



# RESOLUTION OF THE CITY COUNCIL

No. 256

*Approved* April 17, 1995

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 1232 and House Bill 95-H 6835 relating to the Duties of Utilities and Carriers, in substantially the form attached.

IN CITY COUNCIL

APR 6 1995

READ AND PASSED

*Evelyn V. Fargnoli*

ACTING PRES.

*Michael L. Clement*

CLERK

APPROVED

APR 17 1995

*Vincent A. Craven*

MAYOR

95-

STATE OF RHODE ISLAND

95-S 1232

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

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AN ACT

RELATING TO THE  
DUTIES OF UTILITIES AND CARRIERS

95-S 1232

Introduced By: Senators Ruggiero,  
Palazzo, Walton

Date Introduced: February 16, 1995

Referred To: Senate Committee on  
Corporations

It is enacted by the General Assembly as follows:

SECTION 1. CHAPTER 39 OF THE GENERAL LAWS ENTITLED  
"DUTIES OF UTILITIES AND CARRIERS" IS HEREBY AMENDED BY  
ADDING THERETO THE FOLLOWING SECTION:

39-2-1.3 Rate of Return - Municipal Water Authorities

Municipal water authorities shall be entitled to an amount not to exceed six (6%) per cent rate of return on the fair market value of the Municipal Water Authority's assets.

SECTION 2. This act shall take effect upon passage.

EXPLANATION  
OF  
AN ACT  
RELATING TO DUTIES OF UTILITIES AND CARRIERS

\* \* \*

This act would allow municipal water authorities to be entitled to up to six (6%) per cent rate of return on the fair market value of its assets.

This act shall take effect upon passage.

LC911

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-H 6835

JANUARY SESSION, A.D. 1995

A N A C T

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

95-H 6835

Introduced By: S. Smith and Moura

Date Introduced: March 21, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 39-2 of the General Laws entitled "Duties of  
2 Utilities and Carriers" is hereby amended by adding thereto the fol-  
3 lowing section:

4 39-2-1.3. Rate of return - Municipal water authorities. --  
5 Municipal water authorities shall be entitled annually to an amount  
6 not to exceed a six percent (6%) rate of return on the fair market  
7 value of the municipal water authority's assets.

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

EXPLANATION

BY THE LEGISLATIVE COUNCIL

LC911

OF

AN ACT

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

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1 This act would provide municipal water authorities to be  
2 entitled annually to up to six percent (6%) rate of return on the  
3 fair market value of the assets.

4 This act would take effect upon passage.

# RESOLUTION OF THE CITY COUNCIL

No. 257

*Approved* April 17, 1995

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 1091 and House Bill 95-H 6838 relating to Public Utilities Commission, in substantially the form attached.

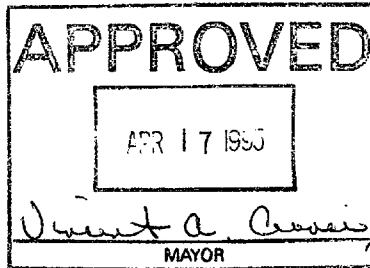
IN CITY COUNCIL

APR 6 1995

READ AND PASSED

*Emeline V. Fargnoli*  
ACTING PRES.

*Michael L. Clement*  
CLERK



## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-S 1091

JANUARY SESSION, A.D. 1995

## AN ACT

## RELATING TO PUBLIC UTILITIES COMMISSION

95-S 1091

Introduced By: Senators Ruggerio,  
and Palazzo

Date Introduced: February 16, 1995

Referred To: Senate Committee on  
Corporations

It is enacted by the General Assembly as follows:

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

39-1-2. Definition: Terms used in this title shall be construed as follows, unless another meaning is expressed or is clearly apparent from the language or context:

- (1) "Commission" means the public utilities commission;
- (2) "Commissioner" means a member of the public utilities commission;
- (3) "Chairperson" means the chairperson of the public utilities commission;
- (4) "Division" means the division of public utilities and carriers;
- (5) "Administrator" means the administrator and chief executive officer of the division of public utilities and carriers;

(6) "Company" means and includes a person, firm, partnership, corporation, association, joint stock association or company, and his, her, its, or their lessees, trustees, or receivers appointed by any court;

(7) "Public utility" means and includes every company operating or doing business in intrastate commerce and in this state as a railroad, street railway, common carrier, gas, liquefied natural gas, electric, water, telephone, telegraph, and pipeline company, and every company owning, leasing, maintaining, managing, or controlling any plant or equipment or any part of any plant or equipment within this state for generating, manufacturing, producing, transmitting, distributing, delivering, or furnishing natural or manufactured gas, steam, electrical, or nuclear energy, heat, light or power, directly or indirectly to or for the public, or any cars or equipment employed on or in connection with any railroad or street railway for public or general use within this state, or any pipes, mains, poles, wires, conduits, fixtures, through, over, across, under, or along any public

95-S 1091

EXPLANATION  
OF AN ACT  
RELATING TO  
PUBLIC UTILITIES COMMISSION

\* \* \*

This Act would remove the Water Supply Board of the City of Providence from the jurisdiction of the Public Utilities Commission.

This Act shall take effect upon its passage.

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PD645  
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STATE OF RHODE ISLAND

95-H 6838

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO PUBLIC UTILITIES AND  
CARRIERS -- PUBLIC UTILITIES COMMISSION  
-- DEFINITIONS

95-H 6838

Introduced By: Reps. Moura and S. Smith

Date Introduced: March 21, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1       SECTION 1. Section 39-1-2 of the General Laws in Chapter 39-1  
2       entitled "Public Utilities Commission" is hereby amended to read as  
3       follows:

4       39-1-2. Definitions. -- Terms used in this title shall be con-  
5       strued as follows, unless another meaning is expressed or is clearly  
6       apparent from the language or context.

7       (1) "Commission" means the public utilities commission;

8       (2) "Commissioner" means a member of the public utilities commis-  
9       sion;

10      (3) "Chairperson" means the chairperson of the public utilities  
11      commission;

12      (4) "Division" means the division of public utilities and car-  
13      riers;

14      (5) "Administrator" means the administrator and chief executive  
15      officer of the division of public utilities and carriers;

16      (6) "Company" means and includes a person, firm, partnership,



1 corporation, association, joint stock association or company, and his,  
2 her, its, or their lessees, trustees or receivers appointed by any  
3 court;

4 (7) "Public utility" means and includes every company operating  
5 or doing business in intrastate commerce and in this state as a rail-  
6 road, street railway, common carrier, gas, liquefied natural gas,  
7 electric, water, telephone, telegraph, and pipeline company, and every  
8 company owning, leasing, maintaining, managing, or controlling any  
9 plant or equipment or any part of any plant or equipment within this  
10 state for generating, manufacturing, producing, transmitting, distrib-  
11 uting, delivering, or furnishing natural or manufactured gas, steam,  
12 electrical or nuclear energy, heat, light or power, directly or indi-  
13 rectly to or for the public, or any cars or equipment employed on or  
14 in connection with any railroad or street railway for public or gen-  
15 eral use within this state, or any pipes, mains, poles, wires, con-  
16 duits, fixtures, through, over, across, under, or along any public  
17 highways, parkways or streets, public lands, waters, or parks for the  
18 transmission, transportation, or distribution of gas or electric cur-  
19 rent for sale to the public for light, heat, cooling or power for pro-  
20 viding audio or visual telephonic or telegraphic communication service  
21 within this state or any pond, lake, reservoir, stream, well or dis-  
22 tributing plant or system employed for the distribution of water to  
23 the consuming public within this state including--the--water--supply  
24 board--of--the--city-of-Providence , except that this definition shall  
25 not include the water supply board of the city of Providence; pro-  
26 vided, that, except as provided in section 39-16-9 and in chapter 2072  
27 of the public laws, 1933, as amended, this definition shall not be  
28 construed to apply to any public waterworks or water service owned and  
29 furnished by any city, town, water district, fire district, or any  
30 other municipal or quasi-municipal corporation, excepting the water  
31 supply board of the city of Providence, unless any city, town, water  
32 district, fire district, municipal or quasi-municipal corporation  
33 obtains water from a source owned or leased by the water resources

1 board, either directly or indirectly, or obtains a loan from the board  
2 pursuant to the provisions of chapter 15 of title 46, or sells water,  
3 on a wholesale or retail basis, inside and outside the territorial  
4 limits of the city or town, water district, fire district, municipal  
5 or quasi-municipal corporation, except, however, that a public water-  
6 works or water service owned and furnished by any city, town, water  
7 district, fire district, or any other municipal or quasi-municipal  
8 corporation which sells water, on a wholesale or retail basis, inside  
9 and outside its territorial limits shall not be construed as a public  
10 utility if it has fewer than 1500 total customer service connections  
11 and provided outside sales do not exceed ten (10) percent of the total  
12 water service connections or volumetric sales and provided the price  
13 charged to outside customers, per unit of water, is not greater than  
14 the price charged to inside customers for the same unit of water, nor  
15 to the Rhode Island public transit authority, or to the production  
16 and/or distribution of steam, heat, or water by Rhode Island port  
17 authority and economic development corporation in the town of North  
18 Kingstown; and the term "public utility" shall also mean and include  
19 the Narragansett Bay water quality management district commission; and  
20 provided that the ownership or operation of a facility by a company  
21 which dispenses alternative fuel or energy sources at retail for use  
22 as a motor vehicle fuel or energy source, and the dispensing of alter-  
23 native fuel or energy sources at retail from such a facility, does not  
24 make the company a public utility within the meaning of this title  
25 solely because of that ownership, operation, or sale; and provided  
26 further that this exemption shall not apply to presently regulated  
27 public utilities which sell natural gas or are dispensers of other  
28 energy sources; and provided further, that the term "public utility"  
29 shall not include any company;

30 (i) producing or distributing steam or heat from a fossil fuel  
31 fired cogeneration plant located at the university of Rhode Island in  
32 South Kingstown, Rhode Island, and

33 (ii) producing and/or distributing thermal energy and/or elec-

1 tricity to a state owned facility from a plant located on an adjacent  
2 site regardless of whether distribution lines cross a public highway.

3 (8) "Common carrier", except when used in chapters 12, 13 and 14  
4 of this title, means and includes all carriers for hire or compensa-  
5 tion including railroads, street railways, express, freight and  
6 freight line companies, dining car companies, steam boat, motor boat,  
7 power boat, hydrofoil, and ferry companies and all other companies  
8 operating any agency or facility for public use in this conveyance  
9 over fixed route, or between fixed termini within this state or per-  
10 sons or property by or by a combination of land, air, or water;

11 (9) "Charter carrier" means and includes all carriers for hire or  
12 compensation within this state not included in the definition of com-  
13 mon carrier;

14 (10) "Railroad" means and includes every railroad other than a  
15 street railway, by whatsoever power operated for public use in the  
16 conveyance in this state of persons or property for compensation, with  
17 all bridges, ferries, tunnels, switches, spurs, tracks, stations,  
18 wharves, and terminal facilities of every kind, used, operated, con-  
19 trolled, leased, or owned by or in connection with any railroad;

20 (11) "Street railway" means and includes every railway by whatso-  
21 ever power operated or any extension or extensions, branch, or  
22 branches thereof, for public use in the conveyance in this state of  
23 persons or property for compensation, being mainly upon, along, above,  
24 or below any street, avenue, road, highway, bridge, or public place in  
25 any city or town, and including all switches, spurs, tracks, rights of  
26 trackage, subways, tunnels, stations, terminals and terminal facili-  
27 ties of every kind, used, operated, controlled, or owned by or in con-  
28 nection with any street railway;

29 (12) "Airport" and "landing field" mean and include all airports  
30 and landing fields other than those owned by the state;

31 (13) "Plant" and "equipment" mean and include all real estate,  
32 easements, rights therein and appurtenances thereunto belonging,  
33 buildings, tracks, pipes, mains, poles, wires, and other fixed or sta-

1 tionary construction and equipment, machinery, apparatus, devices,  
2 rolling stock, and tangible property of whatsoever kind and nature and  
3 wherever located, used, controlled, operated, leased, or owned by a  
4 public utility in the conduct of its business;

5 (14) "Liquefied natural gas" means a fluid in the liquid state  
6 composed predominantly of methane and which may contain minor quan-  
7 tities of ethane, propane, nitrogen, or other components normally  
8 found in natural gas;

9 (15) "Natural gas" means the combustible gaseous mixture of  
10 low-molecular-weight, paraffin hydrocarbons, generated below the sur-  
11 face of the earth containing mostly methane and ethane with small  
12 amounts of propane, butane, and hydrocarbons, and sometimes nitrogen,  
13 carbon dioxide, hydrogen sulfide, and helium;

14 (16) "Nonprofit housing development corporation" means a non-  
15 profit corporation, which has been approved as a section 501(c)(3) [26  
16 U.S.C. section 501(c)(3)] corporation by the Internal Revenue Service,  
17 and which is organized and operated primarily for the purpose of pro-  
18 viding housing for low and moderate income persons;

19 (17) "Motor carriers" means any carrier regulated by the adminis-  
20 trator pursuant to chapters 3, 11, 12, 13 and 14 of this title.

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

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highways, parkways or streets, public lands, waters, or parks for the transmission, transportation, or distribution of gas or electric current for sale to the public for light, heat, cooling, or power for providing audio or visual telephonic or telegraphic communication service within this state or any pond, lake, reservoir, stream, well, or distributing plant or system employed for the distribution of water to the consuming public within this state ~~including the water supply board of the city of Providence; however, this definition shall not include the water supply board of the City of Providence;~~ provided, that, except as provided in § 39-16-9 and in chapter 2072 of the public laws, 1933, as amended, this definition shall not be construed to apply to any public waterworks or water service owned and furnished by any city, town, water district, fire district, or any other municipal or quasi-municipal corporation, excepting the water supply board of the city of Providence, unless any city, town, water district, fire district, municipal, or quasi-municipal corporation obtains water from a source owned or leased by the water resources board, either directly or indirectly, or obtains a loan from the board pursuant to the provisions of chapter 15 of title 46, or sells water, on a wholesale or retail basis, inside and outside the territorial limits of the city or town, water district, fire district, municipal or quasi-municipal corporation, except, however, that a public waterworks or water service owned and furnished by any city, town, water district, fire district, or any other municipal or quasi-municipal corporation which sells water, on a wholesale or retail basis, inside and outside its territorial limits shall not be construed as a public utility if it has fewer than 1500 total customer service connections and provided outside sales do not exceed ten percent (10%) of the total water service connections or volumetric sales and provided the price charged to outside customers, per unit of water, is not greater than the price charged to inside customers for the same unit of water, nor to the Rhode Island public transit authority, or to the production and/or distribution of steam, heat, or water by Rhode Island port authority and economic development corporation in the town of North Kingstown; and the term "public utility" shall also mean and include the Narragansett Bay water quality management district commission; and provided that the ownership or operation of a facility by a company which dispenses alternative fuel or energy sources at retail for use as a motor vehicle fuel or energy source, and the dispensing of alternative fuel or energy sources at retail from such a facility, does not make the company a public utility within the meaning of this title solely because of that ownership, operation, or sale; and provided further that this exemption shall not apply to presently regulated public utilities which sell natural gas or are dispensers of other energy sources; and provided further, that the term "public utility" shall not include any company;

(i) Producing or distributing steam or heat from a fossil fuel fired cogeneration plant located at the university of Rhode Island South Kingstown, Rhode Island and

(ii) Producing and/or distributing thermal energy and/or electricity to a state owned facility from a plant located on an adjacent site regardless of whether distribution lines cross a public highway.

\* \* \*

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

95-S 1091

EXPLANATION  
OF AN ACT  
RELATING TO  
PUBLIC UTILITIES COMMISSION

\* \* \*

This Act would remove the Water Supply Board of the City of Providence  
from the jurisdiction of the Public Utilities Commission.  
This Act shall take effect upon its passage.

95-  
STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY  
95-S 1091

JANUARY SESSION, A.D. 1995

AN ACT

RELATING TO PUBLIC UTILITIES COMMISSION

95-S 1091

Introduced By: Senators Ruggerio,  
and Palazzo

Date Introduced: February 16, 1995

Referred To: Senate Committee on  
Corporations

It is enacted by the General Assembly as follows:

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

39-1-2. **Definition.** Terms used in this title shall be construed as follows,  
unless another meaning is expressed or is clearly apparent from the language or  
context:

- (1) "Commission" means the public utilities commission;
- (2) "Commissioner" means a member of the public utilities commission;
- (3) "Chairperson" means the chairperson of the public utilities commission;
- (4) "Division" means the division of public utilities and carriers;
- (5) "Administrator" means the administrator and chief executive officer of  
the division of public utilities and carriers;
- (6) "Company" means and includes a person, firm, partnership,  
corporation, association, joint stock association or company, and his, her, its, or  
their lessees, trustees, or receivers appointed by any court;
- (7) "Public utility" means and includes every company operating or doing  
business in intrastate commerce and in this state as a railroad, street railway,  
common carrier, gas, liquefied natural gas, electric, water, telephone, telegraph,  
and pipeline company, and every company owning, leasing, maintaining,  
managing, or controlling any plant or equipment or any part of any plant or  
equipment within this state for generating, manufacturing, producing, transmitting,  
distributing, delivering, or furnishing natural or manufactured gas, steam,  
electrical, or nuclear energy, heat, light or power, directly or indirectly to or for the  
public, or any cars or equipment employed on or in connection with any railroad or  
street railway for public or general use within this state, or any pipes, mains, poles,  
wires, conduits, fixtures, through, over, across, under, or along any public