



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 03-63

May 29, 2003

Investigation by the Department of Telecommunications and Energy to establish a surcharge to recover prudently incurred costs associated with the provision of wireline Enhanced 911 services, relay services for TDD/TTY users, communications equipment distribution for people with disabilities, and amplified handsets at pay telephones.

**NOTICE OF INVESTIGATION, PUBLIC HEARING AND INTERVENTION;
REQUEST FOR DATA AND SURCHARGE PROPOSALS; AND REQUEST FOR
COMMENTS BY THE DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

The Department of Telecommunications and Energy ("Department") is opening an investigation to establish a surcharge to recover prudently incurred costs associated with the provision of wireline enhanced 911 service, relay services for TDD/TTY users, communications equipment distribution for people with disabilities, and amplified handsets at pay telephones ("E911 Surcharge"). The surcharge will be established pursuant to Chapter 239 of the Acts of 2002, proposed regulations 220 C.M.R. §§ 16.00 *et seq.*, and G.L. c. 159, § 12(d), and will appear on retail customers' telephone bills. The rulemaking for the proposed regulations is docketed as D.T.E. 03-24. Refer to the Department's Order Instituting Rulemaking, D.T.E. 03-24 (March 13, 2003), for background on E911 funding, the legislation establishing the new funding mechanism, and the proposed regulations. This surcharge proceeding is docketed as D.T.E. 03-63. Documents relating to the rulemaking, and to this surcharge proceeding, may be viewed on the Department's website, <http://www.mass.gov/dpu/>.

The Department will divide this proceeding into two phases. In the first phase, the Department will establish an interim surcharge based on estimated data from the State Emergency Telecommunications Board ("SETB") and Verizon New England Inc. d/b/a Verizon Massachusetts ("Verizon"). The amounts collected under the interim surcharge will be subject to reconciliation once actual data are filed. The procedural schedule for the interim surcharge is below. In the second phase, the Department will establish a permanent surcharge. The Department will establish a procedural schedule in Phase II once the final regulations are effective. See 220 C.M.R. §§ 16.00 *et seq.*

REQUEST FOR DATA AND SURCHARGE PROPOSALS: The Department requests estimated data from the SETB and Verizon in order to set the interim surcharge. In particular, the Department requests estimated program costs, estimated line count data, and estimated total of the deficit to be recovered through the surcharge for each year of the five-year program. In addition, the Department requests that the SETB and Verizon file a proposal for the appropriate level of the interim surcharge, and a cash-flow analysis that identifies expenses and revenues for each year of the five-year program at the proposed surcharge amount, and at five/ten cents more and less than the proposed surcharge amount. The SETB and Verizon should include a narrative explaining the proposal(s) and data submitted. The SETB and Verizon are to file the requested information by **Friday, June 13, 2003**.

REQUEST FOR COMMENTS: The Department invites interested persons to file written comments on the proposed interim surcharge no later than the close of business, **Monday, June 23, 2003**. Reply comments shall be filed by **Monday, June 30, 2003**. One original and (3) three copies of initial and reply comments must be filed with:

Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

In addition to filing a paper copy of written comments, commenters must, if possible, file comments in electronic format by e-mail attachment to dte.efiling@state.ma.us (copy to Joan.Evans@state.ma.us). The electronic filing must specify: (1) the case caption; (2) the docket number (D.T.E. 03-63); (3) the name of the person or company submitting the filing; and (4) a brief descriptive title of document (e.g., comments). The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix) or in Microsoft Word, (naming the document with a ".doc" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department's website, <http://www.mass.gov/dpu/>.

INTERVENTION: The Department invites all interested persons who are substantially and specifically affected by the issues under investigation to petition to intervene in this proceeding. Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene or to participate in the proceeding with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston, Massachusetts 02110, not later than the close of business (5:00 p.m.) on **Friday, June 13, 2003**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department -- not mailing -- constitutes filing and determines whether a petition has been timely filed. A late-filed petition may be disallowed as untimely, unless good cause is shown for a waiver. To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

PUBLIC HEARING: The Department will conduct a public hearing to receive oral comment on the surcharge at 10:00 a.m., **Wednesday, June 25, 2003**, at the Department's offices at One South Station, Boston, Massachusetts. Please direct any questions regarding this docket to Joan Foster Evans, Hearing Officer, at 617-305-3613, or Joan.Evans@state.ma.us.

By Order of the Department,


Mary L. Cottrell, Secretary

5-204

Communication #6

A communication was received from Department of Telecommunications and Energy, transmitting notice of investigation to recover prudently incurred costs associated with the provision of wireline Enhanced 911 services, relay services for TDD/TTY users, communications equipment distribution for people with disabilities, and amplified handsets at pay telephones.

In City Council June 9, 2003

**REFERRED TO THE CITY
MANAGER**