

HOUSE No. 2543

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia relative to telecommunications services provided by cable television systems. Government Regulations.

The Commonwealth of Massachusetts

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

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, as
2 most recently amended by section 1 of chapter 670 of the acts of
3 1979, is hereby amended by adding the following definition: —

4 (g) "telecommunications", all transmission of information by
5 electromagnetic means entirely within the Commonwealth, with or
6 without benefit of any closed transmission or transmission me-
7 dium, including all instrumentalities, facilities, apparatus, and ser-
8 vices (including the collection, storage, forwarding, switching, and
9 delivery of such information) essential to such transmission, but
10 excluding programming provided by or comparable to that carried
11 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 in-
4 vestigation, that adequate competitive alternatives do not exist for
5 any telecommunications service provided or offered by any CATV
6 system, the Commission may fix and establish for such CATV
7 system a fair and reasonable rate of return from adequate, just,
8 reasonable, and nondiscriminatory rates for that telecommunica-

9 tions service provided by cable antenna television systems.

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

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

27 For purposes of this section, in determining whether there are
28 adequate competitive alternatives, the community antenna televi-
29 sion commission shall consider: (1) the number and size of pro-
30 viders of telecommunications services; (2) the extent to which such
31 services are available from providers in the relevant geographic
32 area or market; (3) the ability of such providers to make such
33 services readily available at comparable rates, terms, and condi-
34 tions; and (4) other indicators of the extent of competition, includ-
35 ing affiliation of providers of such services.

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