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**Department of
Telecommunications and Cable**

**2024
ANNUAL REPORT**

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**Office of Consumer Affairs and
Business Regulation**

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Letter from Commissioner Charles

Greetings,

Thank you for taking time to learn about the Department of Telecommunications and Cable (“DTC”) and the work we do on behalf of the Commonwealth, consumers, and the telecommunications industry. Fiscal Year (“FY”) 2024 was filled with many highpoints, from a record number of refunds returned to consumers by our Consumer Division, to outreach events held around the state. As a result of the increased use of virtual technology to accommodate routine activities, it has become abundantly clear that communications services, including broadband services, are essential to all residents of the Commonwealth. At the DTC, we work daily to ensure that consumers get connected and stay connected to our nation’s communications network.

We continue our strong collaboration with telecommunications industry stakeholders. We fielded complaints and investigated issues on behalf of consumers, advocated for the Commonwealth and its consumers before the FCC, and held public and evidentiary hearings.

The DTC continues to fight to safeguard the rights of consumers, especially those that are the most vulnerable. In FY 2024, the Department secured over \$280,000 in consumer refunds and savings, while investigating 1,876 consumer complaints. We are excited in executing this hard work, as our consumers need us now more than ever.

I hope you find the information that follows helpful, and I look forward to another strong year for the DTC.

Sincerely,



Karen Charles
Commissioner
Department of Telecommunications and Cable



“At the DTC, we work daily to ensure that consumers get connected and stay connected to our nation’s communications network.”

Department Regulatory Responsibilities¹

The Department of Telecommunications and Cable (“Department” or “DTC”) is funded through an annual assessment on telecommunications and cable companies as authorized by the annual General Appropriations Act and pursuant to Chapter 25C, Section 7 of the Massachusetts General Laws (“M.G.L.”) and Chapter 19 of the Acts of 2007. The Department’s operating budget for Fiscal Year² (“FY”) 2024 was \$3,332,411. Any unexpended balances are generally credited to the General Fund.

The telecommunications industry, over which the Department has jurisdiction, is made up of common carriers, including local exchange carriers, interexchange carriers, operator service providers, payphone companies, and cable companies. As of FY 2024, 213 telecommunications carriers were registered with the Department and these companies reported \$785,145,268 in intrastate telecommunications revenues for calendar year 2022.³

The cable industry in Massachusetts is comprised of eight cable television providers serving over 1.3 million cable video subscribers in 320 of the Commonwealth’s 351 cities and towns. The list of cable providers licensed to provide service in Massachusetts includes: Charter Communications, Comcast, Cox Communications, Norwood Light Department, Astound, Breezeline, Shrewsbury Electric and Cable Operations, and Verizon. Cable providers reported \$2.39 billion in intrastate cable revenues in calendar year 2023.⁴

The Department’s mission is to: (1) oversee the telecommunications and cable industries in accordance with the statutory obligations imposed by the Commonwealth of Massachusetts and the federal government; (2) work to ensure that consumers receive high-quality communications at just and reasonable rates; (3) promote sustainable competition which will increase the welfare of all Massachusetts residents and businesses; (4) maintain and enforce consumer protections, consistent with the public interest, particularly where market forces alone are not sufficient to do so, including investigating and responding to inquiries and complaints from consumers, providers, carriers, and other interested parties; and (5) provide expert input into the development of telecommunications and cable-related policies for the Commonwealth and the federal government.

The Department’s general responsibilities include the following.

1) Protect and Educate Consumers

- Establish and enforce basic consumer protections (e.g., the Department’s residential telephone billing and termination rules, including, for example, the prevention of service disconnection for senior households and persons with serious illness), and educate consumers about these protections.
- Monitor service providers’ billing practices and compliance with notification requirements related to billing delinquency, network enhancements, and cable programming changes.
- Mediate consumer complaints, including but not limited to billing issues, service quality, and other complaints between residential, business, and municipal customers and their service providers.

¹ The Department files this report as required by M.G.L. c. 25C, § 6.

² The Commonwealth’s Fiscal Year runs from July 1 to June 30.

³ Per statute, telecommunications carriers report calendar year revenues by March 31 of the following year. Statutory assessments against regulated telecommunications carriers’ reported revenues for a particular calendar year are made in a subsequent FY. For instance, FY 2024 assessments are based on calendar year 2022 reported revenues.

⁴ FY 2024 cable providers assessments are based on calendar year 2023 reported revenues.

- Answer consumer questions about different telecommunications services and technologies, including traditional landline telephone service, fiber-optic service, wireless service, internet service, and Voice over Internet Protocol (“VoIP”) service;⁵
- Monitor and implement the federal Universal Service Fund (“USF”) programs, including the Lifeline low-income discount, the Connect America Fund, the E-rate program, and the rural health care program; and
- Review and, where appropriate, approve applications for “eligible telecommunications carrier” (“ETC”) status. ETCs must meet certain service obligations to be eligible to receive federal universal service funds.

2) Promote Competition

- Revise existing policies and develop new policies in response to new technologies and market conditions.
- Collect and compile data on the status of competition in the telecommunications and cable industries in Massachusetts.
- Develop and implement policies that promote competition and service in areas of the state where it lags.
- Develop and enforce policies to promote wholesale and retail competition; and
- Implement competition-related rule changes consistent with state and federal law.

3) Inform and Advocate

- Analyze major federal legislative and regulatory decisions to evaluate their impact on state regulation of the telecommunications and cable industries and, when appropriate, advocate on behalf of Massachusetts consumers before the Federal Communications Commission (“FCC”) and Congress.
- Explain Department regulations and policies, and provide other information as requested by consumers, carriers, public officials, the Legislature, the Administration, and others.
- Monitor and evaluate proposed state legislation and provide recommendations.
- Propose state legislation where appropriate to adapt to changing technologies and market conditions.
- Analyze new technologies and market developments in order to determine their impact on consumers and the competitive marketplace;
- Participate in regional and national regulatory groups to ensure that Massachusetts’s interests are represented;⁶
- Comply with periodic FCC reporting requirements; and
- Work collaboratively with federal, state, and local partners to conduct outreach that promotes awareness and increases enrollment in certain federal benefit programs.

⁵ With limited exception, the Department does not regulate wireless, VoIP, or broadband internet service. M.G.L. c. 25C, §§ 6A, 8. However, the Department strives to assist all consumers with telecommunications-related requests.

⁶ National memberships and involvement include: the North American Numbering Council, the FCC’s Consumer Advisory Committee, the National Association of Regulatory Utility Commissioners, the National Association of Telecommunications Officers and Advisors, the Massachusetts Municipal Association, the Federal Communications Bar Association, and the New England Conference of Public Utilities Commissioners.

Telecommunications Industry Regulation

Regulatory Framework

The Department regulates telecommunications providers principally through Title 47 of the U.S. Code and its enabling legislation found in M.G.L. chapters 25C, 159, and 166. Major changes have taken place in the telecommunications industry due to advancements in technology, legislative activity, and FCC rulings. The increase in competition, spurred largely by technological innovation, required that the Department adjust its regulations to reflect changes in market conditions and relax its regulations where market forces are sufficient to protect consumer interests, thereby ensuring that the Department continues to promote competition. However, where market forces are not sufficient to safeguard consumer interests, the Department has continued to enforce necessary protections, to the extent permitted under state law.

The Department has jurisdiction over telecommunications services that originate and terminate within or between Massachusetts' two federally designated "Local Access and Transport Areas" ("LATAs").⁷ The FCC generally regulates interstate and international telecommunications services.

Department Responsibilities

The Department's primary telecommunications-related responsibilities include:

- Enforcing service quality standards.
- Overseeing the retail market.
- Helping to ensure public safety and network reliability.
- Overseeing the wholesale market; and
- Monitoring market entry and exit.

1) Enforcing Service Quality Standards

Verizon New England, Inc. d/b/a Verizon MA ("Verizon") is the Commonwealth's incumbent local exchange carrier ("ILEC") in all but four towns in Massachusetts. Verizon also serves as the Commonwealth's carrier-of-last-resort in its service area. As such, Verizon is subject to certain service quality standards and other requirements, which the Department monitors and enforces. Additionally, the Department ensures that Verizon allocates sufficient resources for the maintenance of service and call quality to all its customers, regardless of their location.

The Department adopted, and continues to monitor, a Retail Service Quality Plan ("Plan") for Verizon retail customers. This Plan consists of twelve service measures in the categories of Installation Service, Maintenance Service, and Service Response. Verizon reports its performance on each of the measures to the Department monthly. If Verizon's performance, on a rolling basis, falls below the Department's threshold, Verizon pays a penalty in the form of a refund to all residential and business customers. The Department also evaluates Verizon's retail service quality at the local level when the Department receives a formal complaint from city or town officials or customers.

Separately, the Department monitors Verizon's compliance with a Performance Assurance Plan ("PAP") for Verizon wholesale customers. The Department and Verizon instituted the PAP in order to ensure that Verizon provides high-quality service to competitive local exchange carriers ("CLECs") pursuant to federal law. The PAP includes: (1) the adoption of carrier-to-carrier service measurements and standards; (2) scoring mechanisms to determine whether CLECs are receiving non-discriminatory treatment; (3) a provision for the payment of bill credits to CLECs if Verizon's reported performance does not meet certain standards; (4) monthly reporting requirements; and (5) provisions for annual review, updates, and audits. Like the Retail Service Quality Plan, Verizon submits PAP reports monthly.

⁷ The Western Massachusetts LATA consists of the 413-area code; all other area codes in the Commonwealth fall under the Eastern Massachusetts LATA.

2) Retail Market Oversight

The Department develops and enforces policies to promote retail competition, including policies that relax regulation where market forces are sufficient to protect consumer interests. However, the Department continues to regulate certain Verizon basic retail services over which the company retains market power. The Department similarly regulates the rates, services, and practices of three rural ILECs in Western Massachusetts, Richmond Telephone Company, Taconic Telephone Corp., and Granby Telephone & Telegraph, that have market power in their service territories. The Department also ensures that reasonable service quality and certain consumer protections are provided by all traditional voice (i.e., non-Voice over Internet Protocol (VoIP)) carriers.

3) Helping to Ensure Public Safety and Network Reliability

The Department helps to ensure adequate funding of the E-911 network. The Department oversees the cost of the network and establishes a retail surcharge to fund the network. The Department also oversees the State 911 Department's expenditures, pursuant to Chapter 223 of the Acts of 2008. Additionally, the Department:

- Facilitates quick resolution of wholesale and retail service outages by working closely with carriers and the Massachusetts Emergency Management Agency as necessary.
- Enforces Verizon's major extended service outage rules, which are intended to address prolonged outages affecting 200 or more customers.
- Enforces Verizon's central office collocation security rules; and
- Helps to guide federal policy impacting public safety requirements at the state and local levels.

4) Wholesale Market Oversight

Apart from building their own facilities to serve customers, carriers that wish to compete in the retail telecommunications market have two available modes of entry. The first is to lease unbundled network elements ("UNEs") from the ILEC⁸ or another carrier and to provide service over this leased network. Verizon is the ILEC for all but four towns (Gosnold, Granby, Hancock, and Richmond) in Massachusetts. Pursuant to federal law, the Department has authority over Verizon's wholesale provision of UNEs to ensure that they are provided in a nondiscriminatory manner and regulates the rates at which they are leased. The other way a carrier can enter the market is to purchase a service from another carrier (usually Verizon) at a predetermined wholesale discount rate, then brand the service with its own name and resell it. The Department develops the wholesale discount rate for Verizon pursuant to FCC methodology.

The Department has played a key role in setting the wholesale and resale rates at which carriers can lease parts of each other's networks—this applies in particular to ILECs' networks. Consistent with the Department's oversight of the wholesale telecommunications market, the Department:

- Establishes the terms and conditions under which facilities-based carriers interconnect their networks, exchange traffic, and generally conduct their business relationships.
- May set rates at which competitors can resell Verizon's retail services.
- Ensures that competing carriers do not create barriers to consumer choice (e.g., enforces number porting requirements).
- Enforces phone number allocation rules (i.e., monitors the use of telephone numbers by carriers and promotes number conservation to ensure an adequate supply of telephone numbers for the industry and to prevent the need for new area codes); and

⁸ The ILEC is the entity that owned the network prior to the introduction of competition.

- Coordinates with the Department of Public Utilities (“DPU”) to ensure access to rights-of-ways for all carriers by establishing and enforcing rules concerning the rates, terms, conditions, and access to utility poles and conduits.

5) Market Entry and Exit

Carriers may offer service based simply on the submission of a Statement of Business Operations (“SBO”) and a Department-approved rate schedule.⁹ This streamlined entry process promotes competition in the market. Reviewing new registrations for compliance with Department rules ensures quality service offerings. In monitoring market entry and exit, the Department:

- Reviews registrations, individual rate schedule filings, and online rate schedules that establish new service offerings or change the rates, terms, or conditions of existing service offerings.
- Enforces entry requirements to ensure that carriers are not operating illegally in Massachusetts.
- Facilitates a smooth, orderly process when carriers discontinue services or exit the market entirely to prevent disruption of service to customers; and
- Requires carriers to notify the Department of any transfers of ownership or control in order to ensure that Department records are up to date in terms of who is operating in the Commonwealth.

Cable Industry Regulation

Regulatory Framework

Cable television is regulated at the local, state, and federal levels. The Department regulates cable providers principally pursuant to Title 47 of the U.S. Code, its enabling legislation, M.G.L. c. 166A, and implementing regulations in Title 207 of the Code of Massachusetts Regulations. In recent years, new entrants have emerged in the marketplace, including municipally owned companies and telephone companies offering video service, as well as broadband service, in competition with incumbent cable operators. As of the close of FY 2024, 126 communities are being served by an incumbent cable provider and at least one competitive cable provider. No cable-related appeals came before the Department during FY 2024.¹⁰

Department Responsibilities

The Department’s primary cable-related responsibilities include:

- Overseeing cable television franchising, franchise renewal, and the transfer of cable franchises within the Commonwealth.
- Enforcing consumer protections, including billing and termination regulations; and
- Collecting, compiling, and maintaining statistical data from cable providers on, among other things, consumer complaints, rates, terms and conditions, market share, and financial performance.

⁹ Payphone providers are not required to file rate schedules but are required to register and file annual returns with the Department. The Department requires all payphones to have labels clearly identifying the owner/operator of the phone and to provide free access to 911 and directory assistance.

¹⁰ This report is filed to fulfill the Department’s mandate under M.G.L. c 166A, § 2, which requires an annual report to the clerks of the Senate and House of Representatives on cable appeals.

Oversight of Municipal Cable Franchising

In Massachusetts, municipalities negotiate and grant cable licenses to cable operators, while the Department retains ultimate oversight authority in licensing matters. The Department conducts an extensive educational program for communities regarding the applicable substantive and procedural licensing requirements at the local, state, and federal levels. When licensing disputes or license transfers arise at the local level, the Department can facilitate discussions between cable operators and municipalities and provide appellate review of final municipal decisions.

Consumer Protections and Education

The Department investigates and resolves individual consumer complaints through an informal negotiation process between the consumer and their service provider. If necessary, the Department can also conduct adjudicatory proceedings for regulated services. The Department also tracks industry trends and complaint patterns to identify and resolve problems that are more widespread.

The Department's regulations afford several consumer protections to cable subscribers, particularly with respect to billing and termination of their services. Cable operators must make annual filings with the Department to ensure compliance with these consumer protection regulations and federal customer service standards. Through a dedicated hotline, published consumer information and advisories, fact sheets, a consumer-friendly website, and other outreach initiatives, the Department serves as a source of information to help consumers better understand their services, evolving technologies, and consumer rights. In addition, the Department often serves as a resource to industry, consumer organizations, and social service advocates, providing guidance and sharing best practices about consumer-related issues affecting Massachusetts residents.

FY 2024 Accomplishments

During FY 2024, the Department concluded several dockets impacting Massachusetts businesses and consumers. Docketed matters included:¹¹

- Enforcing telecommunications carriers' annual revenue reporting requirements.
- Ensuring the reasonableness of pole attachment rates, terms, and conditions.
- Ensuring the reasonableness of basic residential telephone service rates.
- Adjudicating a pole attachment complaint filed by a broadband company.
- Adjudicating three motions for protective treatment.
- Reviewed telecommunications carriers designations for ETC status, enabling them to receive federal broadband funding. Granted two petitions. Granted one relinquishment and one amended service territory at the request of the companies.
- Ensuring the orderly transition of subscribers of a telephone company that left the market;
- Adjudicating a request from the State 911 Department regarding its annual budget and expenditures.¹²
- Approving a request from the State 911 Department regarding maintaining the monthly enhanced 911 surcharge at \$1.50¹³

¹¹ Refer to Appendix A for additional docket information.

¹² This report is filed to fulfill the Department's mandate under M.G.L. c. 6A, § 18H(b), which states, "The Department of Telecommunications and Cable shall file an annual report with the clerks of the house of representatives and the senate relative to the financial condition of the Enhanced 911 Fund."

¹³ Under G.L. c. 6A, § 18H(a)-(b), the 911 Department may petition the Department of Telecommunications and Cable ("DTC") for approval to adjust the surcharge, which the statute otherwise fixes at seventy-five cents per month per subscriber or end user.

In addition to docketed matters, the Department:

- Reviewed and approved 3 interconnection agreements
- Reviewed 67 new and revised rate schedules
- Provided continued support to the development of the Commonwealth's broadband initiatives. This support included assistance to the Executive Office Economic Development and the Massachusetts Broadband Institute ("MBI"). The Department provided support and guidance to MBI on various state and federal regulatory matters, including the expansion of broadband service into unserved communities by cable companies. In addition, the Department Commissioner sits on the MBI's Board of Directors.
- Continued to assist with the execution of cable licenses in these MBI communities. Since 2017, the Department has helped several municipalities sign cable licenses, bringing cable service and broadband to their communities for the first time.
- Opened 1,876 consumer investigations.

Administration Division

Overview

The Administration Division provides administrative support to the Legal, Consumer, and Competition Divisions within the Department. In FY 2024, the Division ensured that all employees completed all required training and performance reviews and that the Department met all quarterly diversity reporting requirements. In addition, the Division updates and maintains the Department's Continuity of Operations Plan, Internal Control Plan, and Affirmative Action Plan, among other Department policies.

Division Responsibilities

Finance

The Division handles budget preparation and controls, purchasing, accounts receivable and accounts payable, payroll, and other administrative financial services. The Department's budget for FY 2024 was \$3,332,411. Revenue collected during that same period was \$7.1 million, of which approximately \$202,000 was returned to the General Fund from revenue sources that include the Department's assessment and telecommunications and cable filing fees.

Human Resources

In conjunction with the Executive Office of Economic Development and the Office of Consumer Affairs and Business Regulation, the Division is responsible for payroll actions and human resource management.

Legal Support

The Division is responsible for publishing notices of and generally providing administrative support for Department hearings. In FY 2024, the Department conducted 4 evidentiary and/or public hearings. The Division also processes all docket filings, Notices, and Orders issued by the Department, managed the Department's record retention, and assisted with public records requests. The Department issued 27 decisions in FY 2024, as well as several Department Notices. Additionally, Division staff responded to requests for information regarding docketed matters.

Competition Division

Overview

The Competition Division provides technical and analytical support to the Commissioner, all Divisions of the Department, and other Administration officials, in the regulation of the telecommunications and cable industries in Massachusetts.¹⁴ Through its various responsibilities, the Competition Division supports the Department's missions.

Division Responsibilities

Development of Policies that Promote Sustainable Competition and Conform the Level and Type of Regulation to Market Conditions

In conjunction with the Legal Division, Competition Division staff conducts formal and informal policy investigations to ensure that consumers of telecommunications and cable services continue to experience the benefits of competition and that such competition accrues to all residents of Massachusetts. In addition, Competition Division staff safeguards consumers by implementing new regulatory policies seeking to ensure that the rates, terms, and conditions of telecommunications and cable services are just and reasonable, where market forces alone cannot do so. Along with the Legal Division, Competition staff drafted discovery questions to and reviewed discovery responses from companies involved in Department investigations throughout FY 2024. The Competition Division assisted the Legal Division staff in preparing and finalizing Orders relating to ongoing investigations. In FY 2024, Competition Division staff conducted technical analyses in Department compliance proceedings, both formal and informal.

Analysis and Implementation of Major Federal Regulatory Changes

Decisions of the FCC, Congress, and state and federal courts affect the structure of the telecommunications and cable industries and the Department's authority to regulate those services. Competition Division and Legal Division staff monitor large volumes of relevant case law and actions from other agencies and jurisdictions, both federal and state, to keep abreast of major issues that may influence the provision of telecommunications and cable services within Massachusetts. Competition Division staff also monitor broadband-related activities, since it is increasingly becoming the pipeline by which telecommunications and cable services are being provided to Massachusetts consumers and is a major focus of many FCC reform proceedings.

¹⁴ In 1971, the Legislature established the Massachusetts Community Antenna Television Commission ("Cable Commission"). In 1997, the Cable Commission was merged into the Department of Telecommunications and Energy as the Cable Television Division. Pursuant to Chapter 19 of the Acts of 2007, the Department's predecessor agency, the Department of Telecommunications and Energy, ceased to exist. Jurisdiction over telecommunications and cable matters was placed in the newly established Department. All telecommunications and cable authority and cases were initially transferred to the Department's Telecommunications and Cable Television Divisions, respectively. Shortly thereafter, the Department merged the separate Cable and Telecommunications Divisions to form the Competition Division, to increase efficiencies by taking advantage of synergies created by convergence in these industries.

Review of New Registrations and of Rate Schedule Filings

Companies wishing to provide telecommunications services in Massachusetts must file an SBO and must have an approved rate schedule on file with the Department. The SBO includes a general description of the services to be offered by the carrier, contact information for customers who need to reach the carrier with questions or complaints, and a statement that the company has made all appropriate federal and state income tax filings and paid all income taxes. During FY 2024, the Competition Division managed filings from five new carriers.

The Competition Division reviews competitive carriers' rate schedules to make sure that they do not contain any terms or provisions that violate Department policy (e.g., a carrier cannot offer service on the condition that a customer agrees not to contest any charges). Competitive carriers are free to determine prices and service offerings based on what the market will bear. In FY 2024, the Competition Division reviewed and approved 67 rate schedules/tariffs and 3 interconnection agreements between carriers.

Market Monitoring and Reporting Function

The evolution of the telecommunications and cable industries in Massachusetts has resulted in many new telecommunications service providers, new technologies, such as fixed VoIP telephone service, and a plethora of new service offerings. In addition, the competitive landscape is constantly changing, with new types of competitors and individual companies taking on changing roles in the marketplace each year. Because of the changing nature of the telecommunications and cable industries, the Competition Division analyzes new technologies and market developments to determine their impact on consumers and the competitive marketplace.

Consumer Education and Public Information

The Competition and Legal Divisions devote substantial staff time discussing the Department's regulations and policies with potential and existing providers of telecommunications and cable services, local and state officials, state and federal legislators, other Massachusetts agencies, the FCC, and other state public utility commissions, as well as various other constituencies. Staff also devote significant time to consumer inquiries.

Legal Division

Overview

The Legal Division staff serves as the legal advisor to the Commissioner and provides legal support to all Divisions of the Department. Legal Division staff members serve as presiding officers for the Department's adjudicatory hearings.

Division Responsibilities

Formal Adjudication

Pursuant to M.G.L. c. 25C, § 4, which permits the Commissioner to designate employees of the Department to preside over Department hearings, Legal Division staff attorneys serve as presiding or hearing officers at Department adjudicatory proceedings conducted under the Massachusetts Administrative Procedure Act (M.G.L. c. 30A) and the Department's procedural regulations (207 C.M.R. 1.00). During FY 2024, the Legal Division issued 18 Orders and Rulings; Appendix A provides a list of Orders issued by the Department. Adjudications are the formal determination of parties' rights through an

administrative hearing process. All parties—the party or parties filing the action and any respondents or intervenors—are entitled to due process safeguards, including notice and the opportunity to be heard. Parties to the action have the right to present evidence, cross-examine witnesses, receive a written decision from the Department, and appeal that decision. Adjudicatory proceedings vary in complexity and frequency. Below are examples of the types of proceedings adjudicated by the Department.

- Service quality issues.
- Disputes between pole owners and pole attachers.
- Interconnection disputes between telecommunications carriers.
- Certification of telecommunications carriers to do business within the Commonwealth.
- Certification of telecommunications carriers as ETCs entitled to receive voice and broadband funding from the federal government.
- 911 Department budgetary proceedings; and
- Formal consumer adjudications.

In conducting a formal adjudicatory proceeding, the Department generally holds two types of hearings: (1) a public hearing and (2) an evidentiary hearing. Public hearings are publicized on our website and through legal notice in newspapers in the provider's service territory. In certain types of cases, public hearings are conducted in a provider's service territory. A stenographer often transcribes public hearings. If conducted in a provider's service territory, public hearings may be conducted during the evening in an easily accessible public building such as the Town Hall and are overseen by a hearing officer. Otherwise, public hearings are typically conducted virtually through the Microsoft Teams platform to allow for participation from the public across the state. Public hearings afford consumers the opportunity to learn more, offer their input, and comment on the practices of the provider. Public hearings also allow Department staff to hear the concerns of customers and local elected officials. Residential and business customers, as well as municipalities, are valuable sources of information to the Department in developing a case record.

Evidentiary hearings typically are conducted in a courtroom setting in the Department's Boston office or virtually through the Microsoft Teams platform. These proceedings are transcribed by a stenographer. A presiding officer presides over evidentiary hearings, with the active participation of the Department's technical and legal staff. Staff members question witnesses to ensure that the record is accurate and complete, while the presiding officer controls the conduct of the proceeding.

Although the adjudicatory process does not require adherence to all formal rules of evidence, the evidentiary hearing process follows rules that mirror many of the civil procedure rules used by Massachusetts courts, and parties are typically represented by counsel.

Evidentiary hearings afford all parties, including intervenors, the opportunity to question witnesses. In some cases, the Attorney General ("AG") of the Commonwealth is an intervenor. Other intervenors may include municipalities, individual consumers, industry trade organizations, public interest organizations, and local consumer, business, or neighborhood groups. Sometimes intervenors put on a direct case with witnesses of their own. Based on the evidence in the record, the Department issues a Final Order at the conclusion of each adjudicatory proceeding. Pursuant to M.G.L. c. 25, § 5, and M.G.L. c. 166A, § 2, the Department's Final Orders are generally reviewed directly by the Massachusetts Supreme Judicial Court in the case of an appeal. In certain circumstances, Department Orders may also be appealed to federal district court or the FCC.

Rulemaking

The Department conducts rulemaking pursuant to M.G.L. c. 30A, §§ 4-10 and 207 C.M.R. § 2.01, to adopt, amend, or repeal regulations pertaining to the activities of industries the Department regulates. The Department is required to provide public notice of a proposed rulemaking and to allow an opportunity for public comment. After consideration of the public comment, the Department may issue final regulations. Any final regulation is published in the Code of Massachusetts Regulations.

Compliance—General

The Legal Division, in cooperation with other Divisions of the Department, ensures compliance with a wide variety of laws, regulations, and policies. More specifically, during FY 2024 the Department continued to ensure that telecommunications and cable providers were complying with state statutes, rules, Department Orders, and all other regulatory requirements. For example, the Department opened its annual investigation to ensure that all carriers operating in Massachusetts continue to comply with the Department's reporting requirements. The Department's methods for ensuring compliance can include mass mailings notifying the industry of Department rules and regulations, issuing Notices of Probable Violation ("NOPV"), opening investigations, issuing Orders to cease and desist, assessing forfeitures for non-compliance, and referring violators to the AG for enforcement.

Consumer Division

Overview

The Consumer Division's primary responsibilities include enforcing and monitoring compliance with Massachusetts laws and Department regulations and policies to protect consumers of cable and landline telecommunications services. Hundreds of companies fall within the scope of the Consumer Division's regulatory authority.

While the Consumer Division primarily handles issues involving cable and landline telecommunications services, increasingly, consumers are contacting the Department seeking assistance with issues relating to unregulated communications services. The Consumer Division routinely receives inquiries and complaints from customers about internet/broadband service, satellite television, wireless service providers, and VoIP telephone providers such as Astound Broadband, Breezeline, Comcast, Charter, and Cox.¹⁵ See Appendix B for the breakdown of Consumer Division statistics by service provider.

Although these services are largely unregulated, Division staff is often able to assist by providing general consumer education information and resources, which may include referral to an external agency such as the AG, the Federal Trade Commission ("FTC"), or the FCC. If the Division has an established relationship with the consumer's service provider, it may be able to assist by sharing the complaint through its complaint resolution program, creating an opportunity for the provider to better address the concerns and work more readily towards a potential resolution with their customer.

¹⁵ Due to its former role handling utilities-related issues as part of the DPU, the Consumer Division handles a marginal number of calls from consumers seeking to contact the DPU.

Division Responsibilities

Enforce Residential Consumer Protection Rules:

- Inform consumers of their rights.
- Serve as a resource for both consumers and industry on issues related to telecommunications and cable matters.
- Ensure service providers' compliance with billing and termination rules; and
- Conduct informal case investigations to resolve disputes.

Additional Protections:

- Engage in quality-of-service issues to maintain consumers' connectivity to networks; and
- Educate the public about industry-related issues, including technological changes, the CTIA's Consumer Code for Wireless Service, and other issues impacting consumers in the communications marketplace.

Respond to Consumer Inquiries

The Consumer Division conducts informal complaint investigations, responds to inquiries, and participates in the critical role of informing and educating consumers about various technological changes affecting their telecommunications and cable services. The Consumer Division's most important duty is to respond to the over 9,600 telephone contacts it receives annually. Consumers may also contact the Division by mail, email, online submission, fax, or by visiting the office; however, the vast majority of consumer contacts are made by telephone. Contacts to the Consumer Division are further categorized as either informational inquiries, requests for consumer education materials, referrals to other agencies, or case investigations that require direct involvement with a consumer's service provider.

The Consumer Division operates a Consumer Hotline ("Hotline") through which members of the public can receive personal and prompt attention by Consumer Division staff who respond to inquiries and gather information for the Division's complaint resolution process, which often involves direct involvement with a consumer's service provider. Consumers who contact the Hotline are first provided with a self-serve option of utilizing an interactive voice response assistance system for those who are intending to speak directly with their service provider, but realize they contacted the Division in error.¹⁶ These callers are automatically transferred to their service provider by simply speaking their name, eliminating the need to place an additional call.

The Consumer Division has transitioned its day-to-day operations to a hybrid work environment, remaining accessible to the public by all the above-listed methods. The Consumer Division continues to accommodate Spanish and Portuguese-speaking callers. We also work collaboratively with service providers to address the needs of consumers in communicating in their language of choice, if not directly spoken by Division staff.

As the communications industry and technology evolves, the Consumer Division frequently receives contacts concerning services that the agency does not have the statutory authority to regulate. Often, these contacts consist of issues that are either unassociated with a known service provider or involve entities outside of the Department's jurisdiction. Examples of such unregulated matters include contacts relating to deceptive advertising, collection agency practices, internet/broadband service, satellite and over-the-air television service, telephone scams, the Do-Not-Call Registry, VoIP telephone service, radio frequency safety, and wireless service and tower siting. These matters may be referred to an external agency such as the AG, FTC, or FCC for appropriate handling.

¹⁶ During this period, 10,219 callers were redirected to the appropriate service provider for assistance using the interactive voice response system.

Investigate and Resolve Consumer Complaints

The two main complaint types received in the Consumer Division are billing disputes and service-quality problems. The Division also handles complaints and inquiries related to the federal government's Lifeline program and Affordable Connectivity Program ("ACP"). This year, the most prominent inquiries received by the Consumer Division concerned:

- 1) Changes to company billing practices and the ability access to customer service, particularly as a result of the implementation of automated customer service systems and the transition to paperless billing and electronic communications between providers and subscribers;
- 2) Cost of service and the availability of options to help make telecommunications services more affordable, including questions concerning the Lifeline Program, the ACP, and other low-cost internet programs offered by providers local to a subscriber's area;
- 3) The impact of the transition of traditional copper-based landline telephone service to fiber optic technologies; and
- 4) Identity theft, online privacy and security, and an increase in phishing and imposter scams.

In cases where the service provider is found to be at fault, the Consumer Division requires the company to provide an explanation addressing the problem, make the corrective action, make any warranted refunds or credits to customer bills, or, with respect to the Lifeline program, resolve any barriers to enrollment.

Generally, every complaint opened by the Consumer Division must be resolved before it can be closed. If the customer or the service provider is not satisfied with the investigator's resolution of a complaint, a request for additional mediation through an informal hearing may be made. Parties dissatisfied with the informal written decision issued on the complaint may request a formal adjudicatory hearing conducted by a hearing officer in the Department's Legal Division.

The Consumer Division also investigates complaints concerning the unauthorized switching of a consumer's telephone service provider, known as "slamming," which is a violation of M.G.L. c. 93, §§ 108 to 113. Companies that engage in slamming may be subject to a fine. The Consumer Division works to enforce both federal and state laws prohibiting slamming. If the Department determines that an unauthorized switch has occurred, consumers should receive a refund of any unauthorized charges that they paid. Under Massachusetts law, consumers must bring telephone service slamming complaints to the Department within 90 days of notice of the unauthorized switch of service. In FY 2024, the Department investigated and resolved six (6) slamming complaints, five (5) through the informal dispute resolution procedure and one (1) through the formal dispute resolution process.¹⁷

Advise the Department

The Consumer Division alerts the Department to important consumer issues, including major complaint trends such as significant billing issues, widespread service outages, and technological changes impacting access to services. For example, in FY 2024, the Division continued to monitor the ILEC's copper retirement activities in 115 communities, ensuring that both residents and businesses who contact the Department with concerns about migration and potential loss of connectivity are provided with assistance in working with the ILEC to prevent any unplanned service interruptions.

¹⁷ M.G.L. c. 25C, §§ 6A, 8 (prohibiting application of the anti-slamming law to Voice over Internet Protocol (VoIP) and wireless services). This report is filed to fulfill the Department's mandate under M.G.L. c. 93, § 113(b), which requires the Department to annually report to the Joint Committee on Government Relations and the AG on the impact of the anti-slamming law.

Review Bills and Notices

The Consumer Division reviews certain telecommunications and cable providers billing materials and customer notices to ensure that they provide consumers with clear and accurate information. Notices often concern rate increases, provider billing practice changes, and network enhancements. As more providers transition to electronic communications with their subscribers, the Division proactively works to ensure clear and conspicuous notices are rendered in a timely manner to all customers regardless of transmission method.

Educate Consumers

The Department's website is regularly updated to provide relevant consumer information designed to educate the public and increase awareness about significant complaint trends. Examples include the transition of the telephone network from copper to fiber, tips for staying connected during emergencies, and details about the Lifeline program for affordable communications service. Also, the Consumer Division fields many calls from consumers requesting information or applications for the Lifeline Program, low-cost internet programs, elder protection from telephone service suspension (available for traditional telephone service only; not offered by VoIP telephone providers), and directory assistance charge and operator services exemption.

The Consumer Division actively engages communities throughout the Commonwealth and regularly participates in outreach events to promote awareness of how the Department can assist consumers. The Division also offers several outreach programs designed to educate consumers about current industry-related issues, including technology transitions, reforms to the Lifeline program, and other consumer protection measures. The Consumer Division, with the assistance of the Administration Division, regularly conducts mass mailings of its brochures, fact sheets, and consumer advisories. The Division also partners with various stakeholders and community organizations to craft targeted email blasts and blog posts about relevant telecommunications matters.

The Consumer Division also conducted extensive outreach efforts to both consumers and community partners regarding the FCC's wind-down of the ACP due to a lack of additional funding from Congress. The Consumer Division also shared information about other low-cost internet options being offered by broadband service providers (e.g., Astound Broadband's Internet First, Breezeline's Internet Assist, Charter's Spectrum Internet Assist, Comcast's Internet Essentials, Cox's Connect2Compete and ConnectAssist programs, and Verizon's Fios Forward).

Statistics

The Consumer Division provides statistical information to the Department, industry-related companies, government representatives, and the media. The statistical complaint data compiled by the Consumer Division provides an important basis for identifying industry trends and determining whether companies meet required service quality standards. Statistical complaint data may also provide evidence of fraud or unfair trade practices, and, if so, would be shared with the AG.

FY 2024 Consumer Division Accomplishments:

- Responded to 2,965 inquiries.
- Investigated 1,876 complaints.
- Secured \$280,991.03 in consumer refunds and savings.
- Provided the public with real-time resources about the availability of low-cost telecommunications and broadband services being offered by Massachusetts providers.
- Collaborated with the Office of Consumers Affairs and Business Regulation to conduct a social media outreach campaign designed to raise awareness of and increase participation in Lifeline

and ACP during the Department’s recognition of National Digital Connectivity and Lifeline Awareness Week in September.

- Partnered with municipalities and community partners throughout the Commonwealth to conduct 20 outreach events designed to educate stakeholders about the industries that we oversee and raise awareness about universal service programs.
- Completed 1,478 direct mailings to residents with consumer education information related to elder protection from telephone service suspension, qualifications for directory assistance exemption, tips to prevent unwanted calls, technology changes, Lifeline and ACP; and
- Regularly conducted meetings with industry partners to discuss and evaluate complaint handling protocols, complaint trends, and policy matters to help improve services being provided to the public.
- Partnered with the FCC to support community outreach and enrollment efforts of Massachusetts households in the ACP, including investigating 79 ACP related complaints and responding to 126 related inquiries. Prior to ACP ending, the Division distributed over 1,850 program applications to help households gain access to affordable internet service.

Conclusion

The Department had another strong year fighting for the rights of consumers while maintaining a proper regulatory balance for the industries we oversee. As technologies change and the definition of “telecommunications” continues to evolve, we will continue to strike this balance for the betterment of our Commonwealth.

Appendix A: FY 2024 Department Orders and Rulings

Dock-et No.	Caption	Description	Date Order Issued	Date Closed
22-2	Petition of AirVoice Wireless, LLC d/b/a AirTalk Wireless for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts	Hearing Officer Ruling on Motion for Protective Treatment	6/25/2024	7/15/2024
21-1	Petition of Starlink Services, LLC for Designation as an Eligible Telecommunications Carrier	Relinquishment Order	6/12/2024	7/2/2024
24-2	Petition of the State 911 Department for Approval of Fiscal Year 2024 Expenditures, Approval of Fiscal Year 2025 Development Grant Amount, Approval of Fiscal Year 2025 Incentive Grant Amount for Regional PSAPs Serving 2 Municipalities, Approval of Fiscal Year 2025 Incentive Grant Amount for Regional PSAPs Serving 10 + Municipalities, Approval of Fiscal Year 2025 Incentive Grant Amount for Regional Emergency Communication Centers, and Approval of the Massachusetts Telecommunications Relay Service and Captioned Telephone Relay Service Request for Response.	Final Order	6/4/2024	6/24/2024

13-4	Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program	Hearing Officer Ruling on the Petition for Leave to Intervene	5/15/2024	6/4/2024
22-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar year 2019.	Order Vacating Judgment in Docket D.T.C. 22-AR-12	4/29/2024	5/19/2024
22-4	CRC Communications LLC d/b/a OTELCO v. Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc.	Order of Appeal of Hearing Officer's Ruling	4/26/2024	5/16/2024
22-4	CRC Communications LLC d/b/a OTELCO v. Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc.	Hearing Officer Ruling on Motions for Confidential Treatment	4/11/2024	5/1/2024
17-7	Petition of CoxCom, Inc. d/b/a Cox Communications to establish and adjust the basic service tier equipment and installation rates for the Town of Holland.	Approval Request for Confidential Treatment	12/1/2023	12/21/2023
22-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar year 2019.	Final Order	12/1/2023	12/21/2023
23-3	Petition of the State 911 Department for Approval to Maintain the Monthly Enhanced 911 surcharge at \$1.50.	Final Order	11/30/2023	12/20/2023
13-1	Telrite Corporation d/b/a Life Wireless Application for Designation as an Eligible Telecommunications Carrier in the State of Massachusetts for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households (Low Income Only).	Hearing Officer Ruling Supplemental Motion for Protective Treatment	11/9/2023	11/29/2023
13-1	Telrite Corporation d/b/a Life Wireless Application for Designation as an Eligible Telecommunications Carrier in the State of Massachusetts for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households (Low Income Only).	Approval Order	9/28/2023	10/18/2023

22-4	CRC Communications LLC d/b/a OTELCO v. Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc.	Order Granting Stay	9/5/2023	9/25//2023
23-1	DISH Wireless L.L.C. d/b/a Gen Mobile Petition for Designation as an Eligible Telecommunications Carrier.	Order Granting Withdrawal	9/5/2023	9/25/2023
19-1	Petition of City of Westfield Gas + Electric Light Department for Designation as an Eligible Telecommunications Carrier.	Order Amending ETC Service Area	8/25/2023	9/14/2023
22-4	CRC Communications LLC d/b/a OTELCO v. Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc.	Hearing Officer Ruling Granting Reconsideration and Reopening Administrative Record Regarding Resurvey Issue	8/22/2023	9/11/2023
22-3	South Hadley Electric Light Department Petition for Designation as an Eligible Telecommunications Carrier.	Order Approving Petition	8/3/2023	8/23/2023
22-AR	Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to G.L. c. 159 §§ 12, 32 and 39, and G.L. c. 166 §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar year 2019.	Memorandum of Dismissal in docket D.T.C. 22-AR-6	7/10/2023	7/30/2023

Appendix B: FY 2024 Consumer Division Telecommunications & Cable Statistics

Service Provider	Investigations	Inquiries	Requests for Consumer Education Materials	Auto Attendant Transfers	Adjustments and Savings
Access Wireless	0	1	0	0	\$0.00
AirTalk Wireless	0	2	0	0	\$0.00
AirVoice Wireless	0	1	0	0	\$0.00
Aol by Yahoo	0	1	0	0	\$0.00
Assurance Wireless by T-Mobile*	32	52	15	209	\$358.96
Astound Broadband by RCN	57	141	3	451	\$5,654.76
AT&T, Inc.	4	4	0	74	\$237.85
AT&T Wireless	33	18	2	10	\$20,864.57
Bandwidth, Inc.	2	0	0	0	\$0.00
Boost Mobile by Dish Wireless, LLC	3	3	1	4	\$78.48
Braintree Electric Light Department	0	0	0	13	\$0.00
CBTS Technology Solutions, LLC	0	1	0	0	\$0.00
Charter Communications, Inc.	39	78	10	185	\$2,124.37
Clear Rate Communications	9	13	0	0	\$3,505.62
Comcast Corporation ¹	1,141	1,711	492	6,667	\$157,561.21
Community Phone	0	1	0	0	\$0.00
Consolidated Communications (Taconic Telephone Company)	0	1	0	10	\$0.00
Consumer Cellular, Inc.	5	3	0	4	\$45.00
Cox Communications, Inc.	0	1	0	157	\$0.00
Credo Mobile, Inc.	1	0	0	0	\$0.00
Cricket Wireless, LLC	4	1	0	0	\$0.00
Crown Castle Fiber, LLC	0	1	0	0	\$0.00
Department of Public Utilities ("DPU")	0	0	0	199	\$0.00
DIRECTV	7	3	0	15	\$299.00
Dish Network	5	3	0	165	\$717.80
EarthLink	0	1	1	0	\$0.00
Enhanced Communications Group, LLC	0	1	0	0	\$0.00
Excess Telecom by IM Telecom	0	2	0	0	\$0.00
GCET	0	1	0	0	\$0.00
GoNetSpeed (Granby Telephone Company)	0	4	0	13	\$0.00
Hudson Fiber Network, Inc.	0	1	0	0	\$0.00
IDT Corporation	0	2	0	0	\$0.00
Impact Telecom	0	1	0	0	\$0.00

Integrated Path Communications, Inc.	0	1	0	0	\$0.00
LifeWireless by Telrite Corporation*	0	4	1	3	\$0.00
Lingo Communications, LLC	1	10	0	25	\$0.00
Lively by Best Buy Health, Inc.	2	0	0	0	\$93.32
Lumen Technologies, Inc.	0	1	0	0	\$0.00
Lycamobile	0	1	0	0	\$0.00
Magna5 (Richmond Telephone Company)	0	0	0	11	\$0.00
Matrix Connected Fiber	3	0	0	0	\$0.00
Maxsip Telecom	0	2	0	0	\$0.00
MCI	1	0	0	0	\$0.00
MetroPCS by T-Mobile	8	2	0	3	\$0.00
Mint Mobile	0	2	0	0	\$0.00
Momentum Telecom	0	1	0	0	\$0.00
Net10 Wireless	1	0	0	0	\$0.00
NetBlazr	0	2	0	0	\$0.00
Norwood Light Broadband	0	2	0	12	\$0.00
Ooma Telo, Inc.	0	1	0	0	\$0.00
Other Government Agency ²	0	0	0	273	\$0.00
Q Link Wireless	1	2	0	0	\$50.00
SafeLink Wireless by TracFone Wireless, Inc.*	29	40	8	66	\$182.92
Shrewsbury Electric and Cable Operations	1	1	0	21	\$0.00
Simple Mobile by Tracfone Wireless, Inc.	1	1	0	0	\$0.00
StandUp Wireless by Global Connection Inc. of America*	1	3	0	28	\$0.00
Starry Internet	0	2	0	0	\$0.00
Straight Talk Wireless by Tracfone Wireless, Inc.	1	0	1	0	\$0.00
Telco Experts, LLC	0	1	0	0	\$0.00
T-Mobile US, Inc.	34	22	0	237	\$14,206.73
Total Wireless by Tracfone Wireless, Inc.	1	0	0	0	\$0.00
TracFone Wireless Inc.	5	1	0	5	\$0.00
TruConnect Communications, Inc.*	2	2	0	3	\$0.00
Unknown or Unidentified Service Provider	0	395	511	0	\$0.00
VarTec Telecom, Inc.	0	2	0	0	\$0.00
Verizon Communications, Inc. ³	358	374	429	1,319	\$33,690.75
Verizon Wireless ⁴	78	33	2	35	\$41,107.27
Viasat, Inc.	0	1	0	0	\$0.00
Visible Wireless by Verizon	2	2	0	0	\$120.00

Whip City Fiber by Westfield Gas + Electric	1	0	2	2	\$0.00
Whoop Connect	0	1	0	0	\$0.00
Windstream Communications	2	0	0	0	\$92.42
WiValley	1	0	0	0	\$0.00
Total	1,876	2,965	1,478	10,219	\$280,991.03

**Indicates an Eligible Telecommunications Carrier offering wireless service via the Lifeline Program*

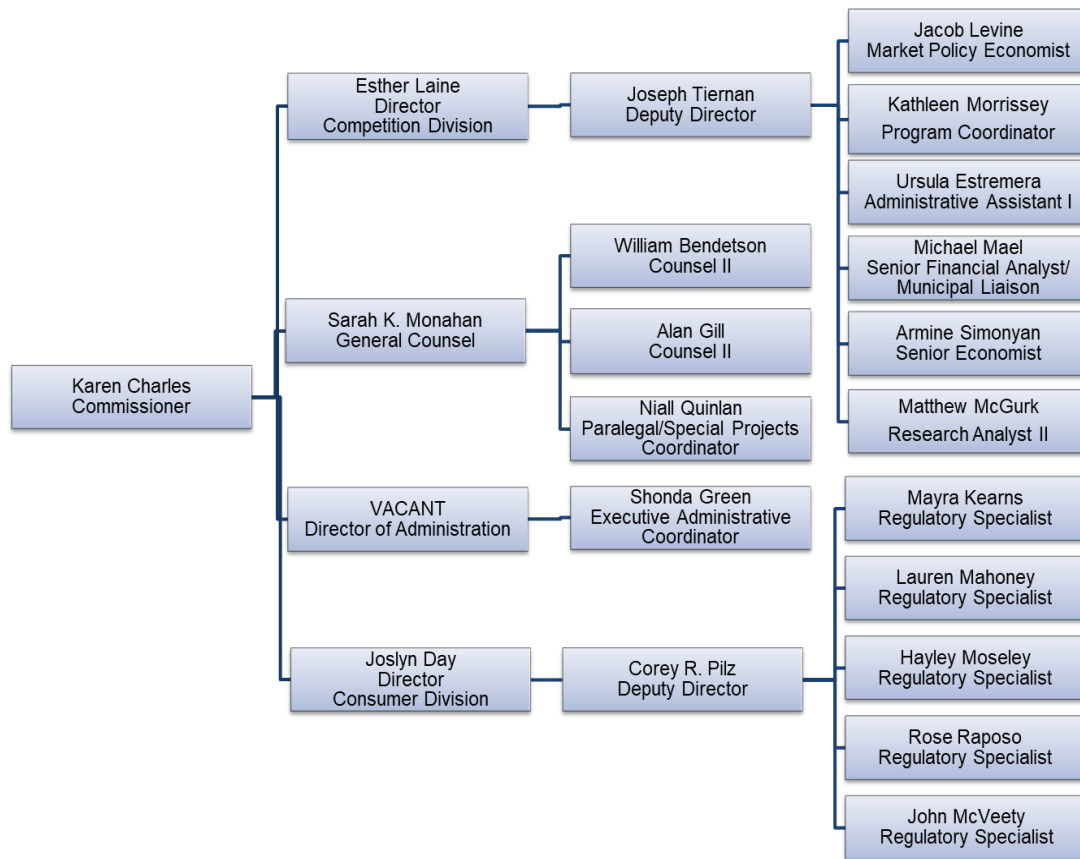
¹Includes Complaints filed against Comcast Business and XFINITY Mobile

²Includes transfers to the MA AG, FCC, FTC, MassOptions and the Universal Service Administrative Co. (administrator of the Universal Service Fund).

³Includes Complaints filed against Verizon Business Network Services, Inc.

⁴Includes Complaints filed against Verizon Connect

Appendix C: FY 2024 Organizational Chart



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