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October 28, 2016

Via Electronic and First Class Mail

Sara J. Clark, Secretary
Department of Telecommunications & Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

RE: D.T.C. 16-2: Investigation by the Department of Telecommunications and Cable, On its Own Motion, Instituting A Rulemaking and Regulation Review Pursuant to G.L. c. 30A, 207 C.M.R. § 2.00, 220 C.M.R. § 2.00, and Executive Order No. 562, To Reduce Unnecessary Regulatory Burdens

Dear Ms. Clark:

On September 6, 2016, the Department of Telecommunications and Cable ("DTC") issued an Order Instituting a Rulemaking (docketed as D.T.C. 16-2) and requested comments from interested stakeholders regarding proposed amendments to the DTC's telecommunications and cable-related regulations in Titles 207 and 220 of the Code of Massachusetts Regulations ("Order"). The Department of Public Utilities ("DPU") submits these comments in response to the DTC's Order.

To begin, the DPU requests that the DTC incorporate into the present D.T.C. 16-2 docket the DPU's August 14, 2015 comments filed in response to the DTC's Request for Comment and Notice of Listening Session issued on July 27, 2015. While some of the concerns identified in the prior comments have been clarified by the DTC's Order and by the proposed amendments in the present proceeding, DPU seeks to include its concerns regarding the regulation review process in light of the shared history of the DPU and the DTC as part of the record in the present proceeding.

Turning to the proposed amendments at issue in the DTC's Order, the DPU supports the DTC's proposal to shift from Title 220 the telecommunications-related regulations, with the exception of 220 C.M.R. § 45.00, into Title 207 and to promulgate its own versions of 220 C.M.R. §§ 1.00, 2.00, 5.00, 13.00, 15.00, 26.00, and 37.00 into Title 207. The DPU takes the position that these changes will help to minimize any confusion regarding each agency's respective jurisdiction and will preclude the need for application of outdated versions of Title 220 sections.

The DPU makes one specific comment regarding proposed 207 C.M.R. § 26.02(2). The DPU notes that Federal Reserve Statistical Release G.13(415) was replaced by Federal Reserve Statistical Release H.15 and thus § 26.02(2) should be revised to include the updated reference. Aside from noting this outdated reference, the DPU take no position on any of the DTC's proposed versions of Title 220 chapters to be included in Title 207 or on any other proposed amendments to the cable regulations in Title 207. Nor does the DPU take a position on the DTC's proposal to refrain from promulgating into Title 207 its own versions of 220 C.M.R. §§ 16.00, 77.00, 78.00, 126.00, and 273.00.

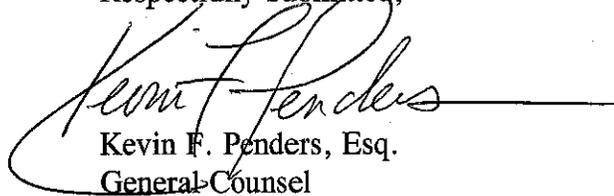
Next, as the DTC notes, the DPU "will independently propose to amend Title 220 to remove that Title's applicability to telecommunications common carriers." Order at 3. The DPU will endeavor to initiate promptly a rulemaking proceeding to rescind telecommunications-specific provisions in Title 220. Specifically, the DPU intends to rescind in their entirety 220 C.M.R. §§ 13.00, 15.00, 16.00, 37.00, and 273.00 as those chapters fall beyond the DPU's statutorily-mandated jurisdiction. Additionally, the DPU intends to amend 220 C.M.R. §§ 5.00 and 26.00 to preclude these chapters applicability to telecommunications carriers by removing all telecommunications-related references.

As part of its own regulation review pursuant to Executive Order No. 562, the DPU has amended 220 C.M.R. §§ 1.00, 2.00, 5.00, 77.00. See Order Adopting Final Regulations, D.P.U. 15-183-A (May 31, 2016). Also, as part of this review, the DPU determined that 220 C.M.R. § 78.00 did not require amendment, and thus § 78.00 remains unchanged since its last revision in 1993. At this time, the DPU does not foresee the need for any further action on the aforementioned chapters and will continue to apply each of its Title 220 regulations to those regulated entities within its statutorily-mandated jurisdiction.

Last, the DPU will coordinate with the DTC on any joint proceeding to amend 220 C.M.R. § 45.00, the pole attachment regulations over which the two agencies share jurisdiction. The DPU seeks to work cooperatively with the DTC to meet the requirements of Executive Order No. 562.

In conclusion, the DPU supports the DTC's proposal to shift its telecommunications regulations from Title 220 into Title 207, with the exception of 220 C.M.R. § 45.00 which the agencies will address jointly in a separate proceeding. Thank you for the opportunity to provide these comments. Please feel free to contact me directly at (617) 305-3500 should you wish to discuss any of the information provided herein.

Respectfully Submitted,



Kevin F. Penders, Esq.
General Counsel

cc: Angela O'Connor, Chairman, DPU
Sandra Callahan Merrick, General Counsel, DTC