

HOUSE No. 4186

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 18, 2014.

The committee on Telecommunications, Utilities and Energy to whom was referred the petition (accompanied by bill, House, No. 2930) of Stephen L. DiNatale and others for legislation to remove the regulatory authority of the Department of Telecommunications and Cable from jurisdiction over wireless service, reports recommending that the accompanying bill (House, No. 4186) ought to pass.

For the committee,

JOHN D. KEENAN.

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In the Year Two Thousand Fourteen

An Act modernizing cell phone 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 2012 Official
2 Edition, is hereby amended by inserting after section 7 thereof the following section:-

3 Section 8.

4 (a) Notwithstanding chapter 159 or any other general or special law to the contrary,
5 the department shall have no jurisdiction, general supervision, regulation or control over wireless
6 service, including mobile radio telephone service, or radio utilities.

7 (b) Nothing in this section shall be construed to affect or modify:

8 (1) the authority of the attorney general to apply and enforce chapter 93A and other
9 consumer protection laws of general applicability;

10 (2) the authority of the department under sections 18B and 18H, of Chapter 6A,
11 concerning enhanced 911 service; under section 3 of Chapter 40A; under section 15E of Chapter
12 166, concerning telephone relay service; and under section 25A of Chapter 166, concerning pole
13 attachments;

14 (3) the rights and obligations of any carrier under 47 U.S.C. § 251 or 47 U.S.C. § 252

15 (4) the authority of the department to administer federal programs supported by the
16 federal Universal Service Fund including the Lifeline and Link-up programs, the E-rate program,
17 or the Connect America Fund.

18 (5) The authority and jurisdiction of the department as is reasonably necessary relative to
19 the third to fifth sentences of 47 U.S.C. § 332(c)(3)(A), inclusive.

20 (6) The obligations under state or federal law of a carrier classified as an incumbent local
21 exchange carrier, as defined in 47 U.S.C. § 251(h), as of January 1, 2014.

22 (7) The authority of the department to receive and refer consumer complaints, or to
23 perform consumer education activities.

24 SECTION 2. Sections 12A, 12B, 12C, 12D, and 14A of Chapter 159 are hereby
25 repealed.