

**2020**  
ANNUAL REPORT

**Massachusetts  
Department of  
Telecommunications  
and Cable**



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**OCABR**

The Office of Consumer Affairs and Business Regulation

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## Letter from Undersecretary Palleschi

Dear Citizens and Businesses of the Commonwealth:

This has been a trying time in our state's history due to the unprecedented arrival of a global pandemic, which has caused us to examine how we do business and how we lead. I want to commend our agency heads and our staff for stepping up and answering the call during this challenging period in which circumstances change almost daily.

Still, as we do every year, the Office of Consumer Affairs and Business Regulation (OCABR) looks forward to sharing its Annual Reports — reflections on the past fiscal year's accomplishments of our five regulatory agencies and a reinforcement of our core mission.

These reports highlight what has occurred within the Division of Banks (DOB), Division of Insurance (DOI), Division of Professional Licensure (DPL), Division of Standards (DOS), and the Department of Telecommunications and Cable (DTC). These agencies have a combined operating budget of over \$87 million and together have approximately 600 employees. OCABR also oversees the state's Home Improvement Contractor (HIC) Program, Lemon Laws Programs, Data Breach Reporting, and the Do Not Call Registry.

OCABR is committed to protecting and empowering the people of the Commonwealth through advocacy, outreach, and education; and to ensuring a fair playing field for Massachusetts businesses through its regulatory agencies. We do not take this role lightly as you will see in the pages that follow.

We are proud and honored to serve the people of Massachusetts and we hope that you find this information helpful.

Sincerely,

*Edward A. Palleschi*

Edward A. Palleschi  
Undersecretary  
Office of Consumer Affairs and Business Regulation



**“We are proud and honored to serve the people of Massachusetts”**

## Letter from Commissioner Charles Peterson

Greetings,

Fiscal Year 2020 has been one unlike any other for our consumers and businesses here in Massachusetts. If it was not clear before, it is abundantly clear now that communications services, including broadband services, are essential to all residents of the Commonwealth. We at the Department of Telecommunications and Cable ("DTC") work every day to ensure that consumers get connected and stay connected to our Nation's communications network.

Like many other agencies in the Baker-Polito Administration, we took our work home in March 2020, and I am proud to say that we have not missed a beat. We continue to field complaints and investigate issues on behalf of consumers, continue to advocate for the Commonwealth and its consumers before the Federal Communications Commission, and we even continue to hold public and evidentiary hearings, albeit remotely.

Quite simply, a global pandemic will not stop us from continuing to fight to safeguard the rights of consumers, especially those that are the most vulnerable. In FY2020, the Department secured over \$190,000 in consumer refunds and savings, while investigating 1,745 consumer complaints. We are excited to continue this hard work, as our consumers need us now more than ever.

I hope you find the information that follows helpful and I look forward to another strong year for the DTC.

Sincerely,



Karen Charles Peterson  
Commissioner  
Department of Telecommunications and Cable



**"A global pandemic will not stop us from continuing to fight to safeguard the rights of consumers, especially those that are the most vulnerable."**



## Department Regulatory Responsibilities<sup>1</sup>

The Department of Telecommunications and Cable (“Department”) is funded through an annual assessment, on telecommunications and cable companies as authorized by the annual General Appropriations Act and pursuant to Chapter 25C, Section 7 of the Massachusetts General Laws (“M.G.L.”) and Chapter 19 of the Acts of 2007. The Department’s operating budget for Fiscal Year<sup>2</sup> (“FY”) 2020 was \$3,054,028. Any unexpended balances are credited to the General Fund.

The telecommunications industry over which the Department has jurisdiction is made up of common carriers, including local exchange carriers, interexchange carriers, operator service providers, payphone companies, and cable companies. As of FY 2020, 262 telecommunications carriers were registered with the Department and these companies reported nearly \$992 billion in intrastate telecommunications revenues for calendar year 2018.<sup>3</sup>

The cable industry in Massachusetts is comprised of eight cable television providers serving over 2.05 million cable video subscribers in 309 of the Commonwealth’s 351 cities and towns. Cable providers include Charter Communications, Comcast, Cox Communications, Norwood Light Department, RCN, Russell Cable Television, Shrewsbury Electric and Cable Operations, and Verizon. Cable providers reported more than \$2.67 billion in intrastate cable revenues in calendar year 2018.<sup>4</sup>

The Department’s mission is to: (1) oversee the telecommunications and cable industries in accordance with the statutory obligations imposed by the Commonwealth of Massachusetts and the federal government; (2) work to ensure that consumers receive high-quality communications at just and reasonable rates; (3) promote sustainable competition which will increase the welfare of all Massachusetts residents and businesses; (4) maintain and enforce consumer protections, consistent with the public interest, particularly where market forces alone are not sufficient to do so, including investigating and responding to inquiries and complaints from consumers, providers, carriers, and other interested parties; and (5) provide expert input into the development of telecommunications- and cable-related policies for the Commonwealth and the federal government.

The Department’s general responsibilities include the following.

### **1) Protect and Educate Consumers**

- Establish and enforce basic consumer protections (e.g., the Department’s residential telephone billing and termination rules, including, for example, the prevention of service disconnection for senior households and persons with serious illness), and educate consumers about these protections;

<sup>1</sup> The Department files this report as required by M.G.L. c. 25C, § 6.

<sup>2</sup> The Commonwealth’s Fiscal Year (FY) runs from July 1 to June 30.

<sup>3</sup> Per statute, telecommunications carriers report calendar year revenues by March 31 of the following year. Statutory assessments against regulated carriers’ reported revenues for a particular calendar year are made in a subsequent FY. For instance, FY 2020 assessments are based on calendar year 2017 reported revenues.

<sup>4</sup> Like assessments against telecommunications carriers, statutory assessments against cable providers’ reported revenues for a particular calendar year are made in a subsequent FY. Again, FY 2020 assessments are based on calendar year 2017 reported revenues.

- Monitor service providers' billing practices and compliance with notification requirements related to billing delinquency, network enhancements, and cable programming changes;
- Mediate consumer complaints, including but not limited to billing issues, service quality, and other complaints between residential, business, and municipal customers and their service providers;
- Answer consumer questions about different telecommunications services and technologies, including traditional landline telephone service, fiber-optic service, wireless service, internet service, and Voice over Internet Protocol ("VoIP") service;<sup>5</sup>
- Monitor and implement the federal Universal Service Fund ("USF") programs, including the Lifeline low-income discount, the Connect America Fund, the E-rate program, and the rural health care program; and
- Review and, where appropriate, approve applications for "eligible telecommunications carrier" ("ETC") status. ETCs must meet certain service obligations to be eligible to receive federal universal service funds.

## **2) Promote Competition**

- Revise existing policies and develop new policies in response to new technologies and market conditions;
- Collect and compile data on the status of competition in the telecommunications and cable industries in Massachusetts;
- Develop and implement policies that promote competition and service in areas of the state where it lags;
- Develop and enforce policies to promote wholesale and retail competition; and
- Implement competition-related rule changes consistent with state and federal law.

## **3) Inform and Advocate**

- Analyze major federal legislative and regulatory decisions to evaluate their impact on state regulation of the telecommunications and cable industries and, when appropriate, advocate on behalf of Massachusetts consumers before the Federal Communications Commission ("FCC") and Congress;
- Explain Department regulations and policies, and provide other information as requested by consumers, carriers, public officials, the Legislature, the Administration, and others;
- Monitor and evaluate proposed state legislation and provide recommendations;
- Propose state legislation where appropriate to adapt to changing technologies and market conditions;
- Analyze new technologies and market developments in order to determine their impact on consumers and the competitive marketplace;
- Participate in regional and national regulatory groups to ensure that Massachusetts' interests are represented;<sup>6</sup> and
- Comply with periodic FCC reporting requirements.

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<sup>5</sup> With limited exception, the Department does not regulate wireless, VoIP, or broadband internet service. M.G.L. c. 25C, §§ 6A, 8. However, the Department strives to assist all consumers with telecommunications-related requests.

<sup>6</sup> National memberships and involvement include: the North American Numbering Council, the FCC's Consumer Advisory Committee, the National Association of Regulatory Utility Commissioners, the National Association of Telecommunications Officers and Advisors, the Massachusetts Municipal Association, the Federal Communications Bar Association, the FCC's Broadband Deployment Advisory Committee, and the New England Conference of Public Utilities Commissioners.

## Telecommunications Industry Regulation

### **Regulatory Framework**

The Department regulates telecommunications providers principally through its enabling legislation found in M.G.L. chapters 25C, 159, and 166. Technology, the federal Telecommunications Act of 1996 (“Telecom Act”), and subsequent legislation and rulings from the FCC have led to major changes in the telecommunications industry and how it is regulated. The increase in competition, spurred largely by technological innovation, required that the Department adjust its regulations to reflect changes in market conditions and relax its regulations where market forces are sufficient to protect consumer interests, thereby ensuring that the Department continues to promote competition. However, where market forces are not sufficient to safeguard consumer interests, the Department has continued to enforce necessary protections, to the extent permitted under state law.

The Department has jurisdiction over telecommunications services that originate and terminate within or between Massachusetts’s two federally designated “Local Access and Transport Areas” (“LATAs”).<sup>7</sup> The FCC generally regulates interstate and international telecommunications services.

### **Department Responsibilities**

The Department’s primary telecommunications-related responsibilities include:

- Enforcing service quality standards;
- Overseeing the retail market;
- Helping to ensure public safety and network reliability;
- Overseeing the wholesale market; and
- Monitoring market entry and exit.

#### **1) Enforcing Service Quality Standards**

Verizon New England, Inc. d/b/a Verizon MA (“Verizon”) is the Commonwealth’s incumbent local exchange carrier (“ILEC”) in all but four towns in Massachusetts. Verizon also serves as the Commonwealth’s carrier-of-last-resort in its service area. As such, Verizon is subject to certain service quality standards and other requirements, which the Department monitors and enforces. Additionally, the Department ensures that Verizon allocates sufficient resources for the maintenance of service and call quality to all its customers, regardless of their location.

The Department adopted, and continues to monitor, a Retail Service Quality Plan (“Plan”) for Verizon retail customers. This Plan consists of twelve service measures in the categories of Installation Service, Maintenance Service, and Service Response. Verizon reports its performance on each of the measures to the Department on a monthly basis. If Verizon’s performance, on a rolling basis, falls below the Department’s threshold, Verizon pays a penalty in the form of a refund to all residential and business customers. The Department also evaluates Verizon’s retail service quality at the local level when the Department receives a formal complaint from city or town officials or customers.

Separately, the Department monitors Verizon’s compliance with a Performance Assurance Plan (“PAP”) for Verizon wholesale customers. The Department and Verizon instituted the PAP in order to ensure that Verizon provides high-quality service to competitive local exchange carriers (“CLECs”) pursuant to § 271 of the Telecom Act. The PAP includes: (1) the adoption of carrier-to-carrier service measurements and standards; (2) scoring mechanisms to determine whether CLECs are receiving non-discriminatory treatment; (3) a provision for the payment of bill credits to CLECs if Verizon’s reported performance does

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<sup>7</sup> The Western Massachusetts LATA consists of the 413 area code; all other area codes in the Commonwealth fall under the Eastern Massachusetts LATA.

not meet certain standards; (4) monthly reporting requirements; and (5) provisions for annual review, updates, and audits. Like the Retail Service Quality Plan, Verizon submits PAP reports on a monthly basis.

## **2) Retail Market Oversight**

The Department develops and enforces policies to promote retail competition, including policies that relax regulation where market forces are sufficient to protect consumer interests. However, the Department continues to regulate certain Verizon basic retail services over which the company retains market power. The Department similarly regulates the rates, services, and practices of three rural ILECs in Western Massachusetts, Richmond Telephone Company, Taconic Telephone Corp., and Granby Telephone & Telegraph, that have market power in their service territories. The Department also sets intrastate rates and monitors service quality for certain inmate-calling services, and ensures that reasonable service quality and certain consumer protections are provided by all traditional voice (i.e., non-Voice over Internet Protocol (VoIP)) carriers.

## **3) Helping to Ensure Public Safety and Network Reliability**

The Department helps to ensure adequate funding of the E-911 network. The Department oversees the cost of the network and establishes the retail surcharge to fund the network. The Department also oversees the State 911 Department's expenditures, pursuant to Chapter 223 of the Acts of 2008. Additionally, the Department:

- Facilitates quick resolution of wholesale and retail service outages by working closely with carriers and the Massachusetts Emergency Management Agency as necessary;
- Enforces Verizon's major extended service outage rules, which are intended to address prolonged outages affecting 200 or more customers;
- Enforces Verizon's central office collocation security rules; and
- Participates with other state utility commissions to guide federal policy impacting public safety requirements at the state and local levels.

## **4) Wholesale Market Oversight**

Apart from building their own facilities to serve customers, carriers that wish to compete in the retail telecommunications market have two modes of entry available to them. One of these is to lease unbundled network elements ("UNEs") from the ILEC<sup>8</sup> or another carrier and provide service over this leased network. Verizon is the ILEC for all but four towns (Gosnold, Granby, Hancock, and Richmond) in Massachusetts. Pursuant to federal law, the Department has authority over Verizon's wholesale provision of UNEs to ensure that they are provided in a non-discriminatory manner, and regulates the rates at which they are leased. The other way a carrier can enter the market is to purchase a service from another carrier (usually Verizon) at a predetermined wholesale discount rate, then brand the service with its own name and resell it. The Department develops the wholesale discount rate for Verizon pursuant to FCC methodology.

The Department has played a key role in setting the wholesale and resale rates at which carriers can lease parts of each other's networks—this applies in particular to ILECs' networks. Consistent with the Department's oversight of the wholesale telecommunications market, the Department does the following.

- Establishes the terms and conditions under which facilities-based carriers interconnect their networks, exchange traffic, and generally conduct their business relationships;
- May set rates at which competitors can resell Verizon's retail services;

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<sup>8</sup> The ILEC is the entity that owned the network prior to the introduction of competition.



- Ensures that competing carriers do not create barriers to consumer choice (e.g., enforces number porting requirements);
- Enforces phone number allocation rules (i.e., monitors the use of telephone numbers by carriers and promotes number conservation to ensure an adequate supply of telephone numbers for the industry and to prevent the need for new area codes); and
- Coordinates with the Department of Public Utilities (“DPU”) to ensure access to rights-of-ways for all carriers by establishing and enforcing rules concerning the rates, terms, conditions, and access to utility poles and conduits.

### **5) Market Entry and Exit**

Previously, the Department conducted an investigation into the financial, managerial, and technical abilities of a carrier to offer service. Presently, most carriers may now offer service based simply on the submission of a Statement of Business Operations (“SBO”) and a Department-approved rate schedule.<sup>9</sup> This streamlined entry process promotes competition in the market and permits the Department and carriers to devote greater resources and staff time to other responsibilities. Reviewing the new registrations from companies seeking to provide telecommunications services in Massachusetts and ensuring compliance with Department registration rules ensures quality service offerings. In monitoring market entry and exit, the Department does the following.

- Reviews registrations, individual rate schedule filings, and online rate schedules that establish new service offerings or change the rates, terms, or conditions of existing service offerings;
- Enforces entry requirements to ensure that carriers are not operating illegally in Massachusetts;
- Facilitates a smooth, orderly process when carriers discontinue services or exit the market entirely to prevent disruption of service to customers; and
- Requires carriers to notify the Department of any transfers of ownership or control in order to ensure that Department records are up to date in terms of who is operating in the Commonwealth.

## **Cable Industry Regulation**

### **Regulatory Framework**

Cable television is regulated at the local, state, and federal levels. The Department regulates cable providers principally pursuant to its enabling legislation, M.G.L. c. 166A, and implementing regulations in Title 207 of the Code of Massachusetts Regulations. In recent years, new entrants have emerged in the marketplace, including municipally owned companies and telephone companies that have begun offering video service, as well as broadband service, in competition with incumbent cable operators. As of the close of FY 2020, 120 communities are being served by an incumbent cable provider and at least one competitive cable provider. No cable-related appeals came before the Department during FY 2020.<sup>10</sup>

<sup>9</sup> Payphone providers are not required to file rate schedules but are required to register and file annual returns with the Department. In addition, the Department requires that all payphones have labels clearly identifying the owner/operator of the phone, and must provide free access to 911 and directory assistance.

<sup>10</sup> See M.G.L. c 166A, § 2 (requiring an annual report to the clerks of the senate and house of representatives on cable appeals).

## Department Responsibilities

The Department's primary cable-related responsibilities include:

- Overseeing cable television franchising, franchise renewal, and the transfer of cable franchises within the Commonwealth;
- Establishing basic service tier programming, equipment, and installation rates for communities in Massachusetts that have requested rate regulation and are not subject to effective competition;
- Enforcing consumer protection standards; and
- Collecting, compiling, and maintaining statistical data from cable providers on, among other things, consumer complaints, rates, terms and conditions, market share, and financial performance.

### 1) Oversight of Municipal Cable Franchising

In Massachusetts, municipalities act as "Issuing Authorities" and negotiate and grant cable licenses to cable operators, while the Department retains ultimate oversight authority in licensing matters. The Department conducts an extensive educational program for communities involved in the licensing process, regarding the applicable substantive and procedural requirements at the local, state, and federal levels. When licensing disputes or license transfers arise at the local level, the Department can facilitate discussions between cable operators and municipalities, and provide appellate review of final municipal decisions.

### 2) Rate Regulation

The Department regulates subscribers' rates for basic service tier programming, equipment, and installation in those Massachusetts communities that: (1) have requested rate regulation; and (2) do not have effective competition, as determined by the FCC. The Department reviews the proposed basic service tier rates to determine whether such rates are just and reasonable and in compliance with applicable federal law. Pursuant to federal law, the Department does not regulate rates for expanded cable or premium services.

## Consumer Protections and Education

The Department investigates and resolves individual consumer complaints through an informal negotiation process between the consumer and their service provider. If necessary, the Department has the ability to conduct adjudicatory proceedings for regulated services. The Department also tracks industry trends and complaint patterns in order to identify and resolve more widespread problems.

The Department's regulations afford a number of consumer protections to traditional landline telephone and cable subscribers, particularly with respect to the billing and termination of their services. Cable operators must make annual filings to ensure compliance with these consumer protection regulations and federal customer service standards, whereas telephone providers file rate schedules in accordance with these requirements. Through dedicated hotlines, published consumer information and advisories, fact sheets, outreach events, and a consumer-friendly website, the Department serves as a source of information to help consumers better understand their services and consumer rights. In addition, the Department often serves as a resource to the industry, consumer organizations, and social service advocates, providing guidance and sharing best practices about consumer-related issues affecting Massachusetts residents.

## FY 2020 Accomplishments

During FY 2020, the Department concluded several dockets impacting Massachusetts businesses and consumers. Docketed matters included:<sup>11</sup>

- Reviewing and issuing orders on petitions to adjust basic service tier cable programming, equipment, and installation rates in communities served by Charter Communications, Comcast, and Cox Communications;
- Enforcing telecommunications carriers' annual revenue reporting requirements;
- Ensuring the reasonableness of pole attachment rates, terms, and conditions;
- Granting telecommunications carriers designations for ETC status, enabling them to receive federal broadband funding; and
- Adjudicating requests from the State 911 Department regarding its budget, expenditures, and the 911 surcharge. As of the conclusion of our 911 Department proceeding in FY 2020, the Enhanced 911 Fund was projected to end FY 2020 with a balance of \$143,340,359. Maintaining a \$1.50 surcharge through FY 2023, the 911 Department has projected that the ending balance of the Fund at the end of each year from FY 2020 through FY 2024 will remain between \$144 million and \$96 million. This is substantially higher than the balances projected during the DTC's 911 proceeding in FY 2018, in which the surcharge was increased from \$1.00 to \$1.50. The 911 Department is entitled to carry a surplus in the Fund. A sizeable surplus has been prudent in recent years given the implementation and deployment of the NG911 system, and may be prudent during the period of the CoMIRS upgrade, but such a large surplus may not be necessary moving forward. The DTC thus once again encouraged the 911 Department in this year's proceeding to consider the necessity of the projected surplus.<sup>12</sup>

In addition to docketed matters, the Department:

- Submitted 14 filings to the FCC;
- Reviewed and approved 14 interconnection agreements and amendments;
- Reviewed more than 100 new and revised rate schedules;
- Provided continued support to the development of the Commonwealth's Broadband Expansion Initiative to unserved areas. This support included assistance to the Executive Office of Housing and Economic Development and the Massachusetts Broadband Institute ("MBI") with respect to their work to develop "last-mile" broadband infrastructure solutions in Western Massachusetts. The Department provided support and guidance to MBI on various state and federal regulatory matters, including the expansion of broadband service into unserved communities by cable companies. In addition, the Department Commissioner sits on the MBI's Board of Directors;
- Opened 1,745 consumer investigations; and
- Argued in the United States Court of Appeals for the First Circuit that the FCC erred in deregulating the cable rates of Charter Communications by finding that Charter is subject to "effective competition" in the communities in which it operates. As of this writing, this case remains pending.

<sup>11</sup> Refer to Appendix A for additional docket information.

<sup>12</sup> See M.G.L. c. 6A, § 18H(b) ("The department of telecommunications and cable shall file an annual report with the clerks of the house of representatives and the senate relative to the financial condition of the Enhanced 911 Fund.").

## Administration Division

### **Overview**

The Administration Division provides administrative support to the Department.

### **Division Responsibilities**

#### **Finance**

The Division handles budget preparation and controls, purchasing, accounts receivable and accounts payable, payroll, and other administrative financial services. The Department's budget for FY 2020 was \$3,054,028. Revenue collected during that same period was \$4.9 million, of which approximately \$1.8 million was returned to the General Fund from revenue sources that include telecommunications and cable filing fees.

#### **Human Resources**

In conjunction with the Office of Consumer Affairs and Business Regulation, the Division is responsible for payroll actions and human resource management.

#### **Legal Support**

The Division is responsible for publishing notices of and generally providing administrative support for Department hearings. In FY 2020, the Department conducted 6 evidentiary and/or public hearings. The Division also processes all docket filings, Notices, and Orders issued by the Department, manages the Department's record retention, and assists with public records requests. The Department issued 25 decisions in FY 2020, as well as several Department Notices. Additionally, staff responded to requests for information regarding docketed matters.

## Competition Division

### **Overview**

The Competition Division provides technical and analytical support to the Commissioner, all Divisions of the Department, and other Administration officials, in the regulation of the telecommunications and cable industries in Massachusetts.<sup>13</sup> Through its various responsibilities, the Competition Division supports the Department's missions.

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<sup>13</sup> In 1971, the Legislature established the Massachusetts Community Antenna Television Commission ("Cable Commission"). In 1997, the Cable Commission was merged into the Department of Telecommunications and Energy as the Cable Television Division. Pursuant to Chapter 19 of the Acts of 2007, the Department's predecessor agency, the Department of Telecommunications and Energy, ceased to exist. Jurisdiction over telecommunications and cable matters was placed in the newly-established Department. All telecommunications and cable authority and cases were initially transferred

## **Division Responsibilities**

### **Development of Policies that Promote Sustainable Competition and Conform the Level and Type of Regulation to Market Conditions**

In conjunction with the Legal Division, Competition Division staff conducts formal and informal policy investigations to ensure that consumers of telecommunications and cable services continue to experience the benefits of competition and that such competition accrues to all residents of Massachusetts. In addition, Competition Division staff safeguards consumers by implementing new regulatory policies seeking to ensure that the rates, terms, and conditions of telecommunications and cable services are just and reasonable, where market forces alone cannot do so. Along with the Legal Division, Competition staff drafted discovery questions to and reviewed discovery responses from companies involved in Department investigations throughout FY 2020. The Competition Division assisted the Legal Division staff in preparing and finalizing Orders relating to ongoing investigations. In FY 2020, Competition Division staff conducted technical analyses in Department compliance proceedings, both formal and informal.

### **Analysis and Implementation of Major Federal Regulatory Changes**

Decisions of the FCC, Congress, and state and federal courts affect the structure of the telecommunications and cable industries and the Department's authority to regulate those services. Competition Division and Legal Division staff monitor large volumes of relevant case law and actions from other agencies and jurisdictions, both federal and state, to keep abreast of major issues that may influence the provision of telecommunications and cable services within Massachusetts. Competition Division staff also monitor broadband-related activities, since it is increasingly becoming the pipeline by which telecommunications and cable services are being provided to Massachusetts consumers and is a major focus of many FCC reform proceedings.

In FY 2020, the Competition Division devoted substantial time supporting the Department's information and advocacy efforts before the FCC regarding broadband deployment, cable regulation, cramming, the E-Rate program, intercarrier compensation, the internet protocol ("IP") transition, Lifeline, public safety, Telecommunications Relay Services, and the federal Universal Service Fund ("USF").

### **Review of New Registrations and of Original and Amended Rate Schedule Filings**

Companies wishing to provide telecommunications services in Massachusetts must file an SBO and have an approved retail rate schedule on file with the Department. The SBO includes a general description of the services to be offered by the carrier, contact information for customers who need to reach the carrier with questions or complaints, and a statement that the company has made all appropriate federal and state income tax filings and paid all income taxes. During FY 2020, the Competition Division managed filings from 4 new carriers.

The Competition Division reviews competitive carriers' rate schedules to make sure that they do not contain any terms or provisions that violate Department policy (e.g., a carrier cannot offer service on the condition that a customer agrees not to contest any charges). Competitive carriers are free to determine prices and service offerings based on what the market will bear. In FY 2020, the Competition Division reviewed and approved 100 rate schedules/tariffs and 2 interconnection agreements between carriers.

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to the Department's Telecommunications and Cable Television Divisions, respectively. Shortly thereafter, the Department merged the separate Cable and Telecommunications Divisions to form the Competition Division, in order to increase efficiencies by taking advantage of synergies created by convergence in these industries.



## **Market Monitoring and Reporting Function**

The evolution of the telecommunications and cable industries in Massachusetts has resulted in many new telecommunications service providers, new technologies, such as fixed VoIP telephone service, and a plethora of new service offerings. In addition, the competitive landscape is constantly changing, with new types of competitors and individual companies taking on changing roles in the marketplace each year. Because of the changing nature of the telecommunications and cable industries, the Competition Division analyzes new technologies and market developments in order to determine their impact on consumers and the competitive marketplace.

## **Consumer Education and Public Information**

The Competition and Legal Divisions devote substantial staff time discussing the Department's regulations and policies with potential and existing providers of telecommunications and cable services, local and state officials, state and federal legislators, other Massachusetts agencies, the FCC, and other state public utility commissions, as well as various other constituencies. Staff also devote significant time to consumer inquiries.

## **Legal Division**

### **Overview**

The Legal Division staff serves as the chief legal advisor to the Commissioner and provides legal support to all Divisions of the Department. Legal Division staff members serve as presiding officers for the Department's adjudicatory hearings.

### **Division Responsibilities**

#### **Formal Adjudication**

Pursuant to M.G.L. c. 25C, § 4, which permits the Commissioner to designate employees of the Department to preside over Department hearings, Legal Division staff attorneys serve as presiding or hearing officers at Department adjudicatory proceedings conducted under the Massachusetts Administrative Procedure Act (M.G.L. c. 30A) and the Department's procedural regulations (207 C.M.R. 1.00). During FY 2020, the Legal Division issued 25 Orders and Rulings. A list of the Orders issued is attached as Appendix A. Adjudications are the formal determination of parties' rights through an administrative hearing process. All parties—the party or parties filing the action and any respondents or intervenors—are entitled to due process safeguards, including notice and the opportunity to be heard. Parties to the action have the right to present evidence, cross-examine witnesses, receive a written decision from the Department, and appeal that decision. Adjudicatory proceedings vary in complexity and frequency. Below is a list of the types of proceedings adjudicated by the Department.

- Service quality issues;
- Ratemaking, including cable rate and telecommunications rate schedule orders;
- Disputes between pole owners and pole attachers;
- Interconnection disputes between telecommunications carriers;
- Certification of telecommunications carriers to do business within the Commonwealth;
- Certification of telecommunications carriers as ETCs entitled to receive voice and broadband funding from the federal government;
- 911 Department budgetary proceedings; and
- Formal consumer adjudications.

In conducting a formal adjudicatory proceeding, the Department generally holds two types of hearings: (1) a public hearing and (2) an evidentiary hearing.<sup>14</sup> Public hearings are publicized through legal notice in newspapers in the provider's service territory. In certain types of cases, public hearings are conducted in a provider's service territory. A stenographer often transcribes public hearings. If conducted in a provider's service territory, public hearings are typically conducted during the evening in an easily accessible public building such as the Town Hall, and are overseen by a hearing officer. Otherwise, public hearings are typically conducted at the Department's office at 1000 Washington Street, Boston, MA 02118. Public hearings afford consumers the opportunity to learn more about a rate request or other change, offer their input about the pending case, and comment on the practices of the provider. Public hearings also allow Department staff to hear concerns of customers and local elected officials. Residential and business customers, as well as municipalities, are valuable sources of information to the Department in developing a case record.

Evidentiary hearings typically are conducted in a courtroom setting in the Department's Boston office. These proceedings are also transcribed by a stenographer. The Commissioner or a presiding officer presides over evidentiary hearings, with the active participation of the Department's technical and legal staff. Staff members question witnesses to ensure that the record is accurate and complete, while the presiding officer controls the conduct of the proceeding.

Although the adjudicatory process does not require adherence to all formal rules of evidence, the evidentiary hearing process follows rules that mirror many of the civil procedure rules used by Massachusetts courts, and parties are typically represented by counsel.

Evidentiary hearings afford all parties, including intervenors, the opportunity to question witnesses. In some cases, the Attorney General ("AG") of the Commonwealth is an intervenor. Other intervenors may include municipalities, individual consumers, industry trade organizations, public interest organizations, and local consumer, business, or neighborhood groups. Sometimes intervenors put on a direct case with witnesses of their own. Based on the evidence in the record, the Department issues a Final Order at the conclusion of each adjudicatory proceeding. Pursuant to M.G.L. c. 25, § 5, and M.G.L. c. 166A, § 2, the Department's Final Orders are reviewed directly by the Massachusetts Supreme Judicial Court in the case of an appeal. In certain circumstances, Department Orders may also be appealed to the Federal District Court or the FCC.

## **Rulemaking**

The Department conducts rulemaking pursuant to M.G.L. c. 30A, §§ 4-10 and 207 C.M.R. § 2.01, to adopt, amend, or repeal regulations pertaining to the activities of industries the Department regulates. The Department is required to provide public notice of a proposed rulemaking and to allow an opportunity for public comment. After consideration of the public comment, the Department may issue final regulations. Any final regulation is published in the Code of Massachusetts Regulations.

The Department continues to work with DPU to amend 220 C.M.R. 45.00, which applies to both agencies.

## **Compliance—General**

The Legal Division, in cooperation with other Divisions of the Department, ensures compliance with a wide variety of laws, regulations, and policies. More specifically, during FY 2020 the Department continued to ensure that telecommunications and cable providers were complying with state statutes, rules, Department Orders, and all other regulatory requirements. For example, the Department opened its annual investigation to ensure that all carriers operating in Massachusetts continue to comply with the Department's reporting requirements. The Department's methods for ensuring compliance can include

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<sup>14</sup> Since March 2020, the Department has conducted its public and evidentiary hearings via teleconference due to the COVID-19 pandemic.

mass mailings notifying the industry of Department rules and regulations, issuing Notices of Probable Violation (“NOPV”), opening investigations, issuing Orders to cease and desist, assessing forfeitures for non-compliance, and referring violators to the AG for enforcement.

## **Consumer Division**

### **Overview**

The Consumer Division’s primary responsibilities include enforcing and monitoring compliance with Massachusetts laws and Department regulations and policies to protect consumers of cable and landline telecommunications services. Hundreds of companies fall within the scope of the Consumer Division’s regulatory authority.

While the Consumer Division primarily handles issues involving cable and landline telecommunications services, increasingly, consumers are contacting the Department seeking assistance with issues relating to unregulated communications services. The Consumer Division routinely receives inquiries and complaints from customers about internet/broadband service, satellite television, VoIP telephone providers such as Comcast, Charter, and Cox, and wireless service providers.<sup>15</sup> See Appendix B for the breakdown of Consumer Division statistics by service provider.

Although these services are largely unregulated, Division staff is often able to assist by providing general consumer education information and resources, which may include referral to an external agency such as the AG, the FTC or the FCC. If the Division has an established relationship with the consumer’s service provider, it may be able to assist by sharing the complaint through its complaint resolution program, creating an opportunity for the provider to better address the concerns and work more readily towards a potential resolution with their customer.

### **Division Responsibilities**

#### **Enforce Residential Consumer Protection Rules:**

- Inform consumers of their rights;
- Serve as a resource for both consumers and industry on issues related to telecommunications and cable matters;
- Ensure service providers’ compliance with billing and termination rules; and
- Conduct informal case investigations to resolve disputes.

#### **Additional Protections:**

- Engage in quality of service issues to maintain consumers’ connectivity to networks; and
- Educate the public about industry-related issues, including technological changes and other issues impacting consumers in the communications marketplace.

#### **Respond to Consumer Inquiries**

The Consumer Division conducts informal complaint investigations, responds to inquiries, and participates in the critical role of informing and educating consumers about various technological changes

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<sup>15</sup> Due to its former role handling utilities-related issues as part of the DPU, the Consumer Division handles a marginal number of calls from consumers seeking to contact the DPU.

affecting their telecommunications and cable services. The Consumer Division's most important duty is to respond to the roughly 1,500 telephone contacts it receives monthly.<sup>16</sup> Consumers may contact the Division by telephone, mail, email, online submission, fax, or by visiting the office. The vast majority of consumer contacts are made by telephone. Contacts to the Consumer Division are further categorized as either informational inquiries, requests for Department materials, referrals to other agencies, or case investigations that require direct involvement with a consumer's service provider.

The Consumer Division operates a Consumer Hotline ("Hotline") through which members of the public can receive personal and prompt attention by Consumer Division staff who respond to inquiries and gather information for the Division's complaint resolution process, which often involves direct involvement with a consumer's service provider. Consumers who contact the Hotline are first provided with a self-serve option of utilizing an interactive voice response assistance system for those who are intending to speak directly with their service provider, but realize they contacted the Division in error.<sup>17</sup> These callers are automatically transferred to their service provider by simply speaking their name, eliminating the need to place an additional call.

Since March 18, 2020, due to the COVID-19 pandemic, the Consumer Division transitioned its day-to-day operations to a remote work environment, remaining accessible to the public by all normal communication methods.

Consumers are now invited to leave a detailed voicemail message for the Division describing the type of assistance needed, including the option to schedule an appointment during a preferred call back time. Consumer Division staff promptly responds to messages, often being able to provide information more efficiently upon first contact as they have a better understanding of the consumer's needs. The Consumer Division continues to accommodate Spanish- and Portuguese-speaking callers. We also work collaboratively with service providers in an attempt to accommodate consumers' preferred language if not directly spoken by Division staff.

As the communications industry evolves, the Consumer Division receives a number of contacts concerning services that the agency does not specifically regulate. Often, these contacts consist of issues that are either unassociated with a known service provider or involve entities outside of the Department's jurisdiction. Examples of such unregulated matters include contacts relating to collection agency practices, internet/broadband service, satellite and over-the-air television service, telephone scams, the Do-Not-Call Registry, VoIP telephone service, radio frequency safety, and wireless service and tower siting. These largely unregulated matters may be referred to an external agency such as the AG, the Federal Trade Commission, or the FCC for appropriate handling.

### **Investigate and Resolve Consumer Complaints**

The two main complaint types received in the Consumer Division concern billing disputes and service quality problems. The Division also handles complaints and inquiries related to the federal government's Lifeline program. This year, the most prominent inquiries received by the Consumer Division concerned:

- 1) Questions concerning company billing practices, including fees appearing on monthly billing statements as well as concerns about the overall cost of service;
- 2) General inquiries about the Lifeline program, including changes to the application process with the launch of the National Eligibility Verifier and program modifications made as a result of COVID-19; and

<sup>16</sup> The Consumer Division's contact numbers for the year include calls that were directly received by Division staff on the Department's Consumer Hotline as of March 12, 2020. Due to COVID-19, the Division began teleworking on March 18, 2020.

<sup>17</sup> During this period, 30,187 consumers were redirected to the appropriate service provider for assistance using the interactive voice response system.

- 3) The impact of the telephone service transmission transitioning from the legacy copper network to a fiber-optic network.

In cases where the service provider is found to be at fault, the Consumer Division requires the company to provide an explanation addressing the problem, make the corrective action, make any warranted refunds or credits to consumer bills, or, with respect to the Lifeline program, resolve any barriers to enrollment.

Generally, every complaint opened by the Consumer Division must be resolved before it can be closed. If the customer or the service provider is not satisfied with the investigator's resolution of a complaint, a request for additional mediation through an informal hearing may be made. Parties dissatisfied with the informal written decision issued on the complaint may request a formal adjudicatory hearing conducted by a hearing officer in the Department's Legal Division.

The Consumer Division also investigates complaints concerning the unauthorized switching of a consumer's telephone service provider, known as "slamming," which is a violation of M.G.L. c. 93 §§ 108 to 113. Companies that engage in slamming may be subject to a fine. The Consumer Division works to enforce both federal and state laws prohibiting slamming. If the Department determines that an unauthorized switch has occurred, consumers should receive a refund of any unauthorized charges that they paid. Under Massachusetts law, consumers must bring telephone service slamming complaints to the Department within 90 days of notice of the unauthorized switch of service. In FY 2020, the Department fielded one slamming complaint related to regulated telecommunications services. Given technological advancements in the telecommunications industry (e.g., VoIP) and recent statutory changes prohibiting application of Massachusetts's anti-slamming law to these new technologies, the anti-slamming law is not as effective as it once may have been.<sup>18</sup>

### **Advise the Department**

The Consumer Division alerts the Department to important consumer issues, including significant complaint trends such as bundled billing issues and technological changes impacting services. For example, a continuing complaint trend regarding deceptive marketing and advertising practices of promotional offers has caused the Department to examine disclosure and notice requirements more closely. The Department has also worked with the AG on advertising and truth-in-billing issues.

### **Review Bills and Notices**

The Consumer Division reviews certain telecommunications and cable company billing materials and customer notices to ensure that they provide consumers with clear and accurate information. Notices often concern rate increases, provider billing practice changes, and network enhancements.

### **Educate Consumers**

The Department's website is regularly updated to provide relevant consumer information designed to educate the public and increase awareness about significant complaint trends. Examples include the transition of the telephone network from copper to fiber, tips for staying connected during emergencies, and details about the Lifeline program for affordable communications service. Also, the Consumer Division fields many calls from consumers requesting information or applications for the Lifeline Program, elder protection from telephone service suspension (available for traditional telephone service only; not offered by VoIP telephone providers), and directory assistance exemption.

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<sup>18</sup> M.G.L. c. 25C, §§ 6A, 8 (prohibiting application of the anti-slamming law to Voice over Internet Protocol (VoIP) and wireless services); *see also* M.G.L. c. 93, § 113(b) (requiring the Department annually report on the impact of the anti-slamming law to the Joint Committee on Government Relations and the Attorney General).



The Consumer Division actively engages communities throughout the Commonwealth and regularly participates in outreach events to promote awareness of how the Department can assist consumers. The Division also offers several outreach programs designed to educate consumers about current industry-related issues, including technology transitions, reforms to the Lifeline program, and other consumer protection measures. The Consumer Division, along with the assistance of the Administration Division, regularly conducts mass mailings of its brochures, fact sheets, and consumer advisories. The Division also partners with various stakeholders and community organizations to craft targeted email blasts and blog posts about relevant telecommunications matters, and occasionally appears on local community access television programs to ensure the public is reached through multiple media.

## Statistics

The Consumer Division provides statistical information to the Department, industry-related companies, government representatives, and the media. The statistical complaint data compiled by the Consumer Division provides an important basis for identifying industry trends and determining whether companies meet required service quality standards. Statistical complaint data may also provide evidence of fraud or unfair trade practices, and, if so, would be shared with the AG.

## FY 2020 Consumer Division Accomplishments:

- Responded to 2,457 inquiries;
- Investigated 1,745 complaints;
- Secured \$190,428.05 in consumer refunds and savings;
- To address growing concerns about connectivity during the COVID-19 pandemic, the Department regularly updated its website with information about actions being taken by Massachusetts broadband and telephone service providers in response to the FCC's Pledge to Keep Americans Connected. The Division developed comprehensive talking points to educate the public about the availability of low-cost telecommunications services and ways to get connected to such services as various social distancing measures were adopted, including remote work, telehealth and distance learning.
- Identified an internal company billing issue resulting from a recent billing platform transition that impacted a number of Massachusetts residents;
- Educated the public and staff at various social service organizations about recent changes to the Lifeline program application process, and monitored the marketplace for any new barriers to enrollment as a result of this change;
- Prepared and distributed informational packets containing consumer rights fact sheets and Department informational brochures, which included: (1) a *Massachusetts Consumer Guide to Telecommunications and Cable*, to provide a general overview of the industries that we oversee as well as relevant consumer information for purchasing services; (2) the *Copper to Fiber Migration Advisory*, to inform consumers of changes to the telephone network; (3) *911 Surcharge Consumer Advisory*, to inform consumers about the purpose of the 911 surcharge; and (4) a *Consumer Guide to the Lifeline Program*, to provide potential program participants with an overview of the Lifeline program, including current eligibility criteria, a list of participating Massachusetts Lifeline service providers, and important consumer information to consider when applying for Lifeline service;
- Conducted 23 consumer outreach initiatives throughout the Commonwealth that ensured that consumers received information about telephone and cable services, and provided consumers with access to the Department in their communities.<sup>19</sup> See Appendix C for an additional breakdown of these initiatives.
- Partnered with a number of state agencies and community partners to distribute COVID-19 resources to help residents both get and stay connected to services.

<sup>19</sup> As a result of COVID-19, the Division suspended all in-person outreach activities on March 18, 2020, but remains available for virtual presentations and outreach opportunities.

## Conclusion

The Department had another strong year fighting for the rights of consumers while maintaining a proper regulatory balance for the industries we oversee. As technologies change and the definition of “telecommunications” continues to evolve, we will continue to strike this balance for the betterment of our Commonwealth.

## Appendix A

### FY 2020 Department Orders and Rulings

Docket No.	Caption	Description	Date Order Issued	Date Closed
20-1	Petition of the State 911 Department for Approval of Fiscal Year 2020 Expenditures, and Approval of Fiscal Year 2021 Development Grant Amount.	Final Order	5/26/2020	6/15/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-57	4/30/2020	5/20/2020
18-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2014 and/or 2015.	Order Vacating Judgment in docket D.T.C. 18-AR-37	4/30/2020	5/20/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-13	3/10/2020	3/30/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-20	3/10/2020	3/30/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-62	3/10/2020	3/30/2020

19-3	Petition of Cox Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Cox Communications that are currently subject to rate regulation.	Hearing Officer Ruling on Motions for Protective Treatment	3/3/2020	3/23/2020
19-3	Petition of Cox Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Cox Communications that are currently subject to rate regulation.	Final Order	2/20/2020	3/11/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-3	2/18/2020	3/9/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-9	2/18/2020	3/9/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-24	2/18/2020	3/9/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-40	2/18/2020	3/9/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-50	2/18/2020	3/9/2020

19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-63	2/18/2020	3/9/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Memorandum of Dismissal in docket D.T.C. 19-AR-67	2/18/2020	3/9/2020
14-1	Cox Communications Form 1205 and Form 1240 Annual Filing for 2014 for the Town of Holland, MA	Hearing Officer Approval of Request for Extension of Confidential Treatment	1/15/2020	2/4/2020
19-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2016 and/or 2017.	Order Opening Investigation	12/20/2019	1/9/2020
18-4	Petition of Crocker Communications, Inc. for Designation as an Eligible Telecommunications Carrier.	Order	12/19/2019	1/8/2020
19-3	Petition of Cox Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Cox Communications that are currently subject to rate regulation.	Hearing Officer Ruling on Holland's Petition to Intervene	11/27/2019	12/17/2020
18-3	Investigation by the Department of Telecommunications and Cable on its own Motion into Accounting Practices and Recordkeeping of Telecommunications Carriers.	Hearing Officer Ruling on the Request for Reply Comment Extension	11/26/2019	12/16/2019
13-4	Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program	Provisional Order and Request for Further Comment	11/15/2019	12/5/2019



18-7	Petition of Charter Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Charter Communications that are currently subject to rate regulation.	Final Rate Order, Equipment Table, and Rate Table	10/24/2019	11/13/2019
18-5	Petition of Comcast Cable Communications, Inc. to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, Inc. that are currently subject to rate regulation.	Final Rate Order, Equipment Table, and Rate Table	9/24/2019	10/14/2019
08-8	FCC Forms 1240 & 1205 for the Massachusetts community currently served by Cox Communications , and Subject to rate regulation	Hearing Officer Approval of Request for Extension of Confidential Treatment	7/29/2019	8/18/2019
19-4	Joint Investigation by the Department of Public Utilities and the Department of Telecommunications and Cable, on their own motions, instituting a rulemaking pursuant to Executive Order No. 562 to Reduce Unnecessary Regulatory Burden, G.L. c. 30A, § 2, 220 CMR 2.00, and 207 CMR 2.00, to amend 220 CMR 45.00.	Order Opening Joint Investigation by the DTC and DPU	7/11/2019	7/31/2019

## Appendix B

### FY 2020 Consumer Division Telecommunications & Cable Statistics

Service Provider	Investigations	Inquiries	Auto Attendant Transfers	Adjustments and Savings
Airus, Inc.	1	0	0	\$0.00
Assurance Wireless by Virgin Mobile USA*	93	123	1,132	\$59.00
AT&T Inc.	7	7	426	\$685.32
AT&T Mobility	36	14	36	\$31,417.80
Boost Mobile by Sprint	2	1	0	\$0.00
Braintree Electric Light Department	0	0	49	\$0.00
Charter Communications, Inc.	70	61	659	\$1,697.14
Clearly Communications	1	0	0	\$0.00
Clear Rate Communications	1	1	0	\$97.79
Comcast Corporation <sup>1</sup>	681	1005	18,144	\$83,509.87
Community Phone	0	1	0	\$0.00
Consolidated Communications (Taconic Telephone Company)	0	0	47	\$0.00
Consumer Cellular, Inc.	4	0	0	\$2.58
Cox Communications, Inc.	1	1	1,182	\$120.00
Department of Public Utilities	0	0	1,147	\$0.00
DirecTV	19	12	84	\$2,157.99
Dish Network	1	2	1,131	\$523.06
Fusion Communications, LLC	1	0	0	\$0.00
Granite Telecommunications, LLC	0	1	0	\$0.00
Greatcall, Inc.	1	0	0	\$20.30
H2O Wireless	0	1	0	\$0.00
Hamilton Relay	1	0	0	\$0.00
Hughes Network Systems	1	1	0	\$0.00
Impact Telecom	0	1	0	\$0.00
IMR Telecom	1	0	0	\$0.00
Lingo Communications, LLC	2	0	0	\$41.90
Magna5 (Richmond Telephone Company)	2	2	60	\$0.00
MetroPCS by T-Mobile US, Inc.	4	1	0	\$0.00
Net10 Wireless	0	1	0	\$0.00
New Horizon Communications Corporation	1	0	0	\$0.00
Nextiva, Inc.	0	1	0	\$0.00
Norwood Light Broadband	0	0	99	\$0.00
Ooma Telo, Inc.	0	1	0	\$0.00

Other Government Agency <sup>2</sup>	0	0	778	\$0.00
OTELCO (Granby Telephone Company)	0	1	78	\$0.00
Primus Telecommunications, Inc.	0	1	0	\$0.00
PTS Providers, Inc.	2	0	0	\$0.00
RCN Corporation	48	29	884	\$6,886.25
Russell Municipal Cable	1	0	35	\$80.00
SafeLink Wireless by TracFone Wireless Inc.*	77	85	784	\$90.33
SBA Communications Corporation	0	1	0	\$0.00
Securus Technologies, Inc.	0	1	0	\$0.00
Shrewsbury Electric and Cable Operations	0	1	230	\$0.00
Simple Mobile by Tracfone Wireless, Inc.	1	0	0	\$78.57
Sprint Wireless	10	7	857	\$2,571.42
StandUp Wireless by Global Connection Inc. of America*	0	1	167	\$0.00
Straight Talk Wireless by Tracfone Wireless, Inc.	1	1	0	\$0.00
T-Mobile US, Inc.	9	4	271	\$468.81
TracFone Wireless Inc.	6	0	0	\$199.00
Unknown or Unidentified Service Provider	0	387	0	\$0.00
VarTec Telecom, Inc.	1	0	0	\$6.87
Verizon Communications, Inc. <sup>3</sup>	612	671	1,829	\$48,660.90
Verizon Wireless	32	27	78	\$6,738.86
Virgin Mobile USA by Sprint	1	0	0	\$0.00
VOIPo.com	1	0	0	\$0.00
Vonage America, Inc.	0	1	0	\$0.00
Windstream Communications	11	0	0	\$3,482.96
XO Communications, Inc.	1	0	0	\$831.33
Xpander Communications	0	1	0	\$0.00
<b>Total</b>	<b>1,745</b>	<b>2,457</b>	<b>30,187</b>	<b>\$190,428.05</b>

*\*Indicates an Eligible Telecommunications Carrier offering wireless service via the Lifeline Program*

<sup>1</sup>Includes Complaints filed against Comcast Business Services

<sup>2</sup>Includes transfers to the Massachusetts Attorney General's Office, the Federal Communications Commission and the Universal Service Administrative Co. (administrator of the Universal Service Fund).

<sup>3</sup>Includes Complaints filed against Verizon Business Network Services, Inc.

## Appendix C

### FY 2020 Consumer Outreach Events and Initiatives

Month	Type	Event Location by Municipality
July 2019	Information Table	Worcester
August 2019	Presentation	Cambridge
	Information Table	Lawrence
	Presentation	Cambridge
	Information Table	Waltham
September 2019	Information Table	Boston
	Information Table	Woburn
	Presentation	Billerica
	Information Table	Holland
	Presentation	Fitchburg
	Information Table	Springfield
October 2019	Information Table	Danvers
	Presentation	Groton
	Information Table	Framingham
	Presentation	Bolton
November 2019	Information Table	Newton
	Robocall Symposium	Boston
February 2020	Presentation	Boston
March 2020	National Consumer Protection Week Event/Information Table	Cambridge
	National Consumer Protection Week Event/Information Table	Boston
	Presentation	Wareham
April 2020	E-Blast/COVID-19 Resources*	Statewide
May 2020	E-Blast/COVID-19 Resources**	Statewide
<b>Total Number of Outreach Events and Initiatives</b>	<b>23</b>	

\* The Division collaborated with the Executive Office of Elder Affairs and AARP to distribute information via their stakeholder and membership network.

\*\*The Division collaborated with the Massachusetts Councils on Aging to distribute information via their stakeholder and membership network.

## Appendix D

### FY 2020 Department FCC Filings

Note: All recent Department filings are available on the Department's website at <https://www.mass.gov/service-details/fcc-comments>, as well as through the FCC's publicly accessible Electronic Comment Filing System, which is available online at: <http://apps.fcc.gov/ecfs/>.

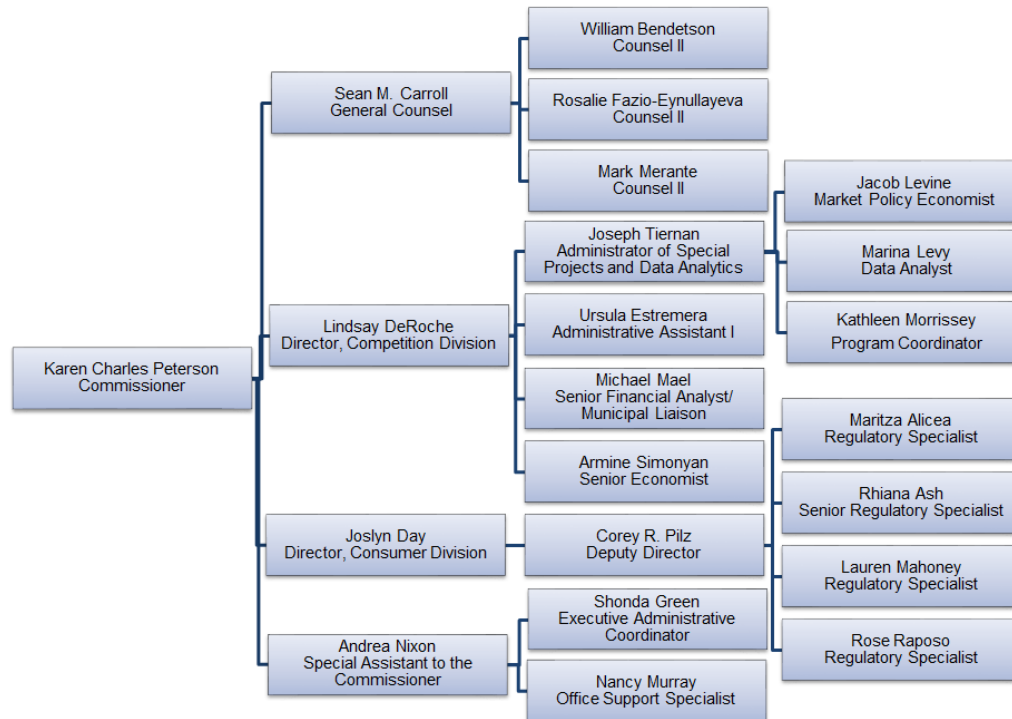
Date	Filing
6/24/2020	MDTC Comments 5G Fund NPRM
5/13/2020	MDTC Comments Significantly Viewed Stations
4/29/2020	MDTC Comments Outage 2nd NPRM
4/15/2020	MDTC Letter Supporting Vermont RDOF Petition for Reconsideration
2/13/2020	MDTC Cox Streaming Video Effective Competition Opposition
1/23/2020	MDTC Comcast Streaming Video Effective Competition Opposition
1/9/2020	MDTC Comcast Streaming Video Motion for Abeyance
1/9/2020	MDTC Cox Streaming Video Motion for Abeyance
10/18/2019	MDTC Charter Streaming Video Effective Competition Ex Parte Letter - October 2019
10/17/2019	MDTC Charter Streaming Video Effective Competition Ex Parte Letter - October 2019
10/11/2019	MDTC Charter Streaming Video Effective Competition Ex Parte Letter - October 2019
8/5/2019	MDTC Charter Streaming Video Supplement to Motion for Abeyance
7/24/2019	MDTC 2019 Robocall Comments
7/15/2019	MDTC Comments in Support of NHPUC Petition



## Appendix E

### FY 2020 Organizational Chart

#### Department of Telecommunications and Cable



[www.mass.gov/dtc](http://www.mass.gov/dtc)



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