

SENATE No. 1510

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 company, as
4 defined in section 1, intends to transfer to another state any call center, billing center or
5 complaint-handling functions or activities currently located within the state, it shall provide
6 advance notice to the department no less than sixty days in advance of any such transfer. Notice
7 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 the
36 expiration of sixty days from its receipt, determine whether the proposed transfer is in the best

37 interests of the company's customers. If the department fails to make and issue an affirmative
38 finding within sixty days from any notification, the company may not proceed with the transfer;
39 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.