

HOUSE No. 44

The Commonwealth of Massachusetts

EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108, NOVEMBER 5, 1986.

The Honorable Michael J. Connolly, *Secretary of the Commonwealth*,
State House, Room 337, Boston, Massachusetts 02133

Dear Mr. Secretary:

Pursuant to the provisions of Section 33 of Chapter 30 of the General Laws, attached hereto are the legislative recommendations to be filed on behalf of the Executive Office of Consumer Affairs and its agencies.

Sincerely,

PAULA W. GOLD,
Secretary.

The Commonwealth of Massachusetts

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

LEGISLATIVE RECOMMENDATIONS OF THE EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.

1. AN ACT RELATIVE TO THE EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION.

Section 1 of this amendment would create statutory standards and criteria for the creation of new licensing boards. Section 2 of this amendment would allow the Secretary of Consumer Affairs and Business Regulation to review and approve all rules and regulations proposed by the various boards within the Division of Registration.

2. AN ACT TO CHANGE THE NAME OF THE COMMUNITY ANTENNA TELEVISION COMMISSION AND TO CONFORM THE CABLE TELEVISION STATUTES TO FEDERAL LAW.

The purpose of this bill is to conform the Massachusetts cable television statute to federal law and to update its terminology.

(1) The present statute uses the outmoded terms “community antenna television” and “CATV”. “Cable television” is the current name for this technology.

Sections 1, 2, 4, 6 — 11, and 13 — 18 eliminate references to the “Community Antenna Television Commission” and “CATV”, replacing them with “Cable Television Commission” and “cable television”.

(2) The legislation also amends provisions of the statute that are inconsistent with federal law due to the passage of the Cable Communications Policy Act of 1984.

Section 3 of the act, amending chapter 166A, section 1(b), replaces the current definition of “cable system” with the definition contained in the federal law.

Section 5 amends the definition of “licensee” contained in chapter 166A, section 1(e). This definition contains the cross-ownership provisions which prohibit broadcast television stations and newspapers from obtaining licenses to operate cable systems. The federal law does

not allow states to enact ownership prohibitions for all television broadcast stations. As redrafted, this section will only prohibit ownership by those stations restricted under the federal act.

Section 12 amends chapter 166A, section 15 by eliminating the first and second paragraphs. Current Massachusetts law provides that cable TV rates are regulated by the Commonwealth unless the Community Antenna Television Commission suspends rate regulation, which has occurred in most municipalities. Federal law will preempt state law on December 29, 1986, and most state-administered rate regulation will cease as of that date. Under the new federal law, regulation of the rates for basic cable service may occur only when a cable system is not subject to effective competition as defined by the FCC. Rate regulation may be allowed in a community if the broadcast TV signals reaching that community do not meet the standards contained in the FCC's rules. Because the FCC, not the state, will make this determination, this legislation eliminates the statutory provisions which allow the state to suspend rate regulation. The new provision states that rate regulation will be governed by the federal statutory section on rate regulation and that the Commission will be guided by FCC decisions and policies under that section in implementing regulation where permissible.

3. AN ACT RELATIVE TO THE FUEL BUREAU OF THE DEPARTMENT OF PUBLIC UTILITIES.

This amendment would increase the assessment of the electric utilities to fund an increase in the operations budget of the Department's fuel bureau (the fuel adjustment clause bureau) to \$700,000 from the current level of \$400,000.

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

Synopsis.

SECTION 1. Provides the DPU with the same authority to protect trade secrets and confidential information as the Massachusetts courts have.

SECTION 2. Allows the DPU to issue consumer protection regulations for telecommunications companies in the same way that the DPU can for gas and electric companies. Under the present law the DPU must conduct separate adjudicatory hearings before it can adopt or amend such consumer protection measures relating to a telecommunications company.

SECTION 3. Grants the DPU express authority to deregulate or reduce regulation of segments of the telephone and telecommunications business in Massachusetts — including, but not limited to, RCC's (cellular phones and beepers), and interLATA and intraLATA telephone companies (NET, AT&T, Sprint, MCI, etc.), where the DPU finds there exists "sufficient competition" to warrant deregulation. Upon a finding that sufficient competition exists in an area or aspect of the business (e.g., beepers, Centrex, etc.), the bill would give the DPU the ability and statutory flexibility to, *inter alia*, fully or partially deregulate that part of the business, approve competitive rate offerings (such as range of and sliding scale rates) and impose other conditions it deemed to be appropriate and in the public interest. The bill also allows the DPU to step back and, if necessary, reimpose partial or complete regulation where deregulation turns out to be contrary to the public interest.

SECTION 4. Requires that the DPU give a written response to a complaint application within 90 days of its being filed. The DPU retains the discretion to decline to investigate complaints except where filed by the municipalities, or at least twenty customers.

SECTION 5. Gives the DPU the authority to bestow eminent domain powers upon telecommunications companies for the placement of poles, wires and other facilities where the public interest warrants.

5. AN ACT TO PROVIDE THE DEPARTMENT OF PUBLIC UTILITIES WITH RESOURCES TO MONITOR, EVALUATE AND RESPOND TO CHANGES IN FEDERAL REGULATIONS CONCERNING THE TRANSPORTATION, AVAILABILITY AND COST OF NATURAL GAS.

This legislation authorizes a one-time \$250,000 assessment of the Massachusetts gas companies to allow the DPU to monitor and react

to changes in the regulation of the transportation of natural gas by interstate pipeline companies. (These changes are occurring at the federal level.) Massachusetts is at the end of the interstate pipelines, and there are only two interstate pipelines which serve Massachusetts; therefore, Massachusetts is vulnerable to gas supply problems, gas pricing problems and gas transportation problems. It would give the DPU the funds to allow it to monitor federal changes, intervene in federal cases, protect its interests (as is being done by other states such as New York, New Jersey, Pennsylvania and Connecticut) and determine if state regulations should be adopted or changed in response.

DPU will use the funds to make sure that Massachusetts is not prejudiced by the federal deregulation of the federal natural gas pipelines.

This monitoring of the federal deregulation of segments of the gas industry is similar to the recent deregulation of the telephone industry — the Legislature in 1984 gave the DPU funds to monitor the deregulation of that industry — this extra, one-time funding also helped the DPU to institute the changes necessitated by the deregulation of the telephone industry; this bill will help with the gas industry.

The assessment would be paid by gas companies and gas customers who will be the ones directly benefitted by the DPU's efforts funded by this bill.

6. AN ACT RELATIVE TO THE DEPARTMENT OF PUBLIC UTILITIES' RAILWAY BRIDGE INSPECTIONS.

This bill would transfer the statutory responsibility for railway bridge inspections from the DPU to the Department of Public Works. Currently due to a lack of funding for DPU inspectors, the DPW is performing the railway bridge inspections along with its own roadway bridge inspections.

7. AN ACT INCREASING CERTAIN ASSESSMENTS UPON PUBLIC UTILITIES BY THE DEPARTMENT OF PUBLIC UTILITIES.

This bill would increase the DPU's general assessment upon gas, electric and telephone utilities from the present level of \$500,000 to the amount of \$800,000. This assessment, last amended in 1980 from \$250,000 to its present level, was established to assist in defraying the

cost of rate proceedings and other regulatory matters which annually come before the Department and vary in number, scope and complexity from year to year.

8. AN ACT FURTHER REGULATING THE CONDUCT OF HORSE AND DOG TRAINING.

These amendments will a) authorize the commission to appoint two of the three stewards (judges) at each racetrack, thereby insuring that the board of judges will act in the interest of the public and not of the racetrack. Currently, the racetrack appoints two of the three stewards with the approval of the commission; and b) give the commission jurisdiction over persons who are closely involved with important aspects of racing. Almost all racing states provide for the licensing of racing officials and of pari-mutuel clerks.

9. AN ACT RELATIVE TO THE BOARD OF REGISTRATION OF COSMETOLOGISTS.

These amendments to section 87BB are intended to eliminate confusion with respect to the educational and experience qualifications required of persons teaching in schools of beauty culture.

10. AN ACT REGARDING THE BOARD OF REGISTRATION OF DENTAL EXAMINERS.

This new section will allow the Board of Dental Examiners in situations of imminent danger to the public health, safety or welfare, summarily to suspend or refuse to renew a registrant's license, and to provide a hearing within seven days thereafter.

11. AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN PHARMACY.

Without this amendment the board has no choice but *not* to charge a licensee whose conviction becomes known to the board more than six months after the conviction.

12. AN ACT RELATIVE TO THE BOARD OF REAL ESTATE BROKERS AND SALESMEN.

The real estate field is becoming more complex every day and the board believes that educational requirements applying to the licensees need to be brought up to national average standards. The proposed increase in educational requirements will facilitate reciprocal licensure of Massachusetts licensed brokers and salesmen by other states.

13. AN ACT RELATIVE TO THE BOARD OF REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN.

These various amendments are intended to clarify the provisions of Chapter 112 relating to the Board. The repeal of section 87DDD is intended to make real estate brokers and salesmen subject to the requirements of sections 61 to 65 of Chapter 112, which sections apply to all other boards.

The first part of the report deals with the general conditions of the country during the year 1901.

The second part of the report deals with the general conditions of the country during the year 1902.

The third part of the report deals with the general conditions of the country during the year 1903.

The fourth part of the report deals with the general conditions of the country during the year 1904.

The fifth part of the report deals with the general conditions of the country during the year 1905.

The sixth part of the report deals with the general conditions of the country during the year 1906.

The seventh part of the report deals with the general conditions of the country during the year 1907.

The eighth part of the report deals with the general conditions of the country during the year 1908.

The ninth part of the report deals with the general conditions of the country during the year 1909.

The tenth part of the report deals with the general conditions of the country during the year 1910.