

September 16, 2011

VIA E-FILING AND HAND DELIVERY

Catrice C. Williams, Department Secretary
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston, MA 02118-6500

Re: Modernization of Department Billing and Termination Consumer
Protection Regulations

Dear Ms. Williams:

The New England Cable and Telecommunications Association, Inc. ("NECTA") hereby provides this letter addressing the Initial Comments of organizational and industry commenters in lieu of Reply Comments.

1. Public Hearing Comments. NECTA commends the Department of Telecommunications and Cable ("Department" or "DTC") for undertaking the four "listening tour" public hearings to solicit input from the public and representatives of government, organizations and industry concerning potential changes to the Department's billing and termination policies for voice and cable television services ("Rules"). It is apparent that despite the formal public hearing notice process and diligent publicity efforts, the hearings generated only limited comments from a handful of speakers.¹ The few members of the public who spoke touched on disparate issues, most unrelated to billing and termination issues. This paucity of public commentary confirms that no widespread market failures require Department intervention or the promulgation of new rules to "protect" Massachusetts consumers. The Department should turn its attention to the reduction or elimination of legacy monopoly-era Rules that provide no consumer value in the current competitive environment.

2. Competition. Several organizational commenters sought to disparage claims that there is real competition in the various Massachusetts communications industries. See e.g., AG Comments at p. 3. This anti-competition rhetoric is contrary to the record facts showing multiple competitors in every communications segment and

¹ On information and belief, apart from Department and Attorney General's Office representatives who spoke at each hearing, (1) one state representative (Gail Cariddi of North Adams) and one member of the public spoke at the Berkshires hearing; (2) one representative of the IBEW union and three members of the public spoke in Springfield; (3) no one spoke in Worcester; and (4) the Mayor of Weymouth, Undersecretary Anthony of the Office of Consumer Affairs and Business Regulation, and a representative of the National Consumer Law Center ("NCLC") spoke in Boston.

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various forms of intra-modal competition. E.g., NECTA Comments at pp. 7-9; Verizon Comments at pp. 1-7; CTIA Comments at pp. 1-4. The best way to foster additional competition is to minimize unnecessary regulatory requirements that deter new and existing competitors from launching innovative, customer-beneficial new services and features.

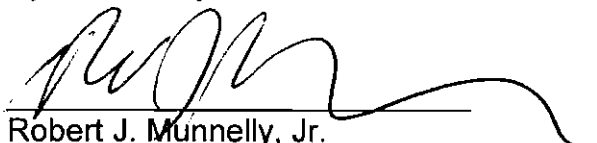
3. Consumer Inquiries. The consumer inquiry figures cited by the Attorney General fully support NECTA's recommendation that the case has not been made for a continuation of monopoly era billing and termination requirements applicable to voice and cable services. See AG Comments at p. 2. Given the proliferation of competing providers, rapid pace of technological innovation in a deregulatory environment and new service options available to consumers, it is no surprise that consumers occasionally seek information and potential assistance from government agencies. Significantly, in a Commonwealth of 2.5 million households and more than six million individual residents, the approximate 1,000 inquiries received annually by the Attorney General equate to an annual rate each year of less than 0.05% of Massachusetts households for any of the multiple communications services (wireline voice, wireless voice, cable, Internet) used in the home (i.e., fewer than one complaint for each 2,000 households and/or for each 5,000 residents). Additionally, bare citation to these statistics fails to establish that existing or expanded rules would address the types of inquiries received. Absent a persistent, industry-wide problem that is not resolvable through existing mechanisms available to the complaint staffs of governmental agencies, inquiry data alone fails to justify maintaining the monopoly era Rules, let alone expanding them.

4. Request for Additional Proceedings. The Weymouth Mayor commented at the Boston hearing (and in a separate filing with the Department) regarding the 14 day billing due dates of its local cable provider and recommended that the Department open a rulemaking to require cable providers to extend bill due dates by at least one week. The Department should consider the Weymouth Petition as the Mayor has done in the public hearing, as a comment on a potential change to its existing rule, and not open a separate, duplicative, and time consuming proceeding. Moreover, the Department should not seek to modify the Cable Rules as requested by Weymouth. As Weymouth acknowledges, the dates fully comport with the current cable regulations and NECTA members have been in compliance with these requirements decades without issue. Weymouth also concedes that cable consumers who fail to pay by the due date are given substantial additional time to pay before the operator may impose late charges, or if payment is not made, begin the service termination process. Additionally, if a customer has a concern about billing due dates, he is afforded various options to address those concerns, including automatic payments by credit cards and from bank accounts. Finally, for customers without the ability to pay in a timely manner for hardship reasons, NECTA members work on a case by case basis to assist them to meet their obligations through payment arrangements.

In sum, for the reasons discussed herein and in NECTA's Initial Comments, expansion of the current Rules is not warranted and, in some instances, is legally prohibited. Moreover, given the existing additional federal and state consumer protections, the Rules should be eliminated or substantially curtailed. .

Respectfully submitted,

By its attorneys,

A handwritten signature in black ink, appearing to read 'RJM', is written over a horizontal line. The signature is fluid and cursive, extending to the right of the line.

Robert J. Munnely, Jr.
Murtha Cullina LLP

cc: Paul Cianelli, Esq.