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October 31, 2016

VIA ELECTRONIC FILING AND FEDERAL EXPRESS

Sara Clark, Secretary
Department of Telecommunications and Cable
1000 Washington Street
Suite 820
Boston, MA 02118-6500

RE: D.T.C. 16-2
Investigation by the Department of Telecommunications and Cable, On its Own Motion, Instituting a Rulemaking and Regulatory 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 Regulatory Burdens

Dear Ms. Clark:

On behalf of the New England Cable & Telecommunications Association, Inc. ("NECTA") enclosed please find Comments in response to the Department of Telecommunications and Cable's (the "Department") September 6, 2016 Notice of Public Hearing and Request for Comments ("Notice") in connection with the above-referenced proceeding.

Specifically, NECTA offers Comments regarding 207 CMR 10.02 and 220 CMR 5.06.

Please do not hesitate to contact the undersigned should you have any questions regarding this submission.

Very truly yours,

David W. Bogan

DWB/dw

Enclosure

AM 60245667.1

The Department commenced its review in July of 2015, by Request for Comment and Notice of Listening Session. The Department noted Executive Order 562's directive for each agency to undertake review of its regulations in order to reduce their number, length, and complexity, and provides guidelines to be considered in undertaking the agency's review. The Department, invited comment, and scheduled a "listening session" for August 19, 2015. NECTA participated in the "listening session," and submitted comments in response to the July 27, 2015 Notice on August 14, 2015, and in response to subsequent notices on October 20, 2015, and December 9, 2015.³

II. Discussion

NECTA commends the Department for its work in response to Governor Baker's *Executive Order 562 to Reduce Unnecessary Regulatory Review*. NECTA, on behalf of its members, has been an active participant in Department proceedings for many years, and has long advocated that the Department's regulation of telecommunications and video providers be consistent with the competitive market for communications services and resulting changes in consumer behavior. NECTA agrees that elimination of unnecessary regulatory requirements which deter new and existing competitors from launching innovative, customer-beneficial new services and features, and which increases the cost of compliance with no measureable consumer benefit is in the public interest.

The Department's efforts in response to the Executive Order are consistent with these objectives. The primary change is the Department's proposal to codify the majority of cable and telecommunications regulations within Title 207, except for those within Title 220 that remain the joint province of the DTC and its sister agency, the Department of Public Utilities. The

³ NECTA requests that the Department incorporate the August 14, 2015, October 20, 2015, and December 9, 2015 Comments in the record of this proceeding.

result is a set of regulations that streamline the process for the Department, and will generally serve to promote continued development of the competitive market for cable and telecommunications services.

NECTA concurs with the majority of changes proposed by the Department. However, NECTA offers comments on the following provisions:

207 CMR 10.00: BILLING AND TERMINATION OF SERVICE

220 CMR 5.00: TARIFFS, SCHEDULES AND CONTRACTS

Among other changes to these sections are two provisions that propose to require that carriers provide 30-days notice of any rate changes for 1) cable customers (207 CMR 10.02); and 2) business and residential telecommunications customers (220 CMR 5.06). NECTA asks that the Department reconsider each of the proposed 30-day notice provisions.

First, with respect to Section 10.02(2), the fact is that increases to rates, charges, fees, or programming are often beyond the control of the operator. As such, the operator is unable to satisfy the 30-day requirement. NECTA renews its request that the rule be revised to mirror federal rule 47 CFR 76.1603, which requires that the operator provide notice of such changes within 30 days, except in cases where the change is beyond the operator's control. In cases where the event is beyond the operator's control, notice shall be provided as soon as possible.

The 30-day notice requirement proposed to Rule 5.06 would memorialize in regulation the requirement to notify customers of rate increases imposed by the Department in the February 8, 2002, Industry Notice, Customer Notice of Rate Increases. The proposed change to enter this requirement to regulation came as a surprise, as there was no indication that the Industry Notice has been ineffective. Moreover, enshrinement in regulation appears contrary to the Executive

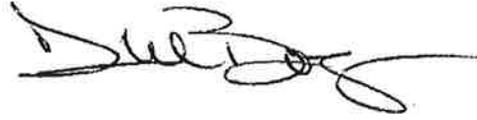
Order's mandate to eliminate regulatory burdens absent a compelling need. In today's highly competitive market for communications services, with an array of providers and service options, an absolute 30-day notice requirement for rate changes is simply too long, and contrary to efforts to provide a regulatory landscape that promotes innovative customer offerings. NECTA respectfully asks that the proposed requirement be eliminated, in favor of reasonable flexibility.

III. CONCLUSION

The Department's hard work is evident in the proposed changes and consolidation of the rules subject to its charge. NECTA commends the Department and submits that adoption of the changes discussed herein will enhance the Department's ability to regulate in a manner that promotes the further development of the Commonwealth's market for communications services, consistent with the goals of the Executive Order.

Respectfully submitted,

NEW ENGLAND CABLE &
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ASSOCIATION, INC.



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