

207 CMR 5.00: TARIFFS, SCHEDULES, AND CONTRACTS

Section

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5.01: Applicability and Definitions

- (1) Applicability. 207 CMR 5.00 shall apply to all common carriers subject to the Department's jurisdiction.
- (2) Definitions. The following terms, as used in 207 CMR 5.00, shall have the following meanings:

Company: a common carrier subject to the Department's jurisdiction.

Contract: a negotiated agreement where the rates, terms, and/or conditions differ from standard tariffed offerings and which is memorialized through language in a tariff filing approved by the Department.

Department: the Department of Telecommunications and Cable.

Tariff: a schedule of rates, terms, and conditions approved by and on file with the Department.

5.02: Format of Tariffs, Schedules, and Contracts

- (1) Form. All tariffs, schedules, and contracts shall be typewritten, printed, or otherwise legibly duplicated on paper cut or folded to letter size, 8" to 8 $\frac{1}{2}$ " by 10 $\frac{1}{2}$ " to 11". The impression shall be on only one side of the paper, unless printed and bound.
- (2) Filing.
 - (a) Tariffs. One original submitted on three-hole punched paper and one copy shall be filed with the Department. The filing shall also attach Letters of Advice as described in 207 CMR 5.03.
 - (b) Contracts. A Contract filing must also include the following information and documentation:

1. Proposed tariff language that memorializes the contract arrangement.
2. A statement in the Letter of Advice to the filing or in supporting material that states:

This Contract is in response to the specific, individual requirements of the customer and/or a competitive bidding process. This Contract differs from the Company's standard tariffed offering in that the Contract contains a customer service arrangement and/or term and/or volume commitments. Because the Contract customer is not "under like circumstances" as other customers, the Contract arrangement complies and is consistent with the statutory and regulatory requirements set forth in MA General Laws, Chapter 159, and D.P.U. 90-24 (1991).

3. A description of the service(s) provided under the Contract, and an indication of which, if any, of the services are covered under existing standard tariffs, and which aspects of the Contract are intended to customize the service to the customer's requirements. This narrative must also include a "situation analysis" of the reasons why it is necessary for the carrier to offer the Contract. The situation analysis may, but does not have to, include cost data or market factors that were considered in formulating the proposal.

4. A copy of the customer contract and all related documents.

- (c) The filing of a tariff, rate schedule or terms, conditions or regulations in connection therewith shall not be considered the adoption of a regulation under 207 CMR 2.00.

(3) Contents.

- (a) Each tariff or schedule shall show prominently the name of the company, firm, association or individual responsible, together with the name of any independent agency filing the tariff or schedule and its or his address.
- (b) Each tariff and schedule shall show plainly all requisite detail fully to explain the basis of all charges to be made and all rules and regulations governing the same. This information shall include that summarized by the Department in the Checklist for Filings and other general filing information otherwise posted on the Department's website, as well as that required by and customarily filed with the Federal Communications Commission.

- (4) Numbering and Effective Date.
- (a) Tariffs and Schedules. Each tariff or schedule shall be designated by an individual number progressing from that last filed by the same party or in case of a new series, from No. 1. The number shall be preceded by the letters "M.D.T.C." Each shall show plainly, in a prominent place, the date issued and date to become effective. When forwarding, sufficient time must be allowed to cover transmission in order that tariffs and schedules may become effective on date specified, which, in the case of common carriers is 30 days after the filing with the Department.
- (b) Expedited Effective Dates. A Company may request that a tariff filing go into effect on less than 30 days notice. Such a request must: (1) specify the reason the Company is requesting effectiveness of the tariff in less than 30 days; (2) specify the requested effective date; and (3) include the necessary filing fee for each request, in addition to the tariff filing fee.

5.03: Letters of Advice

- (1) Letter.
- (a) Transmittal Letter. To avoid misunderstanding, tariffs or schedules at time of filing should be accompanied by a letter of transmittal addressed to the Department Secretary, showing the name of issuing party, individual tariff number, and effective date. The Transmittal Letter may be combined with the Letter of Explanation and should be sent in duplicate. One copy shall be stamped and returned to the sender to show the date of filing.
- (b) Letter of Explanation. All tariffs and schedules at time of filing shall be accompanied by a letter of explanation. The letter shall summarize the filing, including any revisions made, and shall include the specific tariff number and the specific pages and section numbers being filed for consideration.
- (2) Contracts. All contract filings shall be accompanied by the information specified in 207 CMR 5.02(2).

5.04: Posting of Rates

All rates, charges and prices set forth in tariffs or schedules filed with the Department by a Company in accordance with the above rules and regulations shall be printed, and copies thereof shall be made available at their offices.

5.05: Dates

All matters required to be filed hereunder shall be deemed to have been filed on the date of receipt by the Department.

5.06: Notice of General Rate Increases to Customers

- (1) All common carriers shall provide at least 30 days advance written notice to business and residential customers of any proposed increase to retail rates or charges. Notice shall be provided through a bill insert, bill message, separate mailing, or similar means. Website postings and toll-free recordings are not sufficient.
- (2) A copy of any Notice of Rate Increase provided to consumers shall be included in any tariff filing submitted to the Department.

5.07: Severability

The provisions of 207 CMR 5.00 shall be deemed severable if any particular provision(s) is (are) rendered invalid by judicial determination or by statutory amendment.

REGULATORY AUTHORITY:

207 CMR 5.00: M.G.L. c. 159, §§ 17, 19, 19A.