



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

**REVISED NOTICE (JULY 7, 2011) – SCHEDULING CORRECTIONS
DEADLINE TO FILE INITIAL AND REPLY COMMENTS MODIFIED**

NOTICE OF PUBLIC INFORMATIONAL FORUMS

The Department of Telecommunications and Cable (“DTC”) is considering the modernization of its billing and termination consumer protection regulations, currently applicable to telephone and cable television service providers offering retail residential services in Massachusetts. The DTC will hold informational forums to elicit public comment concerning the issues and questions identified below at the following locations:

Berkshire Community College
K111 Theater
1350 West St.
Pittsfield, MA 01201
August 10, 2011
5:00pm-8:00pm

Springfield Technical Community College
Building Two Theater
1 Armory Sq.
Springfield, MA
August 11, 2011
5:00pm-8:00pm

University of Massachusetts Medical Center
Amphitheater I S2-102
55 Lake Avenue North
Worcester, MA
August 15, 2011
5:00pm-8:00pm

Transportation Building
10 Park Plaza 2nd Floor Conf Room 1,2,3
Boston, Massachusetts
August 22, 2011
10:00am-4:00pm

It has been 34 years since the Rules and Practices Relating to Telephone Service to Residential Customers (“B&T”), D.P.U. 18448, were established. The Cable Billing and Termination of Service regulations, 207 CMR 10.00 *et. seq.*, were enacted in 1986. Since then, the cable and telephone industries have experienced significant technological changes, including the management of those industries and how those industries have marketed new technologies. In recent years, wireless communication has emerged as a mass market service, traditional video service providers have entered the voice market, and telephone companies now offer video services. In addition, many of these providers also offer a form of broadband service. Such changes have shifted the landscape for consumers, both in terms of the type of choices available to them (and in the nature of the services themselves), and the manner in which those services are brought into their homes.

To effectively protect consumers in this changed environment, the DTC is seeking to modernize and adapt the current telephone and cable billing and termination rules to reflect and address the realities of the market. These realities include the bundling of services by providers; the assessment of early termination fees; and the wide range of plans and payment options including phone cards and other kinds of pre-paid services/products that are available for both wireline and/or wireless telephone services. Indeed, the provision of integrated voice, cable, and other services invites consideration of whether the DTC should create a single, integrated set of consumer protection rules to be applied to voice and cable services regardless of how any such services are delivered¹. In addition, the DTC will evaluate the extent to which such integrated rules should apply to providers not now subject to the current rules; and whether modernized rules should apply both to residential and small business customers.

¹ But note, with respect to VoIP service or IP enabled service, G.L. c. 25C, section 6A, enacted in 2010, which provides, subject to the exceptions stated therein, that “no department, agency, commission or political subdivision of the commonwealth, shall enact, adopt or enforce, either directly or indirectly, any law, rule, regulation, ordinance, standard, order or other provision having the force or effect of law that regulates or has the effect of regulating, the entry, rates, terms or conditions of VoIP Service or IP enabled service,” as defined therein.

The purpose of these informational forums is to elicit comment on the appropriate scope and application of minimum consumer protection rules, applicable to the provision of voice and video services, and afford all interested persons an opportunity to provide oral or written comments regarding the above issues. Specifically, but without intending to limit the scope of suggestions for improvements to consumer protections, the DTC is interested in comments on the following:

- Whether consumer protection regulations should apply to both wireline and wireless service, cable television service, and bundled services?
- What particular consumer protections should apply to the provision of voice and cable services? In particular, what specific consumer protection rules are needed to address: (i) advertising and marketing; (ii) disclosures in general and point-of-sale disclosures in particular; (iii) written confirmation of sale and cancellation period; (iv) billing format and practices; (v) advance notice of changes in service, rates, or other contract terms and conditions; (vi) customer service and dispute resolution procedures, (vii) discontinuance or termination of service; and (viii) privacy issues?
- Whether it is appropriate in today's market to promulgate a single set of consumer protection regulations of general application for wireline, wireless, and cable television? Alternatively, should there be separate rules for wireline, wireless, and cable television? Moreover, whether there should be specific, tailored consumer protections applicable only to selected services, and if so, then what should those protections be, and to what services should they apply?
- In light of the fact that a single service package from a provider may bundle services regulated by the DTC with services not regulated by the DTC, how should modernized consumer protection rules distinguish between the two, and how should the regulated and unregulated services be handled in the event of default in payment for the bundled package of services as a whole?

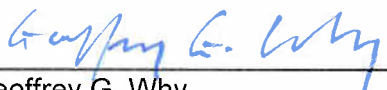
- In the event of termination of a bundled package of services, how should the cost of continued regulated/unregulated services be calculated?
- Whether multiple notices of discontinuance of service for telephone service are still needed (B&T Part 5 B), or is a single notice of discontinuance enough; and how much notice is appropriate?
- Are the provisions regarding removal of account set forth in the current telephone billing and termination rules (B&T Part 5 C) still needed?
- Should there be changes in the current protections for telephone customers experiencing a personal emergency or serious illness (B&T Part 5 D), and for households with adult residents 65 years of age and older (B&T Part 8)?
- Are rules relating to security deposits, guarantees, and deferred payments set forth in the current telephone billing and termination rules (B&T Parts 4 and 7) still needed?
- Are the requirements applicable to cable television service relating to late charges, termination notices, and return check charges (207 CMR 10.05(3)-(4), (6)) still needed? Are provisions regarding security deposits (207 CMR 10.08) still needed?
- Should all regulated service providers be subject to the same compulsory dispute resolution process as is currently mandated for telephone wireline providers (B&T Part 6)?
- Should consumer protection regulations address cramming practices? If so, how?
- Should consumer protection regulations protect small businesses in addition to individuals? If so, how should "small business" be defined?

Additional announcements relative to the informational forums will be posted on the DTC's website.

Throughout this informational process, written comments on these issues may be submitted to the Massachusetts Department of Telecommunications and Cable, 1000 Washington St., 8th Floor, Boston, MA 02118-6500 or at dtc.efiling@state.ma.us. All initial comments to the DTC must be received by 5:00 pm on Monday, August 22, 2011. All reply comments to the DTC must be received by 5:00pm on Friday, September 16, 2011. All comments submitted to the DTC are subject to disclosure pursuant to M. G. L. c. 66, § 10, unless protected by statutory exemption.

Accommodations for deaf or hearing-impaired persons at the forums will be available upon request to the DTC by contacting Karen Charles, Chief of Staff, at 617-305-3580. All requests for such accommodations must be received by 5:00 pm on Friday, July 22, 2011.

Dated: July 7, 2011



Geoffrey G. Why
Commissioner