



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

April 22, 1994

D.P.U. 94-73

PUBLIC HEARING AND COMMENTS ON REGULATION OF COMMERCIAL MOBILE RADIO SERVICES (CMRS)

The Federal Omnibus Reconciliation Act of 1993 (the "Budget Act") amends the Communications Act of 1934 by preempting state and local entry and rate regulation of both commercial and private mobile radio services as of August 10, 1994. However, states may regulate other "terms and conditions" of commercial mobile radio services (CMRS), i.e., cellular and paging providers.

The Federal Communications Commission (FCC) shall allow states to continue CMRS rates regulation if the state can demonstrate that:

- (1) market forces in the state are inadequate to protect the public from unjust and unreasonable wireless service rates or from rates that are unjustly or unreasonably discriminatory; or
- (2) such market conditions exist and such service is a replacement for land line telephone exchange service for a substantial portion of telephone land line exchange service within the state.

The Department of Public Utilities ("Department") will be holding a public hearing on this issue and the Department's regulations over other "terms and conditions," such as liability of the company, use of services, consumer protection issues, and the elimination of 220 C.M.R. §§ 35.00 et. seq., "The Certification of Radio Utilities." The hearing will be held in the Department's hearing room #1210, 12th floor of the Leverett Saltonstall Building at 100 Cambridge Street, Boston, Massachusetts on Tuesday, May 17, 1994 at 10:00 A.M.

The Department is also inviting written comments on these issues. Written comments must be received by the Department by May 12, 1994. Please address all correspondence to: Mary L. Cottrell, Secretary of the Department, Department of Public Utilities, 100 Cambridge Street, Boston, MA 02202. For more information please call (617) 727-3500 or (617) 727-8627.

By Order of the Department,


MARY L. COTTRELL, Secretary

Consent Communication #4

8-201

A comm. was received from the Department
of Public Utilities re: a hearing on
regulation of Commercial Mobile Radio Service

In City Council May 2, 1994

Referred to City Mgr.
Copy sent 5/4/94