



COMMONWEALTH OF MASSACHUSETTS

Department of Telecommunications and Cable

1000 Washington Street, Suite 820, Boston, MA 02118

(617) 305-3580

www.mass.gov/dtc

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
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

NOTICE SEEKING COMMENT **HEARING OFFICER RECOMMENDATION** **220 C.M.R. 1.00 PROCEDURAL RULES**

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.¹ These reviews must be generally concluded by March 31, 2016, and may result in rescission or revision of certain regulations.² 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.³ 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. 1.00, Procedural Rules. The Department and the entities under its jurisdiction have long relied upon these procedural rules in Department adjudicatory proceedings. The Hearing Officer recommends that the Department adopt its own version of 220 C.M.R. 1.00 in Title 207, rather than rely upon 801 C.M.R. 1.00, the Standard Adjudicatory Rules of Practice and Procedure. As the Department has been relying on an out of date version of 220 C.M.R. 1.00, the Hearing Officer proposes to adopt a number of revisions to improve the efficiencies of Department proceedings. Accordingly, the Department seeks comment on the Hearing Officer's recommendation to promulgate the Department's own amended version of 220 C.M.R. 1.00, Procedural Rules in Title 207. Specifically, as provided in the enclosed red-line of the regulation, the Department proposes:

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

² *Id.*, § 2.

³ 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.

- Replacing reference to “Title 220” with “Title 207;”
- Replacing references to the “Department of Telecommunications and Energy” with the “Department of Telecommunications Cable;”
- Replacing references to the “Commission” with “Department” or “Commissioner;”
- Eliminating provisions applicable to only the Department of Public Utilities;
- Removing outdated provisions; and
- Adopting provisions concerning ex parte communications, motions for protection from public disclosure, and filing and serving documents electronically.

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 and to dte.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. 1.00 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.