

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
TELECOMMUNICATIONS DIVISION
ONE SOUTH STATION, BOSTON, MA 02110
Phone: (617) 305-3540
Fax: (617) 478-2589
Website: <http://www.state.ma.us/dpu/telecom>

**DOING BUSINESS AS A TELECOMMUNICATIONS COMPANY
IN MASSACHUSETTS**

Revision date November 5, 1999

The Department of Telecommunications and Energy (DTE or Department) has general supervision, regulation of, and jurisdiction and control over the provision of telecommunications services when furnished or rendered for public use within the Commonwealth. *See* Massachusetts General Law (MGL) Chapter 159, Section 12 (d). In addition, MGL Chapter 159, § 19 requires telecommunications service providers furnishing service within the Commonwealth to have on file with the Department all rates, rules and regulations, conditions and limitations for the provision of intrastate services.

This application package refers to certain Massachusetts General Laws and to Department regulations contained in 220 Code of Massachusetts (CMR). A complete set of the General Laws of Massachusetts is available online by going to www.magnet.state.ma.us/legis/laws/MGL. The Department rules and regulations are also available online by returning to the DTE homepage at www.state.ma.us/dpu, and pointing your browser to "Rules (CMR)." Telecom-related information, including division "news" can be found on the Telecommunications Division's web page .

****APPLICATION PACKAGE ****

This package contains the following:

1. Filing and Reporting Requirements for Local and Interexchange Telecommunications Services Providers Offering Service in Massachusetts
2. Registration/Statement of Business Operations
3. Check List For Registration/Statement of Business Operations and Tariff Filings
4. Sample Transmittal and Combined Transmittal/Explanation Letters, and Tariff Format
5. Guidelines regarding Residential Billing and Termination Practices for Telecommunications Service Providers
6. Sample Massachusetts Intrastate Tariff [under renovation]

7. DPU 18448 - Rules and Practices Relating to Telephone Service to Residential Customers
[under renovation]

Questions regarding these materials should be addressed to the Telecommunications Division at (617) 305-3540.

1. Filing and Reporting Requirements for Local and Interexchange Telecommunications Services Providers Offering Service in Massachusetts.

A. Registration/Statement of Business Operations

All telecommunications service providers proposing to offer telecommunications services (Registrants) must first register with the Department before commencing operations in the State. Registrants must submit a Statement of Business Operations (see form below), and certify that they will abide by all applicable administrative rules, policies and Orders of the Department.

The Department will presume that Registrants possess the necessary qualifications to operate, a presumption which is subject to further analysis if a problem is raised by the public, another utility, or by the Department.

Respond fully to each item requested on the Registration/Statement of Business Operations form. If an item is not applicable, please explain why. If more space is needed to respond, use a separate sheet of paper.

Submit an original and two (2) copies of the completed Registration/Statement of Business Operations, along with any attachments to:

Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

There is no filing fee for the Registration/Statement of Business Operations.

B. Tariff Filings

Pursuant to Massachusetts General Law 159, § 19 and 220 C.M.R. 5.00, Registrants are also required to have an approved tariff on file with the Department before offering intrastate services in Massachusetts. All tariff filings are subject to Department approval. Tariff filings must be accompanied by a letter of transmittal and include a clear explanation of the proposed filing. Pursuant to Massachusetts General Law Chapter 159, Section 19 and 220 C.M.R.5.00, tariffs become effective **30 days after the date of filing with the Department**, unless otherwise ordered by the Department. All service providers must maintain a current tariff on file with the Department, which will be made available for public inspection.

Registrations and tariff filings will be reviewed for compliance with statutes and Department policies. If the Department has any questions regarding the filing, a telecommunications analyst will contact the Registrant prior to the effective date of the proposed tariff.

! Tariff filing fees

Minimum Filing Fee for up to 30 tariff pages \$ 15.00
Each additional tariff page over 30 \$ 0.15
Expedited Treatment of tariff filing, separate fee of \$ 50.00

! Tariff Transmittal and Explanation Letters

Pursuant to the Department's regulations (220 CMR 5.00), all tariff filings must be accompanied by a transmittal letter indicating the tariff number and the **specific pages being filed for consideration** by the Department and a letter of explanation. Samples of each type of letter are provided below.

When forwarding a tariff to the Department, sufficient time should be allowed to cover transmittal of the filing, i.e., 3 days, in order that tariffs and schedules may become effective on the date specified (effective date), which in the case of common carriers, is 30 days after filing with the Department. All tariff filings must show specific issued and effective dates.

! Expedited Review of Tariffs

Massachusetts General Law, Chapter 159, §19 requires that any initial tariff, or change to an existing tariffed rate or regulation can only take place 30 days from the date of filing with the DTE. This same statute also provides the DTE with the *discretion* to allow changes before the expiration of 30 days, i.e., "expedited treatment" of tariff filings. Requests for expedited treatment of a tariff filing must be made in a separate letter and accompany the standard 30-day tariff filing. Such a request must: (1) specify why the company is requesting effectiveness of the tariff on less than the statutory time frame; (2) specify the requested effective date, and (3) include a separate \$50 filing fee.

C. Annual Report/Revenue Statement/Utility Assessment

Massachusetts General Law Chapter 166, Section 11 provides that all telecommunications services providers doing business in Massachusetts must file an annual return with the Department on or before March 31, for the year ending December 31 preceding. There is a \$5.00 filing fee that must accompany the Annual Report. Failure to file an annual report may result in penalties as outlined in M.G.L. c. 166, Section 12.

In addition, an annual Revenue Statement, indicating the amount of Massachusetts intrastate operating revenues, must be filed with the Department, and will be used for utility assessment purposes. The Department will mail the necessary Annual Return and Revenue Statement forms to all telecommunications service providers prior to the required filing date. See Massachusetts

General Law, Chapter 25, Section 18.

Questions concerning DTE annual reports and/or utility assessments may be directed to the Department's Rates and Revenue Requirements Division at 617/305-3565.

Note: Service providers may also be subject to additional State reporting and/or filing requirements, i.e., state sales tax. State tax information can be obtained from the Massachusetts Department of Revenue's website at <www.state.ma.us/dor> or by calling the DOR's General Information/Customer Service Bureau at 617/887-6367 or toll-free within Massachusetts at 800/392-6089. Online information may also be obtained from the State's home web page at <www.state.ma.us>.



COMMONWEALTH OF MASSACHUSETTS

Department of Telecommunications and Energy

One South Station

Boston, MA 02110

STATEMENT OF BUSINESS OPERATIONS FOR TELECOMMUNICATIONS SERVICE PROVIDERS *OTHER THAN* PAY-TELEPHONE SERVICES

Type or Print:

1. Legal Name of Registrant	
2. Doing business under the name of	
3. Business Address	
Street and No.	
City or Town	
State and Zip Code	
Telephone Number	
4. If a corporation:	
(a) under laws of what state is it organized?	
(b) give date of organization	
(c) provide the following information as to each officer, director, and stockholder owning of record or beneficially 10% or more of Registrant's outstanding capital stock:	

Statement of Business Operations

Name	Address	Title	Percent and Class of Shares

5. Please provide the appropriate contact person's name, title, mailing address, telephone number, e-mail address, and fax number to work with the Department on the following:

A. issues related to processing this Registration and tariff:

B. consumer-related issues:

C. technical and quality of service (QOS) issues:

D. tariff and pricing issues:

Also provide the Registrant's Customer Service toll-free number:

6. Registrant is proposing to provide: [check all that apply]

- ☐ local exchange services ☐ voice grade services
☐ interexchange service ☐ data services (specify)
☐ other (explain)

☐ facilities-based services

If facilities-based services are proposed, provide location and description of Massachusetts facilities to be constructed and used.

☐ resale

If resale, the Company proposes to use _____
as its underlying carrier.

7. Provide below a clear and concise description(summary) of the *specific* services which are to be provided by the Registrant. (e.g. whether the Registrant offers services to business customers only or both residential and business customers, whether the Registrant offers data services only or both data and voice services). If providing operator services, include a description of how Registrant's operators will respond to emergency-type calls.

8. If proposing to offer local exchange services, respond to items A, B, and C.

A. As an attachment to this registration, provide either: (1) a map of the geographical area or areas in which service will be offered, or: (2) an alphabetical listing of all exchanges in which service will be offered.

Please note that a company's local exchange service tariff must also contain a separate section describing the company's service area. This tariff section must include: (1) a list in alphabetical order of the exchange(s) in which local service(s) will be provided; (2) the NPA-NXX(s) associated with each particular exchange or zone, and: (3) the exchanges and zones included in the local calling area(s) of each particular exchange.

This section of the tariff must stay current. Subsequent changes, such as additional exchanges/local calling areas must be added to the company's tariff by way of tariff revisions.

B. Does the Registrant intend to offer its service(s) to all business and residential customers that request local exchange service? If no, please explain.

C. Does the Registrant intend to offer "outgoing, dial-tone services?" If no, please explain.

OPERATOR SERVICE PROVIDER AND CONSUMER PROTECTION POLICIES

The term "operator-service provider" (OSP) generally refers to a telecommunications service company that handles operator-assisted calls, such as collect, third-party billed, person-to-person and credit card calls from payphone locations and other traffic aggregator locations (e.g., hotels, hospitals, correctional/confinement facilities, etc.). Automated voice-prompt systems are considered to be operator services in Massachusetts.

OSPs must adhere to the following Department policies:

1. OSPs must be registered and have an approved tariff of intrastate rates and charges on file with the Department.

2. OSPs are subject to rate disclosure requirements similar to rules adopted in January 1998 by the Federal Communications Commission, effective July 1, 1998. OSPs must notify callers orally of how they can obtain rate information for their operator-assisted call, i.e., the *total cost* of the call, including any aggregator surcharges, and how consumers may access the long distance carrier of their choice, before connecting and billing for the OSP call(s).

3. Usage rates charged by OSPs for **inmate** calling services are capped at those usage rates charged by Bell Atlantic - Massachusetts. There is also a maximum surcharge of \$3.00 for such calls.

4. OSP consumer information labels must clearly state:

- the name of the company providing operator services;

- the OSPs 800 telephone number;

- that rate information is available from the OSPs operator 24 hours a day;

- procedures for reporting service problems, obtaining billing information and accessing emergency services;

- that the end user has a right to appeal any unresolved disputes concerning intrastate calls to the Massachusetts Department of Telecommunications and Energy, Consumer Division, One South Station, Boston, MA 02110; Toll-free within MA (800) 392-6066 or (617)727-3531

5. The OSP consumer information material must be submitted to the Department for approval.

6. OSPs must provide the Department-approved consumer information labels to all property/location owners, and must be prominently displayed at traffic aggregator locations.

7. OSPs must include language in their intrastate tariff indicating that the property/location owner is required to post the OSPs consumer information materials at all traffic aggregator locations, and that pursuant to the OSPs tariff, any violation of this provision could result in disconnection of the property/location owner's service.

Registrant attests that the Company will comply with the above requirements established by the Department.

Authorized Signature

AFFIDAVIT

The undersigned declares under penalty of perjury that (s)he is authorized to make this verification for and on behalf of Registrant; that (s)he has read the foregoing registration and is informed and believes the same are true and on that ground affirms that the matters therein stated are true.

Date this _____ day of _____, 19____
Registrant _____
(Must correspond with item 1 on page 2)

By _____
(Print)

(Signature of above)
Title _____

Notarized by:

SUBSCRIBED AND SWORN to before me
this _____ day of _____, 19____

Notary Public

MASSACHUSETTS STATE TAX ATTESTATION FORM

In accordance with Massachusetts General Laws Chapter 62C, § 49A, I hereby certify under the pains and penalties of perjury that the Registrant, to the best of my knowledge and belief, has filed all Massachusetts state tax returns and paid all Massachusetts state taxes required by law. I also certify, under the pains and penalties of perjury that the Registrant, to the best of my belief, has filed and paid all federal taxes required by law.

Social Security Number Signature of Individual OR Corporate Name of the Registrant

Federal Identification Number Signature of Corporate Officer (if Registrant is a corporation)

3. Check List For Registration/Statement of Business Operations and Tariff Filings

Use the checklist to indicate that the following information/documents have been provided in conjunction with filing the Statement of Business Operations and intrastate tariff.

All items must be responded to in order to expedite the handling of a filing. If a response is 'no' or 'not applicable, please explain.

This check list is to be submitted with the Business Statement and proposed tariff.

A. Statement of Business Operations

Yes No

1. ☐ ☐ Registrant company is a *new* registrant and a *Statement of Business Operations* is attached.
2. ☐ ☐ The eight (7) page *Statement of Business Operations* is complete, signed and notarized.
3. ☐ ☐ The description of the services in item 7 of the *Statement of Business Operations* is a clear, complete, but brief explanation of all services to be offered. The response does not refer the reader to the proposed tariff for a description of the proposed services.

B. Tariff

1. ☐ ☐ The proposed tariff and Registration, if applicable, are accompanied by a transmittal letter indicating the tariff number and the specific pages being filed for consideration by the Department, and a letter of explanation. (See samples provided in item 4.)
2. ☐ ☐ The proposed tariff is submitted on letter-size 8½" x 11" three hole-punched paper.
3. ☐ ☐ The appropriate filing fee is enclosed. (See separate filing fee schedule.)
4. ☐ ☐ The *issue* date of the proposed tariff is the date on which it is expected that the Department will receive the filing.
5. ☐ ☐ The *effective* date of the proposed tariff is thirty (30) days after the date of filing with the Department (i.e., issue date).
6. ☐ ☐ The proposed tariff contains the appropriate restrictive language if telecommunications services are being offered to only business/commercial customers.
7. If residential service is to be offered:
☐ ☐ (a) the tariff contains generic language stating that the company will comply with the Billing and Termination Rules in DPU 18448;

☐ ☐ (b) the proposed tariff contains explicit billing and termination rules *similar* to those contained in DPU 18448, and the differences are clearly articulated in the tariff transmittal letter.

8. ☐ ☐ The proposed tariff contains, at a minimum, a table of contents, and sections containing definitions, technical terms and abbreviations; general rules and regulations; a description of all services to be provided; and any applicable provisions for special pricing arrangements, promotional offerings and surcharges.

9. ☐ ☐ The proposed tariff contains all applicable rate schedules for services to be offered. There are no minimum/maximum rates, or range of rates in the proposed tariff. If a third party rate is being "passed through" to the customer, explanatory language is contained in the tariff.

10. ☐ ☐ There are no attorneys fees, court costs or collection fees in the proposed tariff.

11. ☐ ☐ Security deposit requirements for residential customers do not exceed \$50.00.

12. ☐ ☐ Interest on deposits, which must be paid by all telecommunications services providers on non-residential accounts, are calculated in conformance with 220 CMR 26.09.

13. ☐ ☐ Late payment charges imposed by incumbent local exchange companies on unpaid non-residential account balances of bills in arrears are calculated in conformance with 220 CMR 26.10.

14. ☐ ☐ The proposed tariff includes provisions indicating that a written notice of discontinuance of service, with reasons specified, will be sent fifteen (15) days prior to discontinuance, followed by a second written notice five (5) days prior to discontinuance of service. Notices will be sent via First Class U.S. Mail.

15. ☐ ☐ If operator services will be offered from traffic aggregator locations, the consumer information label is in conformance with the Department's Consumer Protection Policies outlined in the *Statement of Business Operations*, especially with respect to oral rate disclosure requirements issued by the Department effective July 1, 1998, and similar to rules adopted by the Federal Communications Commission . (See DPU/DTU 97-88/97-18 Phase II (April 17, 1998)).

16. ☐ ☐ If providing inmate calling services (e.g., automated, collect-only, 0+, debit-card, outbound-only calling services to inmates of confinement facilities in Massachusetts) the proposed tariffed rates and oral rate disclosure requirements are consistent with the Department's April 17, 1998, decision in Docket No. DPU/DTE 97-88/97-18 (Phase II).

17. ☐ ☐ The proposed tariff contains language stating that all promotional service offerings will be filed with the Department for tariff approval. Promotions are not open ended and have an ending date within one year.

18. Pursuant to Massachusetts General Law, Sections 19 and 19A, the revenue generated from the rates and charges associated with intrastate Directory Assistance (DA) service, in conjunction

with local exchange service for residence, centrex and/or private branch exchange (PBX) services are used as a funding mechanism for the provisioning of E911, Dual Party Relay Service and Specialized Customer Premises Equipment Programs. Contained within the statutes are certain other conditions and exemptions.

☐ ☐ If offering DA services to local exchange customers, the tariff provisions conform to the applicable statutes and any previous DTE rulings. If no, please explain.

19. ☐ ☐ If offering local exchange services, the Statement of Business Operations and tariff describes the service areas including the exchanges, NXX code(s), and local calling areas.

Note: Generally, tariffs may not reference other carriers' tariffs, rules, regulations or rates.

However, if Registrant is proposing to offer local exchange services, Registrant's tariff may, if applicable, reference the exchange boundaries and local calling areas of the incumbent LEC.

4. Sample Transmittal letter For Company Registering with the Department

Date

Mary Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station
Boston, MA 02110
RE: Company Name
Dear Secretary Cottrell:

Enclosed please find an original and two (2) copies of our Statement of Business Operations and our initial Tariff M.D.T.E. No. 1, consisting of original pages 1 through 37.

Also enclosed is the appropriate tariff filing fee in the amount of \$ XX. As required by Massachusetts law, the proposed tariff carries an effective date of at least thirty (30) days after the filing date with the Department.

Please acknowledge receipt of this filing by returning, file-stamped, the extra copy of this cover letter in the self addressed stamped envelope provided for that purpose.

Questions regarding this filing may be directed to [name] at (123) 456-7890.

Sincerely,

Company Representative/Title
or Consultant

enc.

Sample Combined Transmittal/Explanation Letter for Companies submitting tariffs.

Date

Mary Cottrell, Secretary

Massachusetts Department of Telecommunications and Energy

One South Station

Boston, MA 02110

RE: Company Name

Tariff No. M.D.T.E. _____ Proposed Revisions for effect (date)

Dear Secretary Cottrell:

We are filing herewith an original and two copies of revisions to our M.D.T.E. Tariff No. ____, for effect __ (date) __ consisting of the following pages:

- 3rd Revised Page 6
- 8th Revised Page 7
- Original Pages 11 through 19.

These revisions decrease the per-minute rates from \$0.15 to \$0.14 for customers subscribing to Dial One Service, and introduce several new discount plans for volume users. Therefore, most subscribers should experience a reduction in monthly bills. The estimated first-year revenue impact is approximately \$42,000.

We have also enclosed the appropriate filing fee of \$ _____. Any questions regarding this filing should be directed to [name] at (123) 456-7890.

Please acknowledge receipt of this filing by returning the duplicate copy of this letter in the enclosed, self-addressed envelope.

Sincerely,

enc.

Tariff Format

NOTE: TARIFF FILINGS SHOULD BE SUBMITTED ON STANDARD 8½" X 11" THREE-HOLE PUNCHED PAPER.

1. Page Numbering - Page numbers should appear in the upper right-hand corner of the page. Pages should be numbered sequentially. When a new page is added between existing pages with whole numbers, a decimal is added. For example, a new page added between page 22 and 23 would be 22.1.

2. Page Revision Numbers - Revision numbers should also appear in the upper right-hand corner of the page. These numbers are used to determine the most current page version on file. For example, the 5th revised page 22 cancels the 4th revised page 22.

3. Numbering Sequence - There are various levels of alphanumeric coding. Each level is subservient to its next higher level. The following is an example of the numbering sequence suggested for use in tariffs.

- 2.
- 2.1
- 2.1.A.
- 2.1.A.1.(a)
- 2.1.A.1.(a)I.

4. Coding of Tariff Revisions - Revisions to tariffs should be coded through the use of symbols. These symbols should appear in the right-hand margin of the page. Suggested symbols and their meanings are:

- R - to signify a reduction
- I - to signify an increase
- C - to signify a changed regulation
- T - to signify a change in text but no change in rate or regulation
- S - to signify a reissued matter
- M - to signify text relocated without change
- N - to signify a new rate or regulation
- D - to signify a discontinued rate or regulation
- Z - to signify a correction

Other marginal codes can be used to direct the tariff reader to a footnote for specific information. Codes used for this purpose should be lowercase letters of the alphabet e.g., x, y, or z).

See also 220 CMR 5.00.

5. Guidelines regarding Residential Billing and Termination Practices for Telecommunications Service Providers

Providers of intrastate telecommunications *residential* services in Massachusetts must comply with certain billing and termination practices for *residential* customers, similar to those adopted by the Department for use by Bell Atlantic. See Docket D.P.U. 18448 (1977). These practices generally relate to billing and bill collection, residential telephone service termination, security deposit requirements, and the rights of residential telephone customers to be heard by the Department on billing matters that are in dispute with their telecommunications company.

Companies proposing to provide telecommunications services to presubscribed *residential* customers should refer to item 7 in this package which is a copy of *DPU 18448 - RULES AND PRACTICES RELATING TO TELEPHONE SERVICE TO RESIDENTIAL CUSTOMERS* as a template in preparing their own billing practices, to be filed with the service providers intrastate tariff. A company may revise certain terminology and rules, or request exemption(s) from certain requirements, if such provisions, terms or rules, are not applicable, as long as the change(s) and/or exemption(s) are not considered by the Department to result in substantive changes in a residential customers rights.

These billing practices, along with the company's tariff, will then be individually reviewed by the Department. A company which is able to comply with all billing and collections practices as set forth in D.P.U. 18448 may choose to adopt such practices by including a statement to that effect in the General Regulations section of its tariff. An example of such a statement would be "The Company will comply with the Billing and Termination Rules as set forth in DPU 18448." In such cases, there is no need to file specific billing and collection practices as an appendix to the company's tariff.

6. Sample Massachusetts Intrastate Tariff

Not Yet Available

S:\telecom\Website Docs\tariff.wpd

