

**HOUSE . . . . . No. 3048**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James M. Cantwell*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote regulated utility service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/21/2011</i>

**HOUSE . . . . . No. 3048**

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 3048) of James M. Cantwell for legislation to further regulate utility companies. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act to promote regulated utility service.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 164 of the General Laws is hereby amended by inserting the  
2 following new paragraph after paragraph (d) of section 1E:-

3 (e) Whenever a distribution company, as defined in section 1, or gas  
4 company, as defined in section 1, intends to transfer to another state any call center, billing  
5 center or complaint-handling functions or activities currently located within the state, it shall  
6 provide advance notice to the department no less than sixty days in advance of any such transfer.

7 Notice shall not be required if the transfer does not result in the net reduction of the number of  
8 Massachusetts-based employees responding to calls, processing bills or handling complaints.

9 Any company required to provide notice under this paragraph shall include with its notice  
10 sufficient information, data, or studies to demonstrate that the proposed transfer provides net  
11 benefits to its customers, considering all costs and savings and any impacts on service quality.

12 The department shall promptly review such information, data or studies and, prior to the  
13 expiration of sixty days from its receipt, determine whether the proposed transfer is in the best

14 interests of the company's customers. If the department fails to make and issue an affirmative  
15 finding within sixty days from any notification, the company may not proceed with the transfer;  
16 however, a company may refile new notice at any time.

17 SECTION 2. Chapter 164 of the General Laws is hereby amended by inserting the  
18 following new paragraph after paragraph (e) of section 1E:-

19 (f) For the purposes of calculating performance based rates pursuant to Section 1E of this  
20 chapter, a company's service quality standards shall be computed based upon actual monthly  
21 figures and shall not be calculated on a rolling basis.

22 SECTION 3. Chapter 159 of the General Laws is hereby amended by inserting the  
23 following new section after section 17:-

24 Section 17A. Provision of Service, Regulation.

25 (a) Whenever a telecommunications company, which provides a service regulated by the  
26 Department of Telecommunications and Cable as these services are defined in paragraph (d) of  
27 section 12 of chapter 159 of the General Laws, intends to transfer to another state any call center,  
28 billing center or complaint-handling functions or activities currently located within the state, it  
29 shall provide advance notice to the department no less than sixty days in advance of any such  
30 transfer. Notice shall not be required if the transfer does not result in the net reduction of the  
31 number of Massachusetts-based employees responding to calls, processing bills or handling  
32 complaints. Any company required to provide notice under this paragraph shall include with its  
33 notice sufficient information, data, or studies to demonstrate that the proposed transfer provides  
34 net benefits to its customers, considering all costs and savings and any impacts on service  
35 quality. The department shall promptly review such information, data or studies and, prior to

36 the expiration of sixty days from its receipt, determine whether the proposed transfer is in the  
37 best interests of the company's customers. If the department fails to make and issue an  
38 affirmative finding within sixty days from any notification, the company may not proceed with  
39 the transfer; however, a company may refile new notice at any time.

40 (b) Service quality standards and performance based rates established by the department  
41 for companies regulated under this chapter shall be computed based upon actual monthly figures  
42 and shall not be calculated on a rolling basis.