

**HOUSE . . . . . No. 3308**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Kenneth I. Gordon***

*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 adoption of the accompanying bill:

An Act regulating practices of common carriers regarding former business customers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>

**HOUSE . . . . . No. 3308**

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By Mr. Gordon of Bedford, a petition (accompanied by bill, House, No. 3308) of Kenneth I. Gordon and others relative to further regulating practices of common carriers regarding former business customers. Telecommunications, Utilities and Energy.

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act regulating practices of common carriers regarding former business customers.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 93 of the General Laws is hereby amended by inserting after section 113, as  
2 appearing in the 2012 Official Edition, the following section:-

3 Section 113A. (a) As used in this section, the followings words shall, unless the context  
4 clearly requires otherwise, have the following meanings:-

5 “Business”, any corporation, limited liability company, partnership, sole proprietorship or  
6 other form of business organization with a headquarters or any other office or presence in the  
7 commonwealth.

8 “Competitor”, a company with a listing on any telephone directory in the same category  
9 as the former customer. A telephone directory includes directories associated with or affiliated  
10 with the telephone company or wireless telephone company. A telephone directly includes those  
11 maintained in print, online or in any other form and available to any telephone user calling

12 directory assistance or online user searching through directory assistance affiliated with said  
13 telephone company or wireless telephone company.

14 “Former customer”, a business that has contracted with a telephone company or wireless  
15 telephone company for telephone or wireless telephone services, and has terminated such service  
16 with that company; provided, however, a “former customer” shall include a current customer that  
17 has reduced service with a telephone company or wireless telephone company without canceling  
18 the service; and provided, further that a business shall only be considered a “former customer”  
19 for 5 years after the date of termination of all telephone or wireless telephone services.

20 “Telephone company”, a common carrier under chapters 159 and 166, and referring to a  
21 business in the commonwealth that is a provider of local exchange service, so-called, to 1,000 or  
22 more subscribers.

23 “Wireless telephone company”, a person or company engaged in the business of  
24 providing wireless telephone service, including mobile radio telephone service or radio utilities,  
25 to customers in the commonwealth.

26 (b) A telephone company or wireless telephone company shall not knowingly forward, or  
27 cause to be forwarded, a telephone call made to a telephone number previously assigned to a  
28 former customer to a competitor without the written consent of the former customer.

29 (c) A telephone company or wireless telephone company shall not knowingly forward, or  
30 cause to be forwarded, a telephone call made to a telephone number previously assigned to a  
31 former customer to an automated telephone directory listing that recites the names and phone  
32 numbers of competitors within the information provided to the caller either directly or through  
33 the use of the automated telephone director, without the written consent of the former customer.

34 (d) Nothing in this section shall prevent a telephone company or wireless telephone  
35 company from re-assigning a telephone number terminated by a former customer to any other  
36 customer, or from attaching any recording or automated recording to any telephone number  
37 terminated by a former customer that informs the caller that the line is no longer in use, or from  
38 retaining the terminated telephone number for any other reason unless prohibited by any other  
39 general or special law. Nothing in this section shall prevent a telephone company or wireless  
40 telephone company from assisting a former customer itself placing a recording on a terminated  
41 telephone number.

42 (e) A violation of this section shall constitute an unfair method of competition or an  
43 unfair or deceptive act or practice pursuant to chapter 93A.