

207 CMR 12.00: TARIFFS AND RATE SCHEDULES

Section

- 12.01: Applicability and Definitions
- 12.02: Format of Tariffs
- 12.03: Letters of Advice
- 12.04: Posting of Rates
- 12.05: Dates
- 12.06: Notice of General Rate Increases to Customers
- 12.07: Severability

12.01: Applicability and Definitions

(1) Applicability. 207 CMR 12.00 shall apply to all common carriers subject to the Department's jurisdiction.

(2) Definitions. The following terms, as used in 207 CMR 12.00, shall have the following meanings:

Company. A common carrier subject to the Department's jurisdiction.

Department. The Massachusetts Department of Telecommunications and Cable.

Tariff. A schedule of rates, terms, and conditions approved by and on file with the Department.

(3) Waiver. Where good cause appears, not contrary to statute, the Department may permit deviation from 207 CMR 12.00.

12.02: Format of Tariffs

(1) Form. All tariffs and proposed tariffs shall be submitted on a form prescribed by the Department.

(2) Filing.

(a) One copy of all proposed tariffs shall be filed with the Department on the Department website, or by such other means as it may deem advisable. The filing shall also attach Letters of Advice as described in 207 CMR 12.03.

(b) The filing of a tariff or proposed tariff or the terms, conditions, or regulations in connection therewith, shall not be considered the adoption of a regulation under 207 CMR 2.00: *General Rules*.

(3) Contents.

(a) Each tariff and proposed tariff shall show prominently the name and address of the company, firm, association, or individual responsible, together with the name and address of any independent agency filing the tariff.

(b) Each tariff and proposed tariff shall show plainly all requisite detail fully to explain the basis of all charges to be made and all rules and regulations governing the same. This information shall include that required by and customarily filed with the Federal Communications Commission.

(4) Numbering and Effective Date.

(a) Each tariff and proposed tariff shall be designated by an individual number progressing from that last filed by the same party or, in case of a new series, from No. 1. The number shall be preceded by the letters "M.D.T.C.". Each shall show plainly, in a prominent place, the date issued and date to become effective. When forwarding, sufficient time must be allowed to cover transmission in order that proposed tariffs may become effective on date specified which, in the case of common carriers, is 30 days after the filing with the Department.

(b) Expedited Effective Dates. A Company may request that a proposed tariff go into effect on less than 30 days notice. Such a request must:

12.02: continued

1. specify the reason the Company is requesting effectiveness of the proposed tariff in less than 30 days;
2. specify the requested effective date; and
3. include the necessary filing fee for each request, in addition to the tariff filing fee.

12.03: Letters of Advice

(1) Transmittal Letter. All proposed tariffs at time of filing shall be accompanied by a letter of transmittal addressed to the Department Secretary, showing the name of issuing party, individual tariff number, and effective date. The Transmittal Letter may be combined with the Letter of Explanation and should be sent in duplicate. One copy shall be stamped and returned to the sender to show the date of filing.

(2) Letter of Explanation. All proposed tariffs at time of filing shall be accompanied by a letter of explanation. The letter shall summarize the filing, including any revisions made, and shall include the specific tariff number and the specific pages and section numbers being filed for consideration.

12.04: Posting of Rates

All rates, charges and prices set forth in tariffs filed with the Department by a Company in accordance with 207 CMR 12.00 shall be printed by the Company, and copies thereof shall be made available at the Company's offices.

12.05: Dates

All matters required to be filed under 207 CMR 12.00 shall be deemed to have been filed on the date of receipt by the Department.

12.06: Notice of General Rate Increases to Customers

(1) All common carriers shall provide at least 30 days advance written notice to business and residential customers of any proposed increase to retail rates or charges. Notice shall be provided through a bill insert, bill message, separate mailing, or similar means. Website postings and toll-free recordings are not sufficient.

(2) A copy of any Notice of Rate Increase provided to customers shall be included in any proposed tariff filing submitted to the Department.

12.07: Severability

The provisions of 207 CMR 12.00 shall be deemed severable if any particular provision(s) is (are) rendered invalid by judicial determination or by statutory amendment.

REGULATORY AUTHORITY:

207 CMR 12.00: M.G.L. c. 159, §§ 17 and 19.