

By Mrs. Menard of Somerset, petition of Joan M. Menard relative to telecommunications services provided by cable television systems. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO TELECOMMUNICATIONS SERVICES PROVIDED BY CABLE TELEVISION SYSTEMS.

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. Section 1 of Chapter 166A of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 adding the following definition: —

4 (g) “telecommunications”, all transmission of information by
5 electromagnetic means entirely within the Commonwealth, with
6 or without benefit of any closed transmission or transmission
7 medium, including all instrumentalities, facilities, apparatus, and
8 services (including the collection, storage, forwarding, switching,
9 and delivery of such information) essential to such transmissions,
10 but excluding programming provided by or comparable to that
11 carried by radio and television broadcast stations.

1 SECTION 2. Chapter 166A of the General Laws is hereby
2 further amended by adding the following section: —

3 Section 15A. Upon a determination, after due hearing and
4 investigation, that adequate competitive alternatives do not exist
5 for any telecommunications service provided or offered by any
6 CATV system, the Commission may fix and establish for such
7 CATV system a fair and reasonable rate of return from adequate,
8 just, reasonable, and nondiscriminatory rates for that telecom-
9 munications service provided by community antenna television
10 systems.

11 Unless otherwise determined by the commission, any such rate
12 may be increased annually at the discretion of the operator by
13 an amount not to exceed the regional consumer price index for
14 the preceding twelve months (or longer up to the period since the
15 previous increase), upon thirty days prior notice to subscribers
16 to such service. Any request to the commission for an increase
17 in the rate fixed and established pursuant to this section which
18 is not acted on within ninety days after it is filed with the
19 commission shall be deemed granted.

20 Upon its own motion, or upon motion of the issuing authority
21 or CATV system affected made not less than one year after any
22 prior determination of the commission, after due hearing and
23 investigation, shall determine whether adequate competitive
24 alternatives exist for telecommunications services provided or
25 offered by such CATV systems. Upon a determination that such
26 alternatives are available, the commission shall suspend any
27 regulations of rates for telecommunications services offered by
28 that CATV system.

29 For purposes of this section, in determining whether there are
30 adequate competitive alternatives, the community antenna
31 television commission shall consider: (1) the number and size of
32 providers of telecommunications services; (2) the extent to which
33 such services are available from providers in the relevant
34 geographic area or market; (3) the ability of such providers to
35 make such services readily available at comparable rates, terms,
36 and conditions; and (4) other indicators of the extent of
37 competition, including affiliations of providers of such services.

38 This section shall not apply to any private telecommunications
39 service offered or provided by a CATV operator which is a discrete
40 service or series of services dedicated to a single customer and
41 offered on terms and conditions tailored individually to such
42 customer.