



# COMMONWEALTH OF MASSACHUSETTS

## Department of Telecommunications and Cable

1000 Washington Street, Suite 820, Boston, MA 02118

(617) 305-3580

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

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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ECONOMIC DEVELOPMENT

**JOHN C. CHAPMAN**  
UNDERSECRETARY

**KAREN CHARLES PETERSON**  
COMMISSIONER

October 06, 2015

Department of Telecommunications and Cable Regulation Review Pursuant to Executive Order  
No. 562 To Reduce Unnecessary Regulatory Burden

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**NOTICE SEEKING COMMENT**  
**HEARING OFFICER RECOMMENDATION**  
**220 C.M.R. 13.00 CONSUMER PROTECTION FROM THE UNAUTHORIZED**  
**CHANGING OF LOCAL OR LONG DISTANCE TELEPHONE SERVICE PROVIDERS**

By Executive Order No. 562, dated March 31, 2015, the Governor's Office directed each Executive Agency, including the Department of Telecommunications and Cable ("Department"), to undertake an immediate review of its regulations.<sup>1</sup> These reviews must be generally concluded by March 31, 2016, and may result in rescission or revision of certain regulations.<sup>2</sup> As Title 220 has been assigned to the current Department of Public Utilities ("DPU"), the Department intends to promulgate its own version of the regulations and any revision thereto under Title 207, as appropriate.<sup>3</sup> If the Department finds a Title 220 regulation unnecessary to the exercise of its jurisdiction it will not seek to promulgate its own version of the regulation in Title 207.

The Hearing Officer has reviewed 220 C.M.R. 13.00, Consumer Protection from the Unauthorized Changing of Local or Long Distance Telephone Service Providers, the Massachusetts "anti-slamming" statute,<sup>4</sup> and the Federal Communications Commission's slamming rules.<sup>5</sup> The Department's regulation remains in accord with the federal rules and the Commonwealth statutory provisions requiring the Department to promulgate rules and regulations to implement the relevant statutory provisions. The Hearing Officer recommends that the Department adopt its own version of 220 C.M.R. 13.00 in Title 207. According, the

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<sup>1</sup> See Office of the Governor, Commonwealth of Massachusetts, Executive Order No. 562 (Mar. 31, 2015) ("Executive Order").

<sup>2</sup> *Id.*, § 2.

<sup>3</sup> See Request for Comment and Notice of Listening Session at 2; n.5. The Department is reviewing each regulation individually and does not preclude the possibility it may be appropriate to retain joint jurisdiction over a regulation under Title 220 and not promulgate its own version under Title 207.

<sup>4</sup> See G. L. c. 93, §§ 108-113; G. L. c. 159, § 12E.

<sup>5</sup> See 47 C.F.R. §§ 64.1100-64.1195.

Department seeks comment on the Hearing Officer's recommendation to promulgate its own version of 220 C.M.R. 13.00, Consumer Protection from the Unauthorized Changing of Local or Long Distance Telephone Service Providers, in Title 207. Specifically, as provided in the enclosed red-line of the regulations, the Department will:

- Either remove reference to Title 220 or replace such reference with Title 207;
- Replace reference to the Department of Telecommunications and Energy with the Department of Telecommunications and Cable; and
- Correct identified references to specific statutory and regulatory provisions.

The Department seeks comment on these preliminary hearing officer recommendations so that it may address any stakeholder concerns before the Department adopts a formal proposal. Comments should be submitted to the Department on or before **October 20, 2015**. In the interest of efficiency, the Department strongly encourages electronic filing. Interested stakeholders may submit written concerns or recommendations to the assigned Hearing Officer's email address [Michael.Scott@state.ma.us](mailto:Michael.Scott@state.ma.us) and to [dtc.efiling@state.ma.us](mailto:dtc.efiling@state.ma.us). Comments may also be mailed in hard copy to the Department at:

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

Submittals should include the name, title, and telephone number of a person to contact in the event of questions about the filing. **Please be sure to reference "Department Reg Review" and 220 C.M.R. 13.00 in the subject line of all submissions.** Note that all filings submitted to the Department are subject to disclosure pursuant to G. L. c. 66, § 10, unless protected by statutory exemption. All comments will be posted to the Department's website.

For questions about this Notice, contact Hearing Officer Michael Scott at (617) 368-1114 or [Michael.Scott@state.ma.us](mailto:Michael.Scott@state.ma.us).