

220 CMR 37.00: AUTOMATIC TELEPHONE DIALING SYSTEMS

Section

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37.01: Purpose and Scope

The purpose of 220 CMR 37.00 is to implement the requirements of M.G.L. c. 159, §§ 19B through 19D, by prescribing regulations specifying the manner in which customers of local telephone exchange service may notify common carriers providing such service that the customer does not wish to receive telephone calls from an automatic dialing system.

37.02: Definitions

Automatic telephone dialing system shall mean any automatic terminal equipment which is capable of storing numbers to be called or producing numbers to be called, using a random or sequential number generator, and with the ability to call such numbers, and which is capable of delivering a prerecorded message to the number called, with or without manual assistance.

Common carrier shall mean any corporation, person, partnership or any other organization subject to the Department's jurisdiction pursuant to M.G.L. c. 159 providing local exchange service for sale to subscribers, and resellers of such service for public use.

Department shall mean the Department of Public Utilities.

Local telephone exchange service shall mean any service that provides a customer with access to a public exchange telephone network.

Reseller shall mean any corporation, partnership, person or other organization that purchases local telephone exchange service and resells such service to a subscriber of said service.

Subscriber shall mean any ultimate user of local telephone exchange service, but shall not include transient users.

Transient user shall mean any ultimate user of local telephone exchange service that does not use such service for incoming telephone calls on a regular basis, including, but not limited to, users of coin-operated telephones and those residing on a temporary

basis in hospitals, hotels and motels.

37.03: Submission and Approval of Implementation Plan

- (1) Every common carrier providing local telephone exchange service on the promulgation date of 220 CMR 37.00 shall submit to the Department, no later than 30 days after such date, a proposed implementation plan consistent with the requirements of 220 CMR 37.04.
- (2) Every common carrier that begins to provide local telephone exchange service after the promulgation date of these regulations shall submit to the Department, no later than 30 days after beginning such service, a proposed implementation plan consistent with the requirements of 220 CMR 37.04.
- (3) An implementation plan proposed by a common carrier pursuant to this section shall go into effect upon approval by the Department pursuant to such terms, conditions or modifications as the Department may order.
- (4) Any implementation plan approved by the Department pursuant to 220 CMR 37.03(3) shall remain in effect until and unless modified or cancelled by Order of the Department.

37.04: Requirements of Implementation Plan

The implementation plan shall have, at a minimum, the following elements:

- (1) The implementation plan shall establish a method for notifying all present subscribers of their right to request that they not receive calls from automatic telephone dialing systems and of the fact that, if they indicate that they do not wish to receive such calls, their telephone number will be placed on a list of subscribers not desiring such calls that will be provided to persons using such systems. The notification to subscribers shall include information specifying the time and manner in which a subscriber may notify the common carrier of its desire to be placed on such a list.
- (2) The implementation plan shall provide that notification to subscribers described in 220 CMR 37.04(1) shall be made within 60 days after approval of the implementation plan and not less frequently than annually thereafter. New subscribers shall be so notified within 60 days after the initiation of service and not less than annually thereafter.
- (3) The implementation plan shall specify the manner in which a subscriber may revoke notification that said subscriber does not wish to receive calls from an automatic telephone dialing system.

- (4) The implementation plan shall specify the manner in which the common carrier will make available to persons using an automatic dialing system the telephone numbers of persons who do not wish to receive such calls.
- (5) An implementation plan for a common carrier that sells local exchange service to a reseller shall provide for the coordination with the reseller of the compilation of the lists of subscribers not desiring calls placed by an automatic dialing system.

REGULATORY AUTHORITY

220 CMR 37.00: M.G.L. c. 159, §§ 19B through 19F