

SENATE No. 1517

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to wireless telephone 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 93 of the General Laws as appearing the in the 2006 Official
2 Edition is hereby amended by inserting after section 107, the following new sections:-

3 Section 108. For the purposes of this section and section 109, the following words shall
4 have the following meanings:

5 “Department”, means department of telecommunications and cable.

6 “Wireless telephone service”, commercial mobile radio services as defined by the federal
7 telecommunications act, 47 U.S.C., section 332(c).

8 SECTION 109. (a) The department shall monitor the quality of wireless telephone
9 service provided in Massachusetts by requiring semi-annual reports by wireless telephone
10 service providers on the following:

11 (1) dropped calls;

12 (2) blocked calls;

13 (3) known coverage gaps (including average signal strength) or dead zones;

14 (4) predicted street level signal strength;

15 (5) any other matters the department considers appropriate.

16 (b) In monitoring the quality of wireless telephone service under paragraph (a) the
17 department shall mandate that each wireless telephone service provider establish a record of
18 dropped calls per cellular telephone per month. Each wireless telephone service provider shall
19 maintain a customer service division where their wireless telephone service subscribers can
20 submit their comments or register that they received a dropped call within the previous 24 hours.
21 The department shall also accept written complaints by mail; provided that the correspondence
22 include the date and time of the dropped call, the telephone number of the cellular telephone
23 phone, the name of the wireless telephone service provider and any other information the
24 department considers appropriate.

25 (c) Any wireless telephone service subscriber who experiences at least 5 dropped calls in
26 a 30 day time period may consider the wireless service provider in breach of contract and the
27 subscriber may terminate the contract at no cost and pay any remaining charges at a pro-rata rate.

28 (d) Any wireless telephone service subscriber who is a member of the armed services or
29 National guard and called into active duty to a foreign country may terminate their contract at no
30 cost and pay any remaining charges at a pro-rata rate.

31 (e) The department shall have the power and authority to enforce the provisions of this
32 section. The department shall have the power, consistent with federal law, to assess a penalty

33 not to exceed \$1,000 against any company that neglects or knowingly fails to comply with the
34 requirements of this section.

35 (f) Failure to comply with any provision of this section or any regulation promulgated in
36 accordance with this section shall constitute an unfair or deceptive practice under chapter 93A.