

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

April 7, 1994

D.P.U. 90-280

Investigation by the Department on its own motion to consider adopting regulations to limit the retroactive effect of violation(s) of the State Sanitary Code pursuant to 105 C.M.R. § 410.354 and 105 C.M.R. § 410.254.

The Department of Public Utilities is proposing Sanitary Code regulations that establish billing procedures to be implemented by electric and gas companies when billing residential rental property owners cited for Sanitary Code ("Code") violation(s) pursuant to 105 C.M.R. § 410.354 and/or 105 C.M.R. § 410.254. The proposed regulations generally limit to two (2) years the retroactive time period for which a residential rental property owner will be responsible for electric or gas service initially billed by the utility company to the tenant customer.

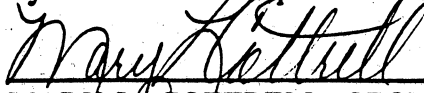
The proposed regulations also provide the residential rental property owner with an opportunity to demonstrate that the electric wiring or gas piping which was the subject of the Code violation minimally effected the cost of service billed by the utility company to the tenant customer. Pursuant to the proposed minimal use standard, the residential rental property owner will be responsible for the cost of electricity or gas required to operate those energy sources wrongfully connected to the meter serving the dwelling unit which was the subject of the Code violation. The proposed minimal use standard will allow the tenant customer to be made whole for any electric or gas charges that he or she wrongfully paid while occupying the dwelling unit during the period of existence of the Code violation. The proposed minimal use standard will only apply in those cases in which heating, hot water (i.e. heating of hot water) and/or air conditioning are not the subject of the Code violation.

A copy of the proposed regulations may be obtained upon request from Mary L. Cottrell, Secretary, Department of Public Utilities, 100 Cambridge Street, 12th Floor, Boston, Massachusetts 02202 (617) 727-3500.

A public hearing will be held to receive comments on the proposed regulations on Thursday, May 26, 1994 at 10:00 A.M. at the Department in the hearing room at the address identified above.

Preliminary written comments on the proposed regulations may be submitted to the Secretary to the Department no later than 5:00 P.M. on Thursday, May 19, 1994. Final written comments are due no later than 5:00 P.M. on Monday, June 6, 1994.

By Order Of the Department


MARY L. COTTRELL, SECRETARY

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Consent Communication #4 8-177

Notice of an investigation from Dept.
of Public Utilities proposing sanitary
code regulations that establish billing
procedures.

In City Council April 25, 1994

Referred to City Mgr.
Copy sent 4/27/94 mcv