

HOUSE No. 2930

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act modernizing telephone regulation and encouraging economic growth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Anthony W. Petrucci</i>	<i>First Suffolk and Middlesex</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

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By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 2930) of Stephen L. DiNatale and others for legislation to remove the regulatory authority of the Department of Telecommunications and Cable from jurisdiction over wireless service. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act modernizing telephone regulation and encouraging economic growth..

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 25C of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by inserting after section 7 thereof the following sections.

3 Section 8. Notwithstanding any other general or special law to the contrary, the
4 department shall have no jurisdiction, general supervision, regulation or control over wireless
5 service, including mobile radio telephone service, or radio utilities.

6 Section 9. Notwithstanding any general or special law to the contrary, subject to the
7 provisions of section 10 of this chapter, no provision of this chapter, Chapter 25 or Chapter 159,
8 and no regulation, order or settlement or portion thereof adopted pursuant to any such provision,
9 shall apply to any telephone company (or a common carrier offering telephone service) in any
10 municipality for which the company or carrier certifies to the Office of Consumer Affairs and
11 Business Regulation that there are at least two providers offering voice telephone service to retail
12 residential customers in that municipality using any technology, including but not limited to
13 wireless voice service and VoIP service.

14 Section 10. Nothing in sections 8 or 9 of this chapter shall be construed to affect or
15 modify:

16 a. the authority of the attorney general to apply and enforce chapter 93A or other
17 consumer protection laws of general applicability;

18 b. the department's authority under sections 18B and 18H of Chapter 159,
19 concerning enhanced 911 service, and under section 15E of Chapter 166, concerning telephone
20 relay service;

21 c. the rights or obligations of any carrier under 47 U.S.C. § 251 or 47 U.S.C. § 252;
22 or

23 d. the department's authority to administer the federal Lifeline and Link-up
24 programs or the Connect America Fund.

25 SECTION 2. Sections 11, 12, 12A, 13, 14 and 15 of Chapter 166 are hereby repealed.