



**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 09-1

March 19, 2014

Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to General Law Chapter 159, Section 16, of the telephone service quality of Verizon New England Inc., d/b/a Verizon Massachusetts, in Berkshire, Hampden, Hampshire, and Franklin Counties.

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**NOTICE OF INTENT TO CLOSE INVESTIGATION**

On June 1, 2009, in response to consumer complaints, the Department of Telecommunications and Cable (“Department”) opened an investigation (“Investigation”) of the telephone service quality provided by Verizon New England Inc., d/b/a Verizon Massachusetts (“Verizon MA”), to its customers in western Massachusetts. *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Order Opening Investigation (June 1, 2009). As discussed herein, the complaints leading to the Investigation have been addressed by Verizon MA to the satisfaction of the Office of the Attorney General of Massachusetts (“Attorney General”), and the Department intends to close its Investigation.

The Department opened its Investigation of the telephone service quality provided by Verizon MA to its customers in Berkshire, Hampden, Hampshire, and Franklin Counties (“Western Massachusetts”). *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Order

Opening Investigation. As part of the Investigation, the Department held five public hearings in Western Massachusetts<sup>1</sup> where residents and municipal officials provided testimony regarding their experiences with Verizon MA's service quality. See *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Notice of Pub. Hearing (rel. June 4, 2009); *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Notice of Pub. Hearing & Extension of Deadline for Written Comments & Petitions for Leave to Intervene (July 8, 2009). Discovery was taken over a course of more than seven months. *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Procedural Notice (rel. Sept. 4, 2009) (establishing the procedural schedule for the Investigation, including discovery); Parties' Request for Change to Procedural Schedule, *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1 (Oct. 15, 2009) (requesting the Department revise the rolling discovery date).

On December 16, 2010, the Attorney General and Verizon MA, along with other parties to the Investigation, including the International Brotherhood of Electrical Workers ("IBEW") and the Towns of Egremont ("Egremont"), Hancock ("Hancock"), and Leverett ("Leverett") (the "Parties")<sup>2</sup> filed a Joint Motion for Approval of Settlement ("Joint Motion") and Settlement Agreement. On January 26, 2011, the Department conducted a public hearing and inquiry

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<sup>1</sup> The public hearings were held in the Towns of Greenfield, Florence, Pittsfield, Westfield, and Chester.

<sup>2</sup> The Towns of Shutesbury ("Shutesbury") and Rowe ("Rowe") were also parties to this Investigation but did not join the Joint Motion. In the case of Shutesbury, the 33 Verizon customers who petitioned the Department on behalf of their own town, pursuant to G. L. c. 159, § 24, did not participate in the Investigation after filing their complaint. Transcript of Jan. 26, 2011 Pub. Hearing & Dep't Inquiry Into Joint Motion & Settlement Agreement ("TR.") at 1064:2-1064:18. In the case of Rowe, its attorney informed Assistant Attorney General Sandra Callahan Merrick that Rowe "was continuing to only monitor the case and that the Town did not have an objection to the settlement agreement." Email of Sandra Merrick to Alexander E. Moore, et al., dated Jan. 19, 2011, attached as Exhibit 1 to the TR. As stated in the Joint Motion and during the aforementioned hearing, the Settlement Agreement was negotiated by the Parties with the expectation that the steps undertaken by Verizon would address the service quality issues in Western Massachusetts, including those raised by Shutesbury and Rowe. *E.g.*, Joint Motion at ¶ 3 ("The Settlement Agreement is in the public interest since it will provide benefits to consumers, in the form of improved telecommunication infrastructure and service, and requires additional reporting by Verizon MA of its service quality performance in Western Massachusetts. The [Settlement] Agreement is intended to fully resolve the Department's investigation in this proceeding.").

(“Hearing”) into the Joint Motion and Settlement Agreement. The public was invited by the Department to attend the Hearing and provide comments in person or submit written comments regarding the Joint Motion and Settlement Agreement. *In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Notice of Pub. Hearing & Inquiry, at 1-2 (Jan. 13, 2011). Representatives from the Attorney General’s Office, Verizon MA, and IBEW attended the Hearing.

During the Hearing, the Department reviewed each operative provision of the Settlement Agreement and confirmed the Parties’ mutual accord as to the intent of each provision. TR. at 1060:10-1061:13. The Settlement Agreement outlines Verizon MA’s duty to:

- (1) Survey and complete repair work by December 31, 2010, in 33 wire centers serving 65 municipalities;
- (2) Improve the condition of its telephone network in 34 additional wire centers within 15 months;
- (3) File quarterly reports by Verizon to ensure a continued focus on maintaining and improving its telephone network; and
- (4) Provide more detail in the information in its service quality reporting, including specific reporting on the Western Massachusetts Region.

*In re Verizon Serv. Quality in W. Mass.*, D.T.C. 09-1, Settlement Agreement at ¶1.1-1.10 (approved June 4, 2009). The Joint Motion was approved by the Department on February 10, 2011.

Per the Settlement Agreement, Verizon MA’s obligations pursuant to ¶1.3 through and including 1.7 of the Settlement Agreement was scheduled to terminate three years from the entry

of the Departments approval of the Settlement Agreement, or upon completion of all survey and repair work required by ¶1.1, whichever occurred first. *Id.* at ¶1.8.

On January 15, 2014, the Attorney General's Office informed the Department that it considered the service quality issues in Western Massachusetts resolved. Accordingly, the Department intends to close its Investigation in 45 days from the date of this Notice.

Any person desiring further information regarding this Notice may contact: Catrice Williams, Secretary to the Department of Telecommunications and Cable, 1000 Washington Street, Suite 820, Boston, Massachusetts 02118-6500, email [Catrice.Williams@state.ma.us](mailto:Catrice.Williams@state.ma.us).

BY ORDER OF THE DEPARTMENT,

*/s/ Geoffrey G. Why*  
Geoffrey G. Why, Commissioner