

HOUSE No. 3367

By Ms. Reinstein of Revere, petition of Kathi-Anne Reinstein relative to the regulation of rates of community antenna television systems. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE REGULATION OF RATES OF COMMUNITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 166A of the General Laws is hereby amended by striking
2 out Section 15, as appearing in the 2004 Official Edition, and
3 inserting in place thereof the following section:

4 Section 15. The issuing authority may upon its own motion or
5 upon the request of a licensee, after due hearing and investigation,
6 fix and establish for the community antenna system, in its city or
7 town a fair and reasonable rate of return from subscription rates
8 charged to subscribers, said rates to be adequate, just, reasonable and
9 non-discriminatory. Notwithstanding any other provision of this
10 paragraph, the issuing authority may, after due hearing and investi-
11 gation, suspend regulation of rates and charges in any cable televi-
12 sion system upon a finding that adequate competitive alternatives
13 exist to the provision of services offered by cable television systems.
14 In the event of such suspension, the issuing authority shall, by over-
15 sight and surveillance, review periodically any facts or standards
16 employed in determining the presence of said competition.

17 The issuing authority shall cause notice of the time and place of
18 every such hearing to be published in at least 1 newspaper of general
19 circulation in the municipality or service area affected.

20 Such notice and schedule shall be in such form as the division
21 may deem expedient.

22 The issuing authority may make, and, at any time, alter or amend,
23 reasonable rules and regulations to facilitate the operation of this
24 section and enforce the application of the rates fixed and established

25 by them, may conduct hearings and investigations under this section,
26 and may at any time require any company to file with them such
27 data, statistics, schedules, or information as they may deem proper
28 or necessary to enable them to fix and establish or secure and main-
29 tain fair and reasonable rates. It may issue such orders as they find
30 proper, expedient or necessary to enforce and administer the provi-
31 sions of this section, to secure compliance with any rules or regula-
32 tions made there under, and to enforce adherence to the rates fixed
33 and established by them. The superior court for the county of Suf-
34 folk shall have jurisdiction in equity upon the petition of the issuing
35 authority and after a summary hearing, to enforce all lawful orders
36 of the issuing authority. Memoranda of all actions, orders findings
37 and decisions of the issuing authority shall be signed by the mayor
38 or board of selectmen and filed in their offices as public records.

39 Any person or company aggrieved by any action, order finding or
40 decision of an issuing authority under this section may within 45
41 days of such action, order finding or decision file a petition in the
42 superior court department of the county in which the city or town is
43 located for a review of such action, order, finding or decision. An
44 order of notice returnable not later than 7 days from the filing of
45 such petition shall forthwith issue and be served upon the issuing
46 authority. Within 10 days after the return of said order of notice, the
47 petition shall be assigned for a speedy and summary hearing on the
48 merits. The action, order, finding or decision of the issuing authority
49 shall remain in full force and effect pending the final decision of the
50 court or a justice thereof, after notice to the issuing authority, shall
51 otherwise order.

52 The court shall have jurisdiction in equity to modify, amend,
53 annul, reverse, or affirm such action, order, finding, or decision,
54 shall review all questions of fact and of law involved therein and
55 may make any appropriate order or decree. The decision of the court
56 shall be final and conclusive on the parties. The court may make
57 such order as to costs as it deems equitable. The court shall make
58 such rules or orders as it deems proper to secure prompt and speedy
59 hearings and to expedite final decisions thereon.