

HOUSE No. 6100

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 26, 1986.

The committee on Government Regulations, to whom were referred so much of the recommendations of the Executive Office of Consumer Affairs (House, No. 40) as relates to regulation of common carriers by electricity (accompanied by bill, House, No. 47), and on the petition (accompanied by bill, Senate, No. 429) of Thomas C. Norton for legislation to authorize the Department of Public Utilities to reduce regulation of competitive telecommunications services, and the petition (accompanied by bill, Senate, No. 635) of William Q. MacLean, Jr., for legislation to ensure universal telephone service, reports recommending that the accompanying bill (House, No. 6100) ought to pass.

For the committee,

WILLIAM F. GALVIN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO REDUCE
REGULATION OF COMPETITIVE TELECOMMUNICATIONS SERVICES.

*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 25 of the General Laws is hereby
2 amended by inserting the following new section:

3 Section 5C. Notwithstanding the provisions of clause twenty-
4 sixth of section seven of chapter four and section ten of chapter
5 sixty-six, the department may protect from public disclosure, in
6 accordance with the Massachusetts Rules of Civil Procedure or
7 with any other provisions of law, trade secrets, confidential,
8 competitively sensitive or other proprietary information provided
9 as a result of proceedings conducted pursuant to this chapter.

1 SECTION 2. Section 16 of chapter 159 of the General Laws,
2 as most recently amended by chapter 137 of the Acts of 1970, is
3 hereby amended by adding at the end thereof the following
4 paragraph:

5 Notwithstanding the provisions of this section, the department
6 may, in accordance with chapter 30A, establish from time to time
7 such reasonable rules and regulations relative to billing and
8 termination practices of common carriers described in Section
9 12(d). An action for judicial review, pursuant to section 7 of said
10 chapter 30A, of any regulation promulgated under this paragraph
11 shall be made to the supreme judicial court.

1 SECTION 3. Said chapter 159 is hereby further amended by
2 adding the following section:

3 Section 19B. The department is authorized to determine
4 whether the market for any service provided by a telephone or
5 telegraph corporation, or radio utility within the meaning of
6 section 12A of this chapter is sufficiently competitive. Upon such

7 determination, the department may, by regulation or otherwise,
8 reduce or refrain from the investigation and establishment of
9 rates, joint rates, fares, tolls, classifications and charges, and
10 relieve such telephone or telegraph corporation, or radio utility
11 from any requirement imposed by this chapter for such service.

12 In addition to the above and notwithstanding such determina-
13 tion that the market for a service is sufficiently competitive, the
14 department may impose such terms, conditions and other
15 requirements, as it determines are consistent with the public
16 interest.

17 The department may reimpose any such measure or require-
18 ment eliminated, reduced, or modified pursuant to this section,
19 upon a finding that the investigation and establishment of rates
20 or other requirement previously imposed by this chapter, is
21 consistent with the public interest.

1 SECTION 4. Section 24 of said chapter 159 is hereby amended
2 by adding at the end thereof the following sentence: Upon other
3 written complaint regarding the transmission of intelligence by
4 electricity, the department shall determine if sufficient cause exists
5 to warrant the opening of an investigation. Such a determination
6 shall be in writing and shall be served upon the complainant within
7 ninety days of the filing of the complaint.

1 SECTION 5. Said chapter 159 is hereby further amended by
2 adding to said chapter the following section:

3 Section 105. A common carrier of intelligence by electricity may
4 petition the department for authority to [acquire land by eminent
5 domain] to construct and use or to continue to use as constructed
6 or with altered construction a line or facility for the transmission
7 of such intelligence for distribution, transmission or interconnec-
8 tion within and without the Commonwealth, and shall represent
9 that such line or facility will or does serve the public convenience
10 and is consistent with the public interest. The common carrier
11 shall forward at the time of filing such petition a copy thereof to
12 each city and town within such area. In seeking and exercising
13 such authority, such common carrier shall have the rights, powers,
14 duties and obligations, and shall be subject, as an electric
15 company, to the provisions of sections seventy-two, seventy-two

16 A, seventy-three, seventy-four and seventy-five of chapter one
17 hundred sixty-four; and the department, in granting such
18 authority, shall have the same powers and be subject to the same
19 duties and obligations as it does with respect to electric companies
20 under said sections.