



# COMMONWEALTH OF MASSACHUSETTS

## Department of Telecommunications and Cable

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### **REQUEST FOR COMMENT AND NOTICE OF LISTENING SESSION**

To: Massachusetts Telecommunications Providers, Cable Providers, Government  
Entities, and Interested Stakeholders  
Date: July 27, 2015  
Re: Department Regulation Review  
Attachment: Executive Order No. 562

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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> Since changes to the Department's regulations may impact a broad swath of stakeholders, including telecommunications providers, cable providers, consumers, businesses and government entities (together, "interested stakeholders"), the Department seeks to gather input on whether and how best to implement possible changes to its regulations. The Department hopes to engender an open dialogue and garner suggestions from interested stakeholders at this stage of the process through an informal request for comment and discussion on the issues and the questions identified below. The Department's inquiry is limited to regulations subject to review under Titles 207 and 220 of the Code of Massachusetts Regulations ("C.M.R." or "Code"), as listed on the Department's website and summarized below:<sup>3</sup>

#### ***Regulations – 207 C.M.R.***<sup>4</sup>

Chapter 2.00	General Rules
Chapter 3.00	Licensing
Chapter 4.00	Transfer or Assignment of Control of a Final License
Chapter 6.00	Rate Regulation
Chapter 10.00	Billing and Termination of Service

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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> *Id.*, § 1. The Department's current regulations are available at: <http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/legal-division/dtc-regulations/dtc-regs/> (last viewed Jul. 16, 2015).

<sup>4</sup> Chapters 1.00, 5.00, and 7.00 through 9.00 are Reserved.

***Regulations – 220 C.M.R.***<sup>5</sup>

Chapter 1.00	Procedural Rules
Chapter 2.00	Adoption of Regulations
Chapter 5.00	Tariffs, Schedules and Contracts
Chapter 13.00	Consumer Protection from the Unauthorized Changing of Local or Long Distance Service Providers
Chapter 15.00	Accelerated Docket for Disputes Involving Competing Telecommunications Carriers
Chapter 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
Chapter 26.00	Security Deposits and Late Payment Charges Applicable to Non-Residential Customers (§§ 26.09 and 26.10, only)
Chapter 37.00	Automatic Telephone Dialing Systems
Chapter 45.00	Pole Attachment, Duct, Conduit and Right-of-Way Complaint and Enforcement Procedures
Chapter 77.00	Voting Trust Certificates of Public Utilities
Chapter 78.00	Accounting Treatment of Investment Tax Credit for Utilities
Chapter 273.00	Distribution and Maintenance of Telecommunications Devices for the Deaf and Specialized Customer Premises Equipment to Residential Subscribers with Disabilities

**I. REQUEST FOR COMMENT**

The Department at this time requests comment on the following questions:

1. Should the Department codify its regulations under a single Title of the Code? In this instance, the Department anticipates that most of its regulations would be moved to Title 207.
2. Should the Department unify its procedural rules among its industry segments? If the Department were to unify its rules, should the Department utilize the Commonwealth's default procedural rules from Title 801, Chapter 1, of the Code, or should the Department utilize a version of the more simplified procedural rules from Title 220, Chapter 1?<sup>6</sup> Further, how would such a measure be best accomplished?
3. What, if any, other measures should the Department take to revise or simplify its regulations?

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<sup>5</sup> Title 220 has been assigned to the current Department of Public Utilities (D.P.U.). However, due to the joint history of the D.P.U. and the Department, several Chapters remain within the regulatory purview of the Department. In addition, due to longstanding practice, the Department relies on the rules as they are drafted and listed on the Department's website rather than those amended by the D.P.U. (e.g., Chapters 1.00, 2.00, and 5.00). The Department and the D.P.U. share jurisdiction over Chapter 45, which apply to cable companies. Additional regulations that remain applicable to both the Department and the D.P.U. include Chapters 77.00 and 78.00.

<sup>6</sup> The Department's procedural rules for cable proceedings have long been governed by Title 801, whereas all other Department proceedings have been governed by Title 220.

The Department also requests that interested stakeholders specifically consider Sections 3 and 6 of the attached Executive Order in your responses.

Interested stakeholders responding to the Department's inquiries may submit their responses electronically or in writing no later than **August 14, 2015**, to:

Sara J. Clark, Secretary  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500  
[dtc.efiling@state.ma.us](mailto:dtc.efiling@state.ma.us)

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" in the subject line of all submissions to the Department on this matter.** Note that all filings submitted to the Department are subject to disclosure pursuant to G. L. c. 66, § 10, unless protected by statutory exemption.

## **II. LISTENING SESSION DETAILS**

In the interest of generating ideas for possible revisions to the Department's regulations, the Department will host an informal listening session which will take place at:

10:00 a.m.  
**August 19, 2015**  
Department of Telecommunications and Cable  
Hearing Room 1-E  
1000 Washington St.  
Boston, MA 02118

The Department hopes that interested stakeholders who have familiarity with the Department's regulations will attend this session. In order to ensure sufficient room for the discussion, the Department requests that parties wishing to attend email the Department at [sara.clark@state.ma.us](mailto:sara.clark@state.ma.us) no later than **August 14, 2015**.

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as possible. All such requests should be submitted to [sara.clark@state.ma.us](mailto:sara.clark@state.ma.us) no later than **August 4, 2015**. While the Department will attempt to honor all requests, those requests received after that date may not be provided due to feasibility.

For questions about this Notice, contact Kerri DeYoung Phillips at (617) 368-1141 or [kerri.deyoung@state.ma.us](mailto:kerri.deyoung@state.ma.us).