COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 16-2 August 23, 2017

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

ORDER ADOPTING FINAL REGULATIONS

I. INTRODUCTION AND BACKGROUND

By Executive Order No. 562, the Governor directed each executive agency, including the Department of Telecommunications and Cable ("D.T.C."), to undertake an immediate review of its regulations. Office of the Governor, Commonwealth of Massachusetts, Executive Order No. 562 (Mar. 31, 2015) ("Executive Order 562"). The Governor directed agencies to rescind, revise, or simplify their regulations in accordance with the requirements of Executive Order 562, and to retain or modify only those regulations that are mandated by law or essential to the health, safety, environment, or welfare of the Commonwealth's residents. *Id.*, §§ 2, 3.

Pursuant to Executive Order 562, the D.T.C. reviewed its regulations and adopts final regulations as explained below. The D.T.C.'s regulations have resided in two Titles of the Code of Massachusetts Regulations ("C.M.R."), with cable regulations located in Title 207 and telecommunications regulations located in Title 220. However, the Secretary of the Commonwealth has assigned Title 220 to the D.T.C.'s sister agency, the Department of Public

Utilities ("D.P.U.").[1] Due to the joint history of the D.P.U. and the D.T.C., several chapters within Title 220 have remained within the regulatory purview of the D.T.C., including certain chapters that have been used by both the D.T.C. and the D.P.U. and are applicable to industries regulated by both agencies. With the exception of 220 C.M.R. 45.00, which will continue to apply to both the D.T.C. and the D.P.U., with this Order, the D.T.C. adopts all D.T.C. regulations to Title 207.[2] Specifically, the D.T.C. adopts final regulations in 207 C.M.R. 1.00, 2.00, 3.00, 4.00, 6.00, 10.00, 12.00,[3] 13.00, 15.00, and 37.00.[4] The D.T.C. does not adopt in Title 207 versions of 220 C.M.R. 16.00, 26.00, 77.00, 78.00, and 273.00.

II. PROCEDURAL HISTORY

Pursuant to Executive Order 562, on July 27, 2015, the D.T.C. requested initial public comment on its regulations, and on August 19, 2015, the D.T.C. held a public listening session on the same.[5] Taking into account the written public comments and input received at the public

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1 Pursuant to Chapter 19 of the Acts of 2007, the Department of Telecommunications and Energy ("D.T.E.") was dissolved and the D.T.C. and D.P.U. were created to separate the specific regulatory authorities. St. 2007, c. 19. The D.T.E. was created by statute in 1997. St. 1997, c. 164, § 28.

2 With the exception of 220 C.M.R. 45.00 and 220 C.M.R. 126.00, which contains safety regulations applicable to telephone, telegraph, and community television antenna lines but is under the jurisdiction of the D.P.U., the D.P.U. is amending Title 220 to remove that Title's applicability to telecommunications carriers. *See Investigation of the Dep't of Pub. Utils., on its own motion, instituting a rulemaking pursuant to G.L. c. 30A, § 2; 220 C.M.R. § 2.00 et seq.; & Exec. Order 562 to amend or rescind 220 C.M.R. §§ 5.00, 13.00, 15.00, 16.00, 26.00, 37.00, & 273.00*, D.P.U. 17-33, *Order Instituting Rulemaking* (Feb. 10, 2017) ("*D.P.U. Order Instituting Rulemaking*"); D.P.U. Comments at 2 (Oct. 28, 2016). The D.T.C. and the D.P.U. will address 220 C.M.R. 45.00 in a separate, joint proceeding.

3 207 C.M.R. 12.00 was previously referred to in this proceeding as 207 C.M.R. 5.00. However, chapter 5.00 is reserved in Title 207, and the Secretary of the Commonwealth directed the D.T.C. to adopt its "Tariffs and Rate Schedules" regulations at 207 C.M.R. 12.00. *See* Tr. at 15.

4 The final regulations, which will become effective upon publication in the Massachusetts Register, are attached to this Order.

5 AT&T New England, Inc. ("AT&T"), the D.P.U., the New England Cable & Telecommunications Association, Inc. ("NECTA"), Norwood Municipal Light Department ("NMLD"), Verizon New England Inc. ("Verizon"), and Windstream Communications, Inc. ("Windstream") filed written comments in response to the D.T.C.'s initial request for comment. AT&T and Verizon request that the D.T.C. expand its review to cover D.T.C. directives outside of the C.M.R. AT&T Comments at 7 (Oct. 31, 2016); AT&T Comments at 4 (Aug. 14, 2015); Verizon Comments at 2-3 (Aug. 14, 2015). These requests are outside the

listening session, on October 6 and November 6, 2015, the D.T.C. issued Hearing Officer recommendations on each of its regulations, and requested further comment on each of those recommendations.[6] In light of that review, on September 6, 2016, the D.T.C. opened a formal rulemaking to amend its regulations and issued a set of proposed regulations. *Investigation by the Dep't of Telecomms. & Cable, On its Own Motion, Instituting A Rulemaking & Regulation Review Pursuant to G.L. c. 30A, 207 C.M.R. § 2.00, 220 C.M.R. § 2.00, & Exec. Order No. 562 To Reduce Unnecessary Regulatory Burdens*, D.T.C. 16-2, ("D.T.C. 16-2"), *Order Instituting Rulemaking* (Sept. 6, 2016) ("*D.T.C. Order Instituting Rulemaking*"). Also on September 6, 2016, pursuant to the requirements of G.L. c. 30A, the D.T.C. published a notice of the proposed rulemaking in the *Boston Globe* and *The Republican*. The notice was published in the Massachusetts Register on October 7, 2016. The D.T.C. held a public hearing on October 19, 2016, and solicited public comment on its proposed regulations.[7] Transcript of Record, D.T.C. 16-2 (Oct. 19, 2016) ("Tr."). On November 21, 2016, the D.T.C. issued a Hearing Officer Notice incorporating into this proceeding all previously filed comments in response to the D.T.C.'s review of its regulations pursuant to Executive Order 562. D.T.C. 16-2, *Hearing Officer Notice* (Nov. 21, 2016); *see also* Tr. at 11-13 (requesting such incorporation); AT&T Comments at 14 (Oct. 31, 2016); D.P.U. Comments (Oct. 28, 2016); NECTA Comments at 2 n.3 (Oct. 31, 2016). In addition to the comments filed with the D.T.C., upon request by the D.T.C. the Secretary of the Commonwealth offered edits to the D.T.C.'s proposed regulations, including

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scope of this proceeding. *See* Executive Order 562, § 1; *D.T.C. Order Instituting Rulemaking*; NECTA Comments at 2-3 (Aug. 14, 2015).

6 AT&T, the Town of Belmont ("Belmont"), the City of Boston ("Boston"), Cumberland Farms, Inc. ("Cumberland Farms"), NECTA, Sprint, and Verizon filed written comments in response to the D.T.C.'s Hearing Officer recommendations.

7 AT&T, the D.P.U., NECTA, and Verizon filed written comments in response to the D.T.C.'s notice of proposed rulemaking.

the removal of the regulatory forms that have been a part of the D.T.C.'s regulations. The D.T.C. incorporates the Secretary of the Commonwealth's edits in the final regulations adopted in this Order.

III. FINAL REGULATIONS

As discussed above, the D.T.C. opened this proceeding to simplify and revise its regulations pursuant to Executive Order 562 and to codify its regulations under a single Title of the C.M.R. Commenters support the D.T.C's proposal to promulgate its regulations in Title 207. *See, e.g.*, Tr. at 14; D.P.U. Comments at 3 (Oct. 28, 2016); Verizon Comments at 2 (Oct. 20, 2016); Cumberland Farms Comments at 2 (Oct. 28, 2015); NECTA Comments at 3 (Aug. 14, 2015). In addition, after notice, comment, hearing, and due consideration, the D.T.C. makes certain amendments to its regulations, including technical corrections, updating outdated references, and merging its cable and telecommunications procedural regulations and rulemaking regulations into single chapters, respectively. The D.T.C. addresses each of its final regulations in turn.[8]

A. 207 C.M.R. 1.00

By this Order, the D.T.C. adopts procedural rules in 207 C.M.R. 1.00 that will apply to all D.T.C. adjudicatory proceedings. In doing so, the D.T.C. ends the practice of using procedural rules in 220 C.M.R. 1.00 for telecommunications proceedings and procedural rules in 801 C.M.R. 1.00 for cable proceedings. The purpose of 207 C.M.R. 1.00 is to govern practice and procedure before the D.T.C. in adjudicatory proceedings. Procedural rules are a necessity for an agency to conduct proceedings and for entities to participate in those proceedings. In

[8] Citations in this Order are to the final regulations contained in the Attachment, unless otherwise noted or the context clearly indicates otherwise.

adopting its own procedural regulations in Title 207, the D.T.C. removes any ambiguity about the appropriate procedures for its adjudicatory proceedings. Amendments to the procedural rules the D.T.C. used previously include technical corrections, the addition of provisions addressing *ex parte* communications and motions for protective treatment, and the allowance of electronic filing and service of certain documents. In addition, in order to streamline and better organize the D.T.C.'s regulations, the D.T.C. moves the provisions involving notice of public hearings in cable proceedings from 207 C.M.R. § 2.02 to 207 C.M.R. § 1.06(5)(g). Finally, at the direction of the Secretary of the Commonwealth, the D.T.C. does not adopt the appendices containing regulatory forms that have been a part of the D.T.C.'s regulations.

NECTA and Verizon support the D.T.C.'s merger of its telecommunications and cable procedural regulations into a single chapter in Title 207. NECTA Comments at 2-3 (Oct. 20, 2015); Verizon Comments at 4 (Oct. 20, 2015). In particular, NECTA and Verizon, as well as Boston support the amendment to permit electronic filing of certain documents. Tr. at 13; Letter from Alexander Moore, Deputy Gen. Counsel, Verizon, to Sara Clark, Sec'y, D.T.C. (Oct. 31, 2016) ("Moore Letter"); Boston Comments at 5 (Oct. 20, 2015); NECTA Comments at 3 (Oct. 20, 2015); Verizon Comments at 12-13 (Aug. 14, 2015); *see also* 207 C.M.R. § 1.02(8)(c). No comments were filed opposing the D.T.C.'s merger of its procedural regulations or the allowance of electronic filing.

Despite its general support for the promulgation of 207 C.M.R. 1.00, Verizon raises a concern with respect to the provision addressing motions for protective treatment contained in 207 C.M.R. § 1.04(5)(e). Verizon Comments at 4 (Oct. 20, 2015). Verizon argues that the D.T.C.'s current practice with respect to motions for protective treatment should be unchanged. *Id.* The D.T.C. clarifies that the adoption of 207 C.M.R. § 1.04(5)(e) codifies current practice

and procedure before the D.T.C. with respect to motions for protective treatment. The D.T.C. adopts this practice and procedure as a regulation to enhance transparency and uniformity among parties that appear before the D.T.C.

Finally, NECTA asks the D.T.C. not to promulgate in Title 207 a version of 220 C.M.R. § 1.07, which provides for decision procedures among multiple commissioners. NECTA Comments at 3 (Oct. 20, 2015). Because the D.T.C. has one Commissioner, the D.T.C. agrees that 220 C.M.R. § 1.07 is not necessary to fulfill the D.T.C.'s duties. The D.T.C. thus does not adopt a "Decisions" section in Title 207.

In sum, the D.T.C. finds that adopting uniform procedural regulations provides clear guidance to regulated entities, the public, and other interested parties of their rights and obligations when appearing before the D.T.C. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 1.00.

B. 207 C.M.R. 2.00

By this Order, the D.T.C. adopts general rules in 207 C.M.R. 2.00 that, with the exception of the regulations involving statutorily required reporting forms for cable operators, apply to both telecommunications and cable matters. *See* 207 C.M.R. § 2.02. In doing so, the D.T.C. ends the practice of using distinct rulemaking regulations for telecommunications and cable. The purpose of 207 C.M.R. 2.00 is to provide procedures for adopting, amending, or repealing D.T.C. regulations. The regulation also directs the D.T.C. to prescribe forms for cable operators to use in license applications, financial reports, and reports of consumer complaints, as required by statute. *See* G.L. c. 166A, §§ 4, 8, 10, 13. Finally, the regulation gives the D.T.C. authority to waive any of its regulations for good cause shown.

Amendments to the general rules include implementing certain suggestions of commenters and updating 207 C.M.R. § 2.02(3) to reflect the D.T.C.'s previous determination to require the Form 500 to be submitted annually. *See D.T.E. Cable Div. Order Adopting Revised Form 500* (June 11, 1999); *cf.* St. 1997, c. 164, § 274 (amending G.L. c. 166A, § 10 to require the filing of a complaint form "not less than annually"). Although Belmont and Boston have concerns with the change in 207 C.M.R. § 2.02(3), the D.T.C. notes that while it is amending its regulation, there will be no change in practice, because the Form 500 will continue to be filed annually. *See* Belmont Comments at 1 (Oct. 23, 2015); Boston Comments at 3-4 (Oct. 20, 2015) (acknowledging the current practice of annual reporting). Maintaining a regulation that is inconsistent with D.T.C. policy would be inappropriate and contrary to the goals of Executive Order 562. *See* Executive Order 562, § 4 (requiring clear regulations). In addition, NMLD has concerns with the financial, ownership, and complaint reporting rules generally. *See* NMLD Comments at 1 (Aug. 26, 2015). However, this reporting is required by statute. *See* G.L. c. 166A, §§ 8, 10. Thus, any change in the application or elimination of the requirements to file financial balance sheets, statements of revenue and expenses, statements of ownership, and reports of consumer complaints must be undertaken by the Legislature.

Verizon suggests that the D.T.C. simplify the Form 500, which the D.T.C. created for collection of consumer complaints pursuant to the mandate in G.L. c. 166A, § 10. Verizon Comments at 7 (Aug. 14, 2015). The only regulation under review, however, that is directly related to the Form 500 is 207 C.M.R. § 2.02(3), which merely directs the D.T.C. to prescribe a

complaint form in compliance with its statutory requirement. A review of the form that the D.T.C. has prescribed is outside the scope of this proceeding.[9]

Verizon also suggests that the D.T.C. make clear that certain regulations contained in 207 C.M.R. 2.00 apply to cable but not telecommunications. Verizon Comments at 2-3 (Oct. 20, 2015). Verizon is correct that 207 C.M.R. § 2.02 applies only to cable operators. *See id.* Accordingly, the D.T.C. clarifies this section by implementing certain of Verizon's suggestions to add references to "cable" in various places. Similarly, Verizon is correct that the former 207 C.M.R. § 2.02 applies to only cable hearings. *See id.* As noted above, the D.T.C. is moving this section to 207 C.M.R. § 1.06(5)(g). In further accordance with Verizon's suggestion, the D.T.C. also clarifies that 207 C.M.R. § 1.06(5)(g) will apply to only cable hearings. However, the D.T.C. rejects Verizon's request to clarify that the waiver provision of 207 C.M.R. § 2.03 applies to only cable regulations. *See id.* Rather, the D.T.C. affirms that the waiver provision of 207 C.M.R. § 2.03 applies to all provisions in Title 207.

NECTA asserts that with the adoption of the D.T.C.'s procedural regulations in 207 C.M.R. 1.00, certain references to notice requirements for cable rate hearings will become superfluous. NECTA Comments at 4 (Oct. 20, 2015) (referring to the former 207 C.M.R. § 2.02(1)). The D.T.C. affirms that cable operators will continue to be required to provide prior public notice for all hearings conducted pursuant to 207 C.M.R. 6.00. However, the D.T.C. acknowledges that a distinct regulation delineating this requirement is not necessary in light of 207 C.M.R. § 1.06(5)(d), which provides that the D.T.C. may require a petitioner to publish notice of a hearing on the petition. 207 C.M.R. § 1.06(5)(d).

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9 Verizon references 207 C.M.R. § 7.03, but this regulation was repealed. *See In re Amendment of 207 CMR 2.00 – 10.00*, Mass. Cable Television Comm'n Docket No. R-25, *Report & Order* (Dec. 27, 1996).

In addition, NECTA states that few if any cable operators have cablecasting facilities within their control and thus the cablecasting requirement for hearing notices in the former 207 C.M.R. § 2.02(2) has become outdated and is unnecessary. NECTA Comments at 4 (Oct. 20, 2015). This regulation requires a cable operator to cablecast notice of a rate hearing where the operator has cablecasting facilities within its control. The D.T.C. acknowledges that over the past several years cable operators have ceded control of cablecasting facilities in most Massachusetts communities. A regulation requiring cablecasting when a cable operator has no control over cablecasting facilities is thus precisely the type of regulation subject to elimination under Executive Order 562. Accordingly, the D.T.C. does not adopt the cablecasting requirement. The D.T.C. notes, however, that it has the authority to continue to order such cablecasting under 207 C.M.R. § 1.06(5)(d). 207 C.M.R. § 1.06(5)(d) (retaining the D.T.C.'s authority to require "any person filing an initial pleading to give notice of the hearing on such pleading *by publication or other means or both*") (emphasis added).

In sum, the D.T.C. finds that the regulations being adopted in 207 C.M.R. 2.00 are required by statute or otherwise appropriate to carry out the D.T.C.'s duties and in the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 2.00.

C. 207 C.M.R. 3.00

By this Order, the D.T.C. adopts cable licensing regulations in 207 C.M.R. 3.00. These regulations establish the processes for initial cable television licensing, as well as renewal of cable television licenses. These regulations are necessary to provide cable operators and municipalities important procedural and substantive guidelines for the initial and renewal license negotiation processes. *See* G.L. c. 166A, § 16 (permitting the D.T.C. to promulgate regulations appropriate to carry out the purpose of chapter 166A, including sections 4 and 13, which govern

cable licenses). Amendments to this regulation include technical corrections and the removal of a requirement that municipalities publish national and local solicitations for cable licenses. The regulation is also amended to allow for electronic filing of cable licenses after they are signed.

Boston supports the regulatory regime as it has functioned in the Commonwealth and as a result supports the mostly nominal amendments to 207 C.M.R. 3.00. Boston Comments at 3 (Oct. 20, 2015). However, Boston objects to the amendment removing the license application solicitation requirement formerly of 207 C.M.R. § 3.03(2). *Id.* at 5. Boston asserts that the solicitation requirement is useful in promoting transparency and community engagement in the initial licensing process. *Id.* The D.T.C. agrees that transparency and community engagement are important tenets of the initial licensing process. However, the D.T.C. determines that this requirement has limited utility in today's video marketplace. Moreover, this regulation imposed a requirement on local governments as issuing authorities of cable licenses. By removing the regulation, the D.T.C. seeks to lessen any burden on local governments in accordance with Executive Order 562. *See* Executive Order 562, § 3. This removal simply means that the D.T.C. does not require national and local solicitation of an initial cable license application. In the event a municipality initiates an initial licensing process and believes that such solicitation is beneficial to it and its constituents, the municipality may publish national and local solicitations on its own initiative.

Verizon suggests that the D.T.C. make clear that certain regulations contained in 207 C.M.R. 3.00 apply to cable but not telecommunications. Verizon Comments at 2-3 (Oct. 20, 2015). Verizon is correct that 207 C.M.R. 3.00 applies to cable licensing and not to telecommunications. *See id.* Accordingly, the D.T.C. clarifies these regulations by implementing certain of Verizon's suggestions to add references to cable in various places.

In sum, the D.T.C. finds that these regulations provide an equitable process for municipalities and cable operators to negotiate cable licenses that benefit both the operators and the consumers they serve. The regulations are appropriate to carry out the D.T.C.'s duties and serve the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 3.00.

D. 207 C.M.R. 4.00

By this Order, the D.T.C. adopts regulations governing the transfer or assignment of control of a final cable license in 207 C.M.R. 4.00. These regulations establish the process for transferring control of a cable television license in the event of, for example, a merger involving a cable operator. These regulations are necessary to provide cable operators and municipalities important procedural and substantive guidelines for transferring control of a cable television license. *See* G.L. c. 166A, § 16 (permitting the D.T.C. to promulgate regulations appropriate to carry out the purpose of chapter 166A, including section 7, which governs cable license transfers).

The amendments to these regulations are technical in nature, updating the name of the agency and internal references. As noted above, Boston supports the regulatory regime as it has functioned in the Commonwealth and therefore has no objection to the technical amendments to 207 C.M.R. 4.00. Boston Comments at 3 (Oct. 20, 2015). Verizon also supports the technical amendments. *See* Moore Letter.

In sum, the D.T.C. finds that these regulations afford the opportunity for an equitable and streamlined transfer of a cable license when the business case presents itself to a cable operator. The regulations are appropriate to carry out the D.T.C.'s duties and serve the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 4.00.

E. 207 C.M.R. 6.00

By this Order, the D.T.C. adopts cable rate regulations in 207 C.M.R. 6.00. These regulations, in accordance with federal and state law, implement the D.T.C.'s cable television rate regulation authority. The regulations incorporate by reference federal cable television rate regulations promulgated by the Federal Communications Commission ("FCC"). *See* 47 C.F.R. §§ 76.901-.990. The regulations the D.T.C. adopts in 207 C.M.R. 6.00 are required under federal law for the D.T.C. to retain its regulatory authority over basic service tier cable television rates. 47 C.F.R. § 76.910(b) (requiring cable franchising authorities such as the D.T.C. to adopt regulations in order to exercise their rate regulatory authority); *see also* G.L. c. 166A, § 15 (granting the D.T.C. the discretion to adopt these regulations); G.L. c. 166A, § 16 (permitting the D.T.C. to promulgate regulations appropriate to carry out the purpose of chapter 166A, including section 15, which governs cable rate regulation).

Amendments to this regulation include technical corrections and the removal of the former 207 C.M.R. § 6.05, which governed notice of cable rate hearings. The D.T.C. agrees with NECTA that with the adoption of the D.T.C.'s procedural regulations in 207 C.M.R. 1.00, the former 207 C.M.R. § 6.05 is no longer necessary. *See* NECTA Comments at 4 (Oct. 20, 2015). Accordingly, the D.T.C. does not adopt 207 C.M.R. § 6.05.

Although these regulations result in the imposition of limits on what cable operators can charge for basic cable television programming, equipment, and installation in non-competitive communities, such limits are rate-of-return-based, thus ensuring that the operator is able to make a reasonable profit. *See* G.L. c. 166A, § 15. In addition, the rate limits apply only to basic service tier programming and equipment used to receive the basic service tier. The regulations thus help to ensure that some of the Commonwealth's most vulnerable citizens can access basic

programming without paying unreasonable rates, while permitting cable operators greater pricing flexibility with respect to expanded tiers. In sum, these regulations are mandated by federal statute for the D.T.C. to carry out its duties and are in the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 6.00.

F. 207 C.M.R. 10.00

By this Order, the D.T.C. adopts cable consumer protection regulations in 207 C.M.R. 10.00. These regulations provide reasonable, basic consumer protections for cable subscribers, including procedures and requirements for cable operators regarding customer billing and termination of cable service. The regulations also affirmatively permit cable operators to engage in certain billing practices, including advanced billing. Verizon suggests that the D.T.C. eliminate 207 C.M.R. 10.00 because the regulations are not necessary "[i]n today's competitive market." Verizon Comments at 3-4 (Oct. 20, 2015); *see also* Verizon Comments at 7-9 (Aug. 14, 2015). These regulations are necessary, however, for the D.T.C. to adequately protect the interests of cable subscribers in the Commonwealth. Federal law permits states to adopt and enforce customer service regulations, even if such regulations exceed those imposed by FCC. 47 U.S.C. § 552(d); 47 C.F.R. § 76.309(b)(3)-(4); *cf.* G.L. c. 166A, § 16 (permitting the D.T.C. to promulgate regulations appropriate to carry out the purpose of chapter 166A). As fully described below, the D.T.C. eliminates certain unnecessary parts of 207 C.M.R. 10.00 to ease any regulatory burden on cable operators, while maintaining those parts that are essential to the welfare of the Commonwealth's residents. *See* Executive Order 562, § 3. Amendments to these regulations include technical corrections and easing any burdens that certain notification requirements impose on cable operators.

The D.T.C. initially proposed to amend 207 C.M.R. § 10.08(2) by reducing the interest rate cable operators pay on security deposits for subscriber equipment from seven percent per year to "five percent per year, or other such lesser amount of interest as has been received from the bank where the deposit has been held." D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 207 C.M.R. § 10.00 Billing & Termination of Serv.* (Oct. 6, 2015). No commenters support this amendment. On the contrary, Belmont and Boston each object to this change. Belmont Comments at 1 (Oct. 23, 2015); Boston Comments at 5-6 (Oct. 20, 2015). Belmont requests that if the D.T.C. reduces the interest rate to that of the bank where the deposit is held, it also establish a floor for the rate so that the rate can never be lower than three percent. Belmont Comments at 1 (Oct. 23, 2015). Boston asserts that an interest rate higher than one which would otherwise be commercially available—as the seven percent rate is currently—serves as a deterrent to cable operators' imposition of sizable security deposits and is thus good policy. Boston Comments at 5-6 (Oct. 20, 2015). The record does not support a reduction in the longstanding interest rate under 207 C.M.R. § 10.08(2). The D.T.C. does not amend this subsection but adopts the subsection in its current form. *See* 207 C.M.R. § 10.08(2).

Verizon suggests that the D.T.C. make clear that certain regulations contained in 207 C.M.R. 10.00 apply to cable and not telecommunications. Verizon Comments at 2-3 (Oct. 20, 2015). Verizon is correct that 207 C.M.R. 10.00 applies to only cable operators. *See id.* Accordingly, the D.T.C. further clarifies this chapter by implementing Verizon's suggestions to add the word "cable" in two places. *See id.*

NECTA requests that the requirements under 207 C.M.R. §§ 10.01(1) and 10.02(1) to disclose a cable operator's billing practices, services, rates, and charges be modified. NECTA Comments at 4 (Oct. 20, 2015). These disclosures have been required to be made to potential

cable subscribers before a subscription agreement is reached. *See id.* NECTA argues that these pre-subscription requirements are unnecessary and impracticable given the number of calls cable operators receive from potential subscribers. *Id.* Without more supporting information, the D.T.C. cannot make a finding with respect to the lack of feasibility of these requirements. Call-volume claims notwithstanding, however, the D.T.C finds that a modification of these requirements would nonetheless be reasonable to ease any burden on cable operators. Rather than requiring these disclosures before a subscription agreement is reached in every instance, the D.T.C. amends 207 C.M.R. §§ 10.01(1) and 10.02(1) to require cable operators to make these disclosures before a subscription agreement is reached upon the request of a potential subscriber. 207 C.M.R. §§ 10.01(1), 10.02(1). Further, the D.T.C. will now require cable operators to make these disclosures "at the time a subscription agreement is reached." *Id.*; *see also* NECTA Comments at 4 (Oct. 20, 2015) (suggesting that these disclosures be required at the time a subscription agreement is reached).

Additionally, NECTA requests that the D.T.C. amend the requirement in 207 C.M.R. § 10.02(2) that cable operators provide notice of increases in rates, charges, fees, or a substantial change in programming services at least 30 days prior to implementation. Tr. at 10; NECTA Comments at 3 (Oct. 31, 2016); NECTA Comments at 5 (Oct. 20, 2015). NECTA argues that increases and service changes are often beyond the control of the cable operator and in such cases cable operators are unable to meet the 30-day requirement. NECTA Comments at 3 (Oct. 31, 2016). While the D.T.C. rejects NECTA's impracticability claim as it pertains to rates, charges, and fees, because, ultimately, cable operators control what they charge their subscribers, the D.T.C. does acknowledge that cable operators' costs in the provision of video services can derive from various third parties. As a result, the D.T.C. excepts from the 30-day notice

requirement "any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any federal or state agency or franchising authority on the transaction between the operator and the subscriber." 207 C.M.R. § 10.02(2); *see also* 47 C.F.R. § 76.1603(f). The D.T.C. will now require that an operator notify, in writing, the D.T.C., the issuing authority, and all affected subscribers of any such change as soon as possible. 207 C.M.R. § 10.02(2); *see also* NECTA Comments at Attachment C (Oct. 31, 2016).

Contrary to Verizon's claims, the regulations adopted herein are essential to the welfare of the Commonwealth's residents, and are permitted by federal law. Although these regulations establish guidelines for cable operators' bills and billing practices, such guidelines are reasonable and are beneficial to consumers. In addition, these regulations provide significant benefits for cable operators, including the ability to bill cable subscribers in advance, which provides an undeniable economic benefit to cable operators, and the establishment of an informal dispute resolution process, available prior to the D.T.C. becoming formally involved in a billing dispute. These regulations provide a proper balance between consumer protection and economic development. In accordance with the foregoing, the D.T.C. adopts as final regulations 207 C.M.R. 10.00.

G. 207 C.M.R. 12.00

By this Order, the D.T.C. adopts in 207 C.M.R. 12.00 regulations regarding tariffs and rate schedules, which telecommunications carriers file with the D.T.C. *See* G.L. c. 159, §§ 17, 19, 19F. Specifically, these regulations maintain uniform processes and procedures for tariff filings, which ensures consistency, thereby reducing cost and staff time dedicated to review, and minimizing disputes between carriers and their retail and wholesale customers. These

regulations are an amended version of 220 C.M.R. 5.00.[10] In addition to various technical corrections, other changes made to 207 C.M.R. 12.00 from 220 C.M.R. 5.00 include: elimination of references to filings by entities not subject to the D.T.C.'s jurisdiction; incorporation of existing D.T.C. filing requirements, including advance-notice of rate increases and expedited-effective-date filing requirements; and the addition of a severability section.

As an initial matter, the D.T.C. asked stakeholders whether it should promulgate baseline regulations to implement the electronic notice and online-posting option contained in G.L. c. 159, § 19F. D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 220 C.M.R. § 5.00 – Tariffs, Schedules & Contracts* (Nov. 6, 2015) ("Chapter 12.00 Notice"); *see also* St. 2014, c. 287, § 79. AT&T, Verizon, and NECTA each responded in the negative, citing various concerns. NECTA Reply Comments at 1-2 (Dec. 9, 2015); AT&T Comments at 3-6 (Nov. 20, 2015); Verizon Comments at 1-6 (Nov. 20, 2015). No comments were filed supporting the adoption of regulations implementing section 19F. Based on the record in this proceeding, and given the limited time that has passed since section 19F became effective, there is not enough evidence upon which to base the adoption of 19F regulations.[11] The D.T.C. will, however, continue to monitor carriers' implementation and use of section 19F. *See* Verizon Comments at 2 (stating that 19F regulations are not necessary absent industry-wide failure).

The D.T.C. also initially proposed codifying the requirements contained in its Notice regarding the "Use of Contract Service Arrangements." *See* Chapter 12.00 Notice; *Dep't of Telecomms. & Energy Notice* (Apr. 6, 2004) ("CSA Notice"). Verizon, AT&T, and NECTA

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10 The D.P.U. is maintaining 220 C.M.R. 5.00 but removing all references therein to telecommunications carriers. D.P.U. Comments at 2 (Oct. 28, 2016).

11 While the D.T.C. is not adopting standalone regulations implementing section 19F at this time, this does not affect the applicability of any other regulation to a carrier's conduct under G.L. c. 159, § 19F, including the 30-day advance notice requirement being adopted in 207 C.M.R. § 12.06.

oppose the addition of the CSA Notice requirements to the C.M.R. NECTA Reply Comments at 2 (Dec. 9, 2015); Verizon Comments at 6-7 (Nov. 20, 2015); AT&T Comments at 6 (Aug. 14, 2015). Given these comments, the D.T.C. does not adopt the CSA Notice as a regulation at this time.[12]

The D.T.C. also proposed to codify its requirement that telecommunications carriers provide at least 30 days' advance written notice to business and residential customers of any proposed increase in retail rates or charges. Chapter 12.00 Notice; *see also Dep't of Telecomms. & Energy Industry Notice* (Feb. 8, 2002) ("Rate Increase Notice") (citing G.L. c. 159, § 19). Verizon states that the D.T.C.'s requirement of 30 days' advance notice of rate increases should be eliminated, or, in the alternative, should not be promulgated as a regulation. Verizon Comments at 7 (Nov. 20, 2015). AT&T requests that the D.T.C. reduce the advance-notice requirement to one day. AT&T Comments at 6-7 (Nov. 20, 2015); AT&T Comments at 5 (Aug. 14, 2015). AT&T states that the requirement "makes Massachusetts anti-competitive." AT&T Comments at 7 (Nov. 20, 2015). However, AT&T's claim is belied by its statement that "the Massachusetts telecommunications industry proudly stands as one of the most competitive in the country." AT&T Comments at 2 (Aug. 14, 2015). The advance-notice requirement has been in place for more than 15 years and was adopted after the Telecommunications Act of 1996 opened the local telecommunications market to competition. *See* Rate Increase Notice. Clearly, then, the requirement has not been a substantial detriment to the competitiveness of the telecommunications market in Massachusetts. The D.T.C. finds that the competitive harms attributed to the advance-notice requirement are likely overstated. Further, in passing G.L. c. 159, § 19F, the Legislature made clear that it did not believe it appropriate to remove a 30-day

12 The CSA Notice remains in effect under the D.T.C's general authority.

advance-notice requirement, even for rates posted online. *See* G.L. c. 159, § 19F (retaining the D.T.C.'s authority to require 30 days' notice of retail rate increases; *id.* § 19 (stating that a rate filed "in accordance with [chapter 159]" cannot be changed except after thirty days from the date of filing notice of the change with the D.T.C.). Nothing has occurred since section 19F's enactment that would lead the D.T.C. to come to a different conclusion. Indeed, to the contrary, the advance-notice requirement is of substantial benefit to consumers. Knowing in advance that a rate increase is coming allows businesses and residents to plan their budgets and, if beneficial, take advantage of the competitive Massachusetts market by switching providers. The addition of the requirement to the C.M.R. increases awareness of the requirement, transparency, and uniformity. Overall, the D.T.C. finds that the advance-notice requirement is essential to the welfare of the Commonwealth's residents. *See* Executive Order 562, § 3.

Verizon and AT&T each also submit that the D.T.C. should eliminate the requirement to file tariffs in hardcopy. Tr. at 13; AT&T Comments at 7 (Nov. 20, 2015); Verizon Comments at 6 (Nov. 20, 2015). As an initial matter, the D.T.C. notes that G.L. c. 159 § 19F should allay much of the concern of these commenters by permitting telecommunications carriers to post on their websites the rates, terms, and conditions of any retail service they offer. *See* G.L. c. 159, § 19F. To the extent that carriers offer switched access or wholesale services, the D.T.C. finds that the value of hardcopy tariff filings outweighs any burden on filing carriers. Upon receipt of each proposed tariff, D.T.C. staff reviews a paper copy of the filing. To wit, this hardcopy review enables easy analysis and markup indicating any changes that may be required to the proposed tariff before its effective date. Further, these marked-up hardcopies of tariffs are retained, in addition to all prior cancelled tariff pages, check sheets, and cover sheets, in the D.T.C. file room for historical purposes and in compliance with the Secretary of the

Commonwealth's record-retention policy. D.T.C. staff members frequently refer to historical copies of tariffs, and representatives of telecommunications carriers themselves often request historical versions of tariffs as well. In some cases, the D.T.C.'s review of a tariff filing is actually based on changes made to the tariff in prior years. As noted above, the consistency of tariffs and their iterations over time is beneficial to all stakeholders. It follows that maintaining historical paper tariffs with consistent markings is beneficial to the telecommunications market and consumers alike. This is in contrast to other filings that require review of a different kind, do not necessitate physical markup, and will now be permitted to be filed electronically. *See* 207 C.M.R. § 1.02(8)(c). Indeed, hardcopy review of tariffs remains of such value to the D.T.C. that even if the D.T.C. were to permit electronic filing of tariffs outside of the section 19F process, the D.T.C. would continue to review such filings in hardcopy by printing each of them. Accordingly, the D.T.C. finds it appropriate to continue to require carriers to file tariffs in hardcopy. Additionally, as a practical matter, each tariff filing is accompanied by a filing fee, and the D.T.C. has no electronic payment system. Therefore carriers would be required to mail a paper check and cover letter to the D.T.C. each time a tariff is filed, regardless of the medium by which the tariff is filed. Electronic filing of tariffs thus would not reduce the number of physical mailings carriers are required to make. While the D.T.C. retains the requirement that carriers file hardcopies of tariffs, the D.T.C. will also maintain its policy of permitting electronic filing of a revision to an original tariff filing when such revision is requested by the D.T.C.

As explained above, the D.T.C. finds that the regulations being adopted in 207 C.M.R. 12.00 represent a proper balance of the interests of stakeholders, are essential to the welfare of the Commonwealth's residents, are appropriate to carry out the D.T.C.'s duties, and are in the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 12.00.

H. 207 C.M.R. 13.00

By this Order, the D.T.C. adopts slamming regulations in 207 C.M.R. 13.00. These regulations implement the Massachusetts "anti-slamming" statute and are statutorily required. *See* G.L. c. 93, §§ 108-113; G.L. c. 159, § 12E(b). Specifically, these regulations govern third party verification, informal dispute resolution procedures for slamming complaints, and the establishment of a record of complaints. The regulations protect subscribers of telecommunications services from unauthorized changes to their local and long distance telecommunications services provider. Limiting this activity through tracking complaints and informally resolving disputes will help the telecommunications market operate more efficiently and improve competition through improved fraud protection for both the public and telecommunications service providers.

These regulations are being transferred from Title 220 to Title 207 to appropriately reflect the D.T.C.'s jurisdiction. In adopting these regulations in Title 207, the D.T.C. is not making any material amendments to the regulations but is making certain technical corrections. *See* NECTA Comments at 5 (Oct. 20, 2015).[13] No commenters object to the D.T.C.'s promulgation of these regulations in Title 207. The D.T.C. finds that the regulations being adopted in 207 C.M.R. 13.00 are required by statute and otherwise appropriate to carry out the D.T.C.'s duties and in the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 13.00.

13 The D.P.U. will independently rescind 220 C.M.R. 13.00. *See D.P.U. Order Instituting Rulemaking*; D.P.U. Comments at 2 (Oct. 28, 2016).

I. 207 C.M.R. 15.00

By this Order, the D.T.C. adopts accelerated-docket regulations in 207 C.M.R. 15.00. These regulations set forth and govern an expedited dispute resolution process for complaints involving competing telecommunications carriers. The expedited review these regulations provide helps to ensure that both competitors are able to compete in the market effectively and without any unnecessary process or time delay. Improved efficiency and increased competition is beneficial to both the D.T.C. and the public, which should be able to take advantage of robust options and improved pricing that result from competition. These regulations are designed to protect the due process rights of telecommunications carriers while also providing a forum in which to expedite resolution of a dispute. Telecommunications carriers' use of the process under these regulations to resolve a dispute is voluntary.

These regulations are being transferred from Title 220 to Title 207 to appropriately reflect the D.T.C.'s jurisdiction. In adopting these regulations in Title 207, the D.T.C. is not making any material amendments to the regulations but is making certain technical corrections. The D.P.U. will independently rescind 220 C.M.R. 15.00. *See D.P.U. Order Instituting Rulemaking*; D.P.U. Comments at 2 (Oct. 28, 2016). No commenters object to the D.T.C.'s promulgation of these regulations in Title 207. The D.T.C. finds that the regulations being adopted in 207 C.M.R. 15.00 are appropriate to carry out the D.T.C.'s duties and in the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 15.00.

J. 207 C.M.R. 37.00

By this Order, the D.T.C. adopts regulations in 207 C.M.R. 37.00, governing the use of automatic telephone dialing systems. These regulations establish the manner in which customers of local telephone exchange service may notify carriers providing such service that the customer

does not wish to receive telephone calls from an automatic dialing system. The D.T.C. is required to promulgate these regulations by G.L. c. 159, § 19C. Through these regulations, the Commonwealth is able to better protect consumers from unwanted pre-recorded telephone solicitations from automatic telephone dialing systems. Unsolicited calls from automatic dialing telephone systems can contain content that is harmful to consumers and their relations with telecommunications carriers. Allowing consumers to be added to the automatic-dialer do-not-call list and allowing discretion to telecommunications carriers in implementing plans to notify consumers of their rights stimulates a better relationship between the public and telecommunications carriers and encourages continued use of telecommunications services. Regulated parties are afforded discretion in developing plans to notify subscribers and in contacting entities utilizing automatic dialing telephone systems about calling those subscribers.

These regulations are being transferred from Title 220 to Title 207 to appropriately reflect the D.T.C.'s jurisdiction. The D.P.U. will independently rescind 220 C.M.R. 37.00. *See D.P.U. Order Instituting Rulemaking*; D.P.U. Comments at 2 (Oct. 28, 2016). No commenters object to the D.T.C.'s promulgation of these regulations in Title 207.

In adopting these regulations in Title 207, the D.T.C. is not making any material amendments to the regulations but is making certain technical corrections. For example, the D.T.C. is not adopting in Title 207 the former 220 C.M.R. § 37.03(1). This subsection required carriers providing local telephone exchange service to file a proposed plan implementing the regulations when they were first promulgated. As carriers complied with this subsection by filing implementation plans at the time the subsection was initially promulgated, this subsection no longer has any utility. The D.T.C. affirms that this Order has no effect on implementation plans previously approved by the D.T.C. or its predecessor agencies. Such approved

implementation plans remain in effect until and unless modified or cancelled by Order of the D.T.C. *See* 207 C.M.R. § 37.03(3). Notably, 207 C.M.R. § 37.03(1) (i.e., the former 220 C.M.R. § 37.03(2)) requires any carrier that begins to provide local telephone exchange service after these regulations are promulgated to file a proposed plan implementing the regulations. In sum, the former 220 C.M.R. § 37.03(1) is no longer necessary and its removal from the C.M.R. will have no effect on stakeholders. *See* Executive Order 562, § 3.

The D.T.C. finds that the regulations being adopted in 207 C.M.R. 37.00 are mandated by current law and are appropriate to carry out the D.T.C.'s duties and in the public interest. Accordingly, the D.T.C. adopts as final regulations 207 C.M.R. 37.00.

IV. TELECOMMUNICATIONS REGULATIONS IN TITLE 220 NOT BEING ADOPTED IN TITLE 207

For the reasons set forth below, the D.T.C. does not adopt versions of 220 C.M.R. 16.00, 26.00, 77.00, 78.00, or 273.00 in Title 207.

A. 220 C.M.R. 16.00, 77.00, 78.00, and 273.00

Upon initial review of 220 C.M.R. 16.00, 77.00, 78.00, and 273.00, the D.T.C. determined that the telecommunications regulations contained therein are not mandated by current law or necessary to fulfill the D.T.C.'s duties and proposed to refrain from adopting them in Title 207. D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 220 C.M.R. § 16.00* (Oct. 6, 2015); D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 220 C.M.R. 77.00 Voting Trust Certificates of Public Utilities* (Oct. 6, 2015); D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 220 C.M.R. 78.00 Accounting Treatment of Investment Tax Credit for Utilities* (Oct. 6, 2015); D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 220 C.M.R. 273.00* (Oct. 6, 2015). No commenters oppose these recommendations or address these regulations in public comments.

Accordingly, the D.T.C. formally proposed to not promulgate these regulations in Title 207. *See D.T.C. Order Instituting Rulemaking* at 3. Again, no comments were filed in response to this proposal. Given the lack of comments on these regulations and the lack of any claim that the regulations are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents, the D.T.C. does not adopt in Title 207 versions of 220 C.M.R. 16.00, 77.00, 78.00, or 273.00. *See* Executive Order 562, § 3.

B. 220 C.M.R. 26.00

Initially, the D.T.C. proposed to promulgate a version of 220 C.M.R. 26.00 in Title 207. *See* D.T.C. 16-2, *Notice Seeking Comments on Hearing Officer Recommendation, 220 C.M.R. § 26.00* (Oct. 6, 2015). The telecommunications regulations in 220 C.M.R. 26.00 established rules for interest rates on security deposits and late payment charges paid by non-residential consumers to telecommunications service providers. AT&T and Verizon claim that the regulations are burdensome and no longer necessary. Verizon states that there is no basis for promulgating in Title 207 a version of 220 C.M.R. 26.00 regarding interest rates paid on deposits and late-payment charges. Verizon Comments at 4-5 (Oct. 20, 2015); Verizon Comments at 6 (Aug. 14, 2015). AT&T agrees, stating that the regulations "no longer serve any constructive purpose," but rather "impose unnecessary costs on service providers." AT&T Comments at 5-7 (Oct. 31, 2016). No comments were filed supporting the D.T.C.'s initial proposal to promulgate a version of the regulations in Title 207 and no comments were otherwise filed claiming that the telecommunications regulations contained in 220 C.M.R. 26.00 are required by current law or necessary to fulfill the D.T.C.'s duties. The D.T.C. determines that the telecommunications regulations in 220 C.M.R. 26.00 are not mandated by law or essential to the health, safety,

environment or welfare of the Commonwealth's residents. *See* Executive Order 562, § 3. Accordingly, the D.T.C. does not adopt in Title 207 a version of 220 C.M.R. 26.00.

C. Conclusion

As a result of the foregoing, the D.T.C. does not adopt in Title 207 versions of the following regulations: 220 C.M.R. 16.00, Rules Governing the Recovery of Expenses Relating to the Provision of Wireline Enhanced 911 (E-911) Services, Dual Party TDD/TTY Message Relay Services, and Adaptive Equipment Services by Telecommunications Carriers; 220 C.M.R. 26.00, Security Deposits and Late Payment Charges Applicable to Non-Residential Customers; 220 C.M.R. 77.00, Voting Trust Certificates of Public Utilities; 220 C.M.R. 78.00, Accounting Treatment of Investment Tax Credit for Utilities; and 220 C.M.R. 273.00, Distribution and Maintenance of Telecommunications Devices for the Deaf and Specialized Customer Premises Equipment to Residential Subscribers with Disabilities.[14]

V. ADOPTION OF FINAL REGULATIONS

For the reasons stated above, the D.T.C., by this Order, adopts as final regulations 207 C.M.R. 1.00, Procedural Rules; 207 C.M.R. 2.00, General Rules; 207 C.M.R. 3.00, Cable Licensing; 207 C.M.R. 4.00, Transfer or Assignment of Control of a Final Cable License; 207 C.M.R. 6.00, Cable Rate Regulation; 207 C.M.R. 10.00, Billing and Termination of Cable Service; 207 C.M.R. 12.00, Tariffs and Rate Schedules; 207 C.M.R. 13.00, Consumer Protection from the Unauthorized Changing of Local or Long Distance Telephone Service Providers; 207 C.M.R. 15.00, Accelerated Docket for Disputes Involving Competing Telecommunications Carriers; and 207 C.M.R. 37.00, Automatic Telephone Dialing Systems.

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[14] The D.P.U. is amending Title 220 to remove that Title's applicability to telecommunications carriers. *See D.P.U. Order Instituting Rulemaking*; D.P.U. Comments at 2 (Oct. 31, 2016).

The D.T.C. has filed standard Regulation Filing Forms and regulations 207 C.M.R. 1.00, 2.00, 3.00, 4.00, 6.00, 10.00, 12.00, 13.00, 15.00, and 37.00 with the Office of the Secretary of the Commonwealth, State Publications and Regulations Division. These regulations supersede the proposed regulations and go into effect upon publication in the Massachusetts Register. *See* G.L. c. 30A, § 6; 950 C.M.R. 20.00.

VI. ORDER

Accordingly, after notice, comment, hearing, and due consideration, it is:

ORDERED: That the regulations, entitled "Procedural Rules," attached hereto and designated as 207 C.M.R. 1.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "General Rules," attached hereto and designated as 207 C.M.R. 2.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Cable Licensing," attached hereto and designated as 207 C.M.R. 3.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Transfer or Assignment of Control of a Final Cable License," attached hereto and designated as 207 C.M.R. 4.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Cable Rate Regulation," attached hereto and designated as 207 C.M.R. 6.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Billing and Termination of Cable Service," attached hereto and designated as 207 C.M.R. 10.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Tariffs and Rate Schedules," attached hereto and designated as 207 C.M.R. 12.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Consumer Protection from the Unauthorized Changing of Local or Long Distance Telephone Service Providers," attached hereto and designated as 207 C.M.R. 13.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Accelerated Docket for Disputes Involving Competing Telecommunications Carriers," attached hereto and designated as 207 C.M.R. 15.00, are hereby ADOPTED; and it is

FURTHER ORDERED: That the regulations, entitled "Automatic Telephone Dialing Systems," attached hereto and designated as 207 C.M.R. 37.00, are hereby ADOPTED.

By Order of the D.T.C.,

Karen Charles Peterson

Karen Charles Peterson, Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5, and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court. Appeals of Department Orders on basic service tier cable rates, associated equipment, or whether a franchising authority has acted consistently with the federal Cable Act may be brought to the Federal Communications Commission pursuant to 47 C.F.R. § 76.944.