

# HOUSE . . . . . No. 4216

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## 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 Modernizing Telephone Regulation and Encouraging Economic Growth..**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>	<i>3/8/2012</i>

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By Mr. DiNatale of Fitchburg, a petition (subject to Joint Rule 12) of Stephen L. DiNatale for legislation to remove the Department of Telecommunications and Cable from jurisdiction over wireless service, including mobile radio telephone service, or radio utilities. Telecommunications, Utilities and Energy.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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An Act Modernizing Telephone Regulation and Encouraging Economic Growth..

*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 appearing in the 2010 Official  
2 Edition, is hereby amended by inserting after section 7 thereof the following sections.

3           Section 8. Notwithstanding any other general or special law to the contrary, the  
4 department shall have no jurisdiction, general supervision, regulation or control over wireless  
5 service, including mobile radio telephone service, or radio utilities.

6           Section 9. Notwithstanding any general or special law to the contrary, subject to the  
7 provisions of section 10 of this chapter, no provision of this chapter, Chapter 25 or Chapter 159,  
8 and no regulation, order or settlement or portion thereof adopted pursuant to any such provision,  
9 shall apply to any telephone company (or a common carrier offering telephone service) in any  
10 exchange for which the company or carrier certifies to the Office of Consumer Affairs and  
11 Business Regulation that there are at least two providers offering voice telephone service to retail  
12 residential customers in that exchange using any technology, including but not limited to

providers of wireless voice service and providers of VoIP service. As used in this section and in section 11, the term “exchange” means a geographical area of the commonwealth used in connection with the provision of telephone service, as fixed, bounded and defined in maps on file with the department pursuant to tariff MA D.T.C. No. 10, Part 5, section 5.3.1, as such maps existed on January 1, 2012.

Section 10. Nothing in section 9 of this chapter shall be construed to affect or modify:

a. the authority of the attorney general to apply and enforce chapter 93A or other consumer protection laws of general applicability;

b. the department’s authority under sections 18B and 18H of Chapter 159, concerning enhanced 911 service, and section 15E of Chapter 166, concerning telephone relay service;

c. the department’s authority to implement or enforce, or to resolve disputes regarding, any law, rule, regulation, order or department-approved settlement governing the interconnection, wholesale services or other intercarrier rights, duties or obligations of any party, and such party’s successors and assigns, including any authority of the department to enforce any rights, duties, or obligations under 47 U.S.C. § 251 or 47 U.S.C. § 252;

d. the department’s authority to administer the federal Lifeline and Link-up programs.

Section 11. To the extent that a telephone company is required to offer service in any exchange or other geographic area or to any customer upon request, such company may satisfy such requirement through the use of any available technology, including but not limited to wireless service or VoIP service, without thereby subjecting any such technology or service to any greater regulation than would otherwise apply to it or to the jurisdiction of the department.

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

35           SECTION 3. This act shall take effect upon its passage.