

HOUSE No. 2867

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

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 modernize communications policy for voice services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>

HOUSE No. 2867

By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 2867) of Stephen L. DiNatale, Stephen Kulik and Sheila C. Harrington relative to telephone services in municipalities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to modernize communications policy for voice services.

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 25C of the General Laws, as most recently amended by Chapter
2 287 of the acts of 2014, is hereby amended by inserting after section 8 thereof the following
3 section.

4 Section 9. (a) Notwithstanding any general or special law to the contrary but subject to
5 the provisions of subsection (d), no provision of this chapter, Chapter 25 or Chapter 159, and no
6 regulation, order or settlement or portion thereof adopted pursuant to any such provision, shall
7 apply to any common carrier offering telephone service in any competitive municipality or to
8 such service. “Competitive municipality” as used herein shall mean all municipalities in the
9 Commonwealth other than those listed in subsection (b), as well as any municipality listed in
10 subsection (b) for which the department finds, after hearing upon a petition brought by a
11 common carrier after July 1, 2017, that at least two unaffiliated providers offer voice telephone

12 service to retail residential customers in that municipality using any technology, including but
13 not limited to wireless voice service and VoIP service.

14 (b) Alford, Ashfield, Becket, Blandford, Charlemont, Chesterfield, Colrain,
15 Cummington, Egremont, Florida, Goshen, Gosnold, Hancock, Hawley, Heath, Leverett, Leyden,
16 Middlefield, Monroe, Monterey, Montgomery, Mount Washington, New Ashford, New
17 Braintree, New Marlborough, New Salem, Otis, Peru, Petersham, Plainfield, Princeton, Rowe,
18 Royalston, Sandisfield, Savoy, Shutesbury, Tolland, Tyringham, Warwick, Washington,
19 Wendell, Windsor and Worthington.

20 (c) With respect to municipalities other than competitive municipalities, the department
21 shall not impose on any telephone company any retail rate lower than rates that were in effect on
22 January 1, 2015, or any other regulation of retail rates more restrictive or burdensome than
23 regulation in effect on January 1, 2015. The terms of any retail service quality plan or regulation
24 promulgated by the department with respect to such municipalities shall reflect the relative size
25 of the customer base and historical service quality performance in such municipalities.

26 (d) Nothing in this section shall be construed to affect or modify:

27 (i) the authority of the attorney general to apply and enforce chapter 93A or other
28 consumer protection laws of general applicability;

29 (ii) the authority of the department under sections 18B and 18H of Chapter 6A,
30 concerning enhanced 911 service, under section 3 of chapter 40A, under section 15E of Chapter
31 166, concerning telephone relay service and under 25A of chapter 166, concerning pole
32 attachments;

33 (iii) the rights and obligations of any carrier under 47 U.S.C. § 251 or 47 U.S.C. §
34 252; or

35 (iv) the authority of the department to administer federal programs supported by the
36 federal Universal Service Fund, including Lifeline and Link-up programs, the E-rate program or
37 Connect America Fund; or

38 (v) the authority of the department to receive and refer consumer complaints or to
39 perform consumer education activities.

40 SECTION 2. Sections 11, 12, 12A, 13, 14 and 15 of Chapter 166 are hereby repealed.