 for approvals for modifying, upgrading, or relocating transmissions lines.

3-3 This act would take effect upon passage.

=====
LC02600
=====

Claire Bestwick

From: david@votesegal.com
Sent: Tuesday, March 30, 2004 4:27 PM
To: Claire Bestwick; Anna Stetson
Subject: Fwd: Re: bill info for city council rez



unnamed

Hi-

I'm going to talk to the leadership about taking these off-the-docket on Thursday. If that doesn't work, I'd like to introduce them for the meeting on the 15th.

Thanks.

David

----- Forwarded message from Davidpriley@aol.com -----

Date: Mon, 29 Mar 2004 16:20:52 EST
From: Davidpriley@aol.com
Reply-To: Davidpriley@aol.com
Subject: Re: bill info for city council rez
To: david@votesegal.com

David,

Great idea! Here's the info. It'd be great if you can get it done before the hearing. Thanks, David

SUMMARY OF FOUR BILLS ON BURIAL OF POWER LINES

H 8012 & S 2884 -- require the Siting Bd to seek regional funding before approving project that affect the regional grid

H 8054 & S 2870 -- allow municipalities to sue for damages if the utility's delay of a proposal precludes considering other alternative such as burial. Damages will include legal fees & must be pd by the utility itself, not by ratepayers.

H 8105 & S 2919 -- bury all new power lines (identical to bill that passed both houses in '94 relating to E. Greenwich line, but vetoed by Gov. Sundlun as part of a deal to move that line away from upscale homes)

H 8130 & S 2869 -- require burial for any line that would cross 1) significant natural resources, 2) public assets like rivers, parks & recreational areas, or 3) areas w/ significant economic development potential.

In a message dated 3/29/2004 3:47:35 PM Eastern Standard Time, david@votesegal.com writes:
get me the bill numbers, senate and house sides, and we'll introduce resolutions in support.

----- End forwarded message -----