

Contracts for Energy and Energy-Related Services Reporting Requirements

Provided that certain reporting requirements are met, M.G.L. c. 30B, § 1(b)(33) exempts contracts for energy and energy-related services entered into by jurisdictions that are subject to M.G.L. c. 30B (governmental bodies). The OIG interprets the term "energy," which is not defined in any applicable statute, to apply only to electricity and natural gas commodity contracts. Contracts for fuel sources other than electricity and natural gas, such as gasoline, fuel oil and propane, are all supply contracts that are not included in the exemption and must be competitively procured. Electricity and natural gas contracts with local distribution companies to which your jurisdiction is assigned based on geography are subject to M.G.L. c. 30B but may fall within a sole-source procurement exception. Although M.G.L. c. 30B does not define "energy-related services," the Massachusetts Supreme Judicial Court held that contracts with energy brokers are contracts for energy-related services that must be reported to the OIG and other state agencies, as explained further below.²¹⁶

M.G.L. c. 30B, § 1(b)(33), requires that within 15 days of contract execution, a governmental body must forward a copy of any electricity or natural gas contract to which it is a party and a report of the process used to execute the contract to 1) the Department of Public Utilities, 2) the Department of Energy Resources, and 3) the OIG.

To comply with the requirements of the law, please send a copy of a contract and a report of the process used to execute the contract to each of the three required entities. The OIG prefers governmental bodies to submit information by email, while the Department of Public Utilities requires governmental bodies to submit information by both mail and email. We recommend keeping a copy of the submissions in your procurement file, along with copies of all relevant documents, to demonstrate compliance with the law.

You may send an email with attachments to the following email addresses:

Peter.Ray@mass.gov; doer.energy@mass.gov; IGO-EnergyContracts@mass.gov

Subject line: **Chapter 30B Energy Contract Report**

Sample email language:

By email dated _____, I am providing a copy of a contract and a report of the process used to execute the contract to 1) the Department of Public Utilities, 2) the Department of Energy Resources, and 3) the Office of the Inspector General in compliance with M.G.L. c. 30B, § 1(b)(33).

Name

Title

Name of Contract

Date of Contract Execution

²¹⁶ See *Northeast Energy Retailers v. Mahar Regional School District*, 462 Mass. 687, 699-700 (2012).

Contracts for Energy and Energy-Related Services Reporting Requirements – continued

If you submit the report and copy of the contract by mail, please use the following addresses:

Department of Public Utilities
c/o Peter Ray, Secretary
One South Station, 3rd Floor
Boston, MA 02110

Department of Energy Resources
Office of the General Counsel
100 Cambridge Street, Suite 1020
Boston, MA 02114

Office of the Inspector General
One Ashburton Place, Room 1311
Boston, MA 02108

For more information, see:

<https://www.mass.gov/how-to/file-a-30b-energy-contract-with-the-dpu>

<https://www.mass.gov/orgs/massachusetts-department-of-energy-resources>