

~~220-207~~ CMR 5.00: TARIFFS, SCHEDULES, AND CONTRACTS ~~(OTHER THAN COMMERCIAL MOTOR VEHICLE)~~

Section

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5.01: ~~Scope of Application~~Applicability and Definitions

(1) Applicability. ~~2207~~ CMR 5.00 shall apply to ~~all electric, gas and water companies and all common carriers, except carriers of property by motor vehicles under M.G.L. c. 159B,~~ 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.

The term "Contract:s" shall mean contracts for the sale of gas or electricity to which any gas company or electric company is a party and any contract for the sale of water to which a water company is a party, except contracts subject to M.G.L. c. 164, § 94A and except contracts for the sale of electricity subject to the jurisdiction of the Federal Power Commissiona 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 8½" by 10½" to 11". ~~However, tariffs or schedules of express companies may be on~~

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~~9¹/₂" x 11¹/₂" paper.~~ 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. Two copies of all tariffs or schedules and two copies of all contracts will shall be filed with the Department. One copy of all tariffs, schedules or contracts subject to the jurisdiction of the Federal Power Commission shall be filed for the information of the Department. The filing shall also attach Letters of Advice as described in 207 CMR 5.03.~~

~~(a)(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.

~~(b)~~(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 ~~220~~7 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 ~~schedules~~ 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. ~~In the case of tariffs or schedules filed by common carriers this~~ 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 Interstate Commerce Commission, Federal Communications Commission, Federal Power Commission or the Civil Aeronautics Board, whichever is appropriate. Schedules relating to gas, electric light and water companies shall show not only the price or unit upon which based, but any and all meter rentals, service charges, basis for determining demand, discounts, and other detail necessary for a complete understanding of the charges contemplated.

(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.P.U.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, ~~and in the case of gas, electric light and water companies is the first day of the month next after the expiration of 14 days from the date of 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. ~~Contracts. Each contract shall show the date of execution and the effective date which shall be not earlier than 30 days after the filing. Sufficient time must be allowed for transmittal.~~

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 ~~Senior Rate Analyst of the~~ Department Secretary, showing the name of issuing party, individual tariff number, and effective date. The ~~Letter of Advice~~ Transmittal Letter may be combined with the Letter of Explanation and should be sent in duplicate, ~~and one~~ and 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, ~~which.~~ 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, set forth in whatever detail is necessary the total amount of the increase or reduction in charges proposed by the new schedule and the effect by comparison with customers' charges under the existing rate schedule. The letter of explanation shall indicate the effect on the billings of the customers served under the various rate classifications affected. This letter of explanation shall be in addition to the letter of transmittal referred to above.

- (2) Telephone Tariffs. In addition to the information required by 220 CMR 5.03(1), tariffs which are filed as a result of a poll of customers shall be accompanied by a copy of the information submitted to the polled customers and a tabulation of the results of the poll. Contracts. All contracts filings shall be accompanied by the information specified in 207 CMR 5.02(2).

Contracts. All contracts shall be accompanied by

- (2) a letter which shall contain the following information:

- (a) The justification of the necessity for a contract rather than billings under the filed rate schedule.
- (b) The estimated revenue differences as between billings under the proposed contract and the applicable rate schedule.
- (c) General comments on other special features or provisions of the contract such as:
1. Billing and payment date
 2. Discounts, if any
 3. Service and maintenance of any equipment or appliances
 4. Length of contract and cancellation provisions
- Any other pertinent information.

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5.04: Posting of Rates

~~(1) Electric, Gas, Water and Telephone Companies.~~ All rates, charges and prices set forth in tariffs or schedules filed with the Department by a Company person or company engaged in the distribution and sale of gas, electricity or water or the transmission of intelligence by electricity in accordance with the above rules and regulations shall be printed, and copies thereof shall be made available at their offices.

~~(2) Common Carriers.~~ Common carriers of passengers and street railway companies shall, at time of filing proposed increased fares, post notices of same in their buses and their terminals. This notice shall be posted at least 30 days prior to the effective date of the proposed fare change and shall set forth in reasonable detail the extent and effect of the proposed fare change. A copy of this notice shall be submitted to the Department at the time of filing the new tariff.

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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 ~~of Gas, Electric, Water and Telephone~~

(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.

~~When any public utility makes application to the Department of Public Utilities~~

~~for a general increase in rates pursuant to M.G.L. c. 164, § 94, or M.G.L. c. 159, §§ 19, 20, excluding carriers certified pursuant to M.G.L. c. 159, § 12B, it shall publish notice of such filing in a newspaper(s) of general circulation to be specified by the Department. This publication shall constitute legal notice pursuant to M.G.L. c. 159, §§ 19, 20.~~

~~(2) — The newspaper notice shall be no smaller than $\frac{1}{4}$ page (in width and length of~~

~~one full sheet) and shall contain the following information in the format attached hereto as Appendix 5.06, or, subject to Department approval, the Company may use an alternative format of its choosing:~~

~~(a) — total dollar amount of rate increase;~~

~~(b) — total percentage increase in annual revenues;~~

~~(c) — typical bill impact of proposed increase~~

~~for heating and nonheating residential customers of electric companies;~~

~~for heating and nonheating residential customers of gas companies;~~

~~for residential telephone service; or~~

~~for residential water use;~~

~~(d) — a statement indicating that the Department has suspended the effective date for the proposed increase until the specified date in order to conduct an investigation of its propriety (if applicable);~~

~~(e) — place, date and time of public hearing;~~

~~(f) — company telephone number that can be called for further information;~~

~~(g) — mailing address of the Department for the submission of written comments.~~

~~(3) — This notice shall be published a minimum of two times with the first publication~~

~~occurring at least 21 days before the date of the first public hearing. The second publication is to occur approximately seven days before the date of the first public hearing.~~

~~(4) — Concurrent with the filing of the rate request with the Department, the Company~~

~~shall include a copy of the proposed notice in accordance with 220 CMR 5.06(2), as part of its filing. The proposed notice shall include all of the information contained in 220 CMR 5.06(2) hereof, except that the dates shall remain blank, and shall later be assigned by the Department.~~

~~(5) — Pursuant to 220 CMR 1.06(5)(d), the Department shall issue an Order of Notice~~

~~to the Company, requiring it to give notice of the filing and the hearing by publication. The Order of Notice shall be returned to the Department with proof of compliance with said Order not later than the first hearing.~~

~~(6) — In addition to notice by publication, the Company shall include an insert notice~~

~~with its regular bill for charges transmitted to each customer during the next regular billing cycle immediately following the filing of the request for rate relief with the Department. Such insert notice shall include, at a minimum, all information required by 220 CMR 5.06(2) except that it shall not contain the place, date and time of the public hearing and the suspension date.~~

~~APPENDIX 5.00 1 (Electric)~~

~~XYZ ELECTRIC COMPANY has asked the DEPARTMENT OF PUBLIC UTILITIES for a \$14.2 million rate increase. This amount would represent;~~

~~—a 14% increase in annual revenues;~~

~~—about \$7.00/month for nonheating residential customers using 29 kwh/month; —about \$35.00/month for heating residential customers using 135 kwh/month;~~

~~[for details regarding other rate changes contact the Company at the number shown below]~~

~~The DEPARTMENT OF PUBLIC UTILITIES has suspended the rates until May 30, 1988 in order to investigate the propriety of the increase sought.~~

~~A PUBLIC HEARING FOR ANY PUBLIC COMMENT ON THIS PROPOSED INCREASE WILL BE HELD:~~

~~—Smith Public Library, 3 Main St., City—Friday, January 2, 1988~~

~~—7:00 p.m.~~

~~For further information call the ABC DEPARTMENT at the XYZ Electric Company, 32 Main Street, City, (617) 555-1111, or send your comments to Secretary, Department of Public Utilities, 100 Cambridge Street, Boston, MA 02202.~~

APPENDIX 5.00 2 (Gas)

~~XYZ GAS COMPANY has asked the DEPARTMENT OF PUBLIC UTILITIES for a \$14.2 million rate increase. This amount would represent:~~

- ~~-a 14% increase in annual revenues;~~
- ~~-about \$7.00/month for nonheating residential customers using 29 therms/month;~~
- ~~-about \$35.00/month for heating residential customers using 135 therms/month;~~

~~{for details regarding other rate changes contact the Company at the number shown below}~~

~~The DEPARTMENT OF PUBLIC UTILITIES has suspended the rates until May 30, 1988 in order to investigate the propriety of the increase sought.~~

~~A PUBLIC HEARING FOR ANY PUBLIC COMMENT ON THIS PROPOSED INCREASE WILL BE HELD:~~

~~-Smith Public Library, 3 Main St., City—Friday, January 2, 1988~~

~~-7:00 p.m.~~

~~For further information call XYZ Gas Company, 32 Main Street, City, (617) 555-1111, or send your comments to Secretary, Department of Public Utilities, 100 Cambridge Street, Boston, MA 02202.~~

~~APPENDIX 5.00-3 (Water)~~

~~XYZ WATER COMPANY has asked the DEPARTMENT OF PUBLIC UTILITIES for a \$14.2 million rate increase. This amount would represent:~~

~~—a 14% increase in annual revenues;~~

~~—about \$7.00/month for customers using 100 gallons/month;~~

~~[for details regarding other rate changes contact the Company at the number shown below]~~

~~The DEPARTMENT OF PUBLIC UTILITIES has suspended the rates until May 30, 1988 in order to investigate the propriety of the increase sought.~~

~~A PUBLIC HEARING FOR ANY PUBLIC COMMENT ON THIS PROPOSED INCREASE WILL BE HELD:~~

~~—Smith Public Library, 3 Main St., City—Friday, January 2, 1988~~

~~—7:00 p.m.~~

~~For further information call XYZ Water Company, 32 Main Street, City,~~

~~(617) 555-1111, or send your comments to Secretary, Department of Public Utilities, 100 Cambridge Street, Boston, MA 02202.~~

~~APPENDIX 5.00-4 (Telephone)~~

~~XYZ TELEPHONE COMPANY has asked the DEPARTMENT OF PUBLIC UTILITIES for a \$14.2 million rate increase. This amount would represent:~~

~~—a 14% increase in annual revenues;~~

~~—about \$7.00/month for basic metropolitan service using 30 message units/month;~~

~~[for details regarding other rate changes contact the Company at the number shown below]~~

~~The DEPARTMENT OF PUBLIC UTILITIES has suspended the rates until May 30, 1988 in order to investigate the propriety of the increase sought.~~

~~A PUBLIC HEARING FOR ANY PUBLIC COMMENT ON THIS PROPOSED INCREASE WILL BE HELD:~~

~~—Smith Public Library, 3 Main St., City—Friday, January 2, 1988~~

~~—7:00 p.m.~~

~~For further information call XYZ Telephone Company, 32 Main Street, City,~~

~~(617) 555-1111, or send your comments to Secretary, Department of Public Utilities, 100 Cambridge Street, Boston, MA 02202.~~