



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 16-2

September 6, 2016

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

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

On September 6, 2016, the Department of Telecommunications and Cable (“D.T.C.”) issued an Order Instituting a Rulemaking, pursuant to the provisions of G.L. c. 25C, G.L. c. 30A, G.L. c. 159, G.L. c. 166A, 220 C.M.R. § 2.00, 207 C.M.R. § 2.00, and Executive Order No. 562, to reduce unnecessary regulatory burden and to amend or rescind D.T.C. regulations within Titles 207 and 220 of the Code of Massachusetts Regulations (“C.M.R.”).

The D.T.C.’s regulations currently reside in two Titles of the 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.”). Further, certain chapters, including 220 C.M.R. §§ 1.00, 2.00, 5.00, 45.00, 26.00, 77.00, and 78.00, are presently used by both agencies and applicable to industries regulated by both agencies.¹ As a result, the D.T.C.’s proposed amendments largely shift D.T.C. regulations and those applicable to telecommunications into Title 207. In addition, with the exception of 220 C.M.R. § 45.00, which will continue to apply to both agencies, but will not be addressed at this hearing, the D.P.U. will independently propose to amend Title 220 to remove that Title’s applicability to telecommunications common carriers.²

The D.T.C. proposes to merge procedural regulations applicable to cable and telecommunications into a single chapter, 207 C.M.R. § 1.00, and similarly merge regulations involving the adoption, amendment, or repeal of regulations into 207 C.M.R. § 2.00. Other proposed changes include technical corrections, updating outdated references, and choosing not to repromulgate certain unnecessary or shared regulations. In particular, the D.T.C. proposes not to repromulgate 220 C.M.R. §§ 16.00 and 273.00 in its regulations. The D.T.C. also proposes not to repromulgate telecommunications-specific provisions contained in 220 C.M.R. §§ 77.00 and 78.00. As noted above, because Title 220 has been assigned to the D.P.U., that agency will independently propose to rescind telecommunications regulations not under its jurisdiction.

A copy of the D.T.C.’s Order and proposed amended regulations may be viewed at the D.T.C.’s Washington Street address listed below. The D.T.C. has also posted a copy of the

¹ Although Title 220 has been assigned to the D.P.U., several Chapters remain within the regulatory purview of the D.T.C. due to the agencies’ joint history. In addition, due to longstanding practice, the D.T.C. relies on the regulations as they are drafted and listed on the D.T.C.’s website, rather than those amended by the D.P.U. (e.g., Chapters 1.00, 2.00, and 5.00). The D.T.C. and the D.P.U. share jurisdiction over Chapter 45.00, which applies to pole attachments.

² 220 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., will also remain in Title 220.

Order and proposed amended regulations on its website. Documents on the D.T.C.'s website may be accessed through the D.T.C.'s online File Room and at <http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/regulation-review.html>.

The D.T.C. will conduct a public hearing to receive comments on its proposed regulation amendments. The hearing will take place at:

Department of Telecommunications and Cable
Hearing Room 1-E
1000 Washington Street
Boston, Massachusetts 02118-6500
Wednesday, October 19 at 10:00 A.M.

Any person interested in commenting on this matter may appear at the public hearing, or submit written comments to the D.T.C. not later than 5:00 P.M. on Monday, October 31, 2016. In the interest of efficiency, the D.T.C. strongly encourages electronic filing. Interested stakeholders may submit written comments to dte.filing@state.ma.us. Comments may also be mailed in hard copy to the D.T.C. at:

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

Submittals should reference the docket number, specify the regulation(s) about which comments are being submitted, and should include the name, title, and telephone number of a person to contact in the event of questions about the filing. Please note that all filings submitted to the D.T.C. are subject to disclosure pursuant to G.L. c. 66, § 10, unless protected by statutory exemption. All comments will be posted to the D.T.C.'s website.

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least two weeks (14 days) advance notice. Last minute requests will be accepted, but may be impossible to provide. All such requests should be submitted to Sara J. Clark at sara.clark@state.ma.us or (617) 305-3580.

For questions about this Notice, contact Sara J. Clark, D.T.C. Secretary, at (617) 305-3580 or sara.clark@state.ma.us.