

Municipal Light Plants are governed by sections 34-69F of Massachusetts General Laws, [chapter 164](#). What follows is an unofficial plain-language summary of the relevant sections. Certain sections (e.g., regarding electricity delivery by street railways, cadet engineers) have been left out.

Creating MLPs, what they can do:

Towns may vote to “acquire” a municipal light plant ([36](#), [37](#), [38](#), [39](#)) and the town may incur debt ([40](#)) to “construct, purchase or lease, and maintain” such a plant for gas, electricity, community antenna television system ([34](#)), and which may provide telecommunications services ([47E](#)). An important and broad sentence in [47E](#) is “**Wherever apt, the provisions of [this chapter](#) and [chapter 44](#), which apply to the operation and maintenance of a municipal lighting plant, shall apply also to the operation and maintenance of such telecommunications system.**” Towns may pass ordinances or bylaws to protect the plant ([62](#)). Once the town has voted to establish a plant it can’t revoke any rights already granted ([67](#)). Selling a plant requires the same voting process as creating one, and also requires notice to the state and a public hearing ([68](#)). The supreme judicial court for the county has jurisdiction for enforcement and for petitions regarding prices ([69](#)).

Control of an MLP

A town **may** elect a 3 or 5 person municipal light board ([55](#)). The selectboard or municipal light board (if any) **shall** appoint a manager of municipal lighting to manage and operate the plant ([56](#)). **If the town does not choose to elect a municipal light board, then the manager reports to the selectboard directly** ([56](#)). The manager must make an annual report regarding income, expenses, bond payments, etc. in order for the town to budget appropriately ([57](#)). The town may pay MLP bills in advance of receipts ([57A](#)), and shall appropriate money from bonds or notes ([57B](#)) and from an insurance escrow account ([57C](#)) for the MLP. Records must be kept and submitted ([63](#)).

Enlarging or extending MLPs

Towns may enlarge plants ([41](#)) in accordance with a new vote ([ch 44-s8](#)), may purchase existing plants ([42](#), [43](#)) including equipment in adjoining towns ([46](#)) and may then provide service to the adjoining town or its inhabitants ([46](#)). The state may authorize a town to extend its lines into an adjoining town ([47](#)). The municipal light board may also build or use distribution and generation systems outside of the town’s limits ([47B](#)).

Cooperatives of multiple MLPs

MLPs may form cooperatives ([47C](#)) which are exempt from public records and open meeting requirements in some situations ([47D](#)). The cooperatives and member MLPs may provide telecommunications services ([47E](#)).

Purchasing electricity or gas (and Internet services)

Towns may purchase electricity or gas from other towns or from private corporations (51). Under the last sentence of 47E, this would apply to telecommunications services like Internet connectivity as well.

Dealing with customers

Prices may not change more often than every three months (58) and must report such changes to the state (59). Service is not required to be universal (60). A town may pass a bylaw requiring the owner to pay part of the installation cost (61). A deposit may be required in advance of service (58A). Unpaid charges may be filed as a lien on property (58B, 58C) and may be added to real estate tax bills (58D, 58E, 58F).

Other ways of creating MLPs and similar entities

The legislature may also establish an independent municipal light commission (56A, 56B, 56C, 56D) which has the same powers as the selectboard and municipal light board with regard to this chapter. The legislature may also authorize a town to create an MLP by special act, which is subject to this chapter (65, 66)