

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

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CAMBRIDGE MA.

January 30, 1987

D.P.U. 87-23

Notice of Proposed Regulations

The Department of Public Utilities will conduct a public hearing relative to the adoption of regulations relating to the use of automatic telephone dialing systems in the Commonwealth. A copy of the proposed regulations is attached to this notice of public hearing. The regulations are intended to implement a new statute signed into law by the Governor on December 29, 1986.

The Department will receive comments on the proposed regulations at a public hearing at 10:00 a.m. on March 4, 1987 at the Department's offices, on the 12th floor, 100 Cambridge Street, Boston, Massachusetts. Written comments shall be accepted through March 16, 1987, and should be filed with the Secretary of the Department of Public Utilities at the above address.

Questions on this proposal may be directed to Ellen Schmidt, Director, Telecommunications Division, at 727-8627.

By Order of the Department,


MARY L. COTTRELL, SECRETARY

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220 C.M.R. 36.00 Automatic Telephone Dialing Systems

220 C.M.R. 36.01 Purpose and Scope

220 C.M.R. 36.02 Definitions

220 C.M.R. 36.03 Submission and Approval of Implementation Plan

220 C.M.R. 36.04 Requirements of Implementation Plan

36.01: Purpose and Scope

The purpose of this section is to implement the requirements of G.L. c. 159, secs. 19B through 19D, by prescribing regulations specifying the manner in which customers of local telephone exchange service may notify common carriers providing such service that the customer does not wish to receive telephone calls from an automatic dialing system.

36.02: Definitions

(1) The term "automatic telephone dialing system" shall mean any automatic terminal equipment which is capable of storing numbers to be called or producing numbers to be called, using a random or sequential number generator, and with the ability to call such numbers, and which is capable of delivering a prerecorded message to the number called, with or without manual assistance.

(2) The term "common carrier" shall mean any corporation, person, partnership or any other organization subject to the Department's jurisdiction pursuant to G.L. c. 159 providing local exchange service for sale to subscribers, and resellers of such service for public use.

(3) The term "Department" shall mean the Department of Public Utilities.

(4) The term "local telephone exchange service" shall mean any service that provides a customer with access to a public exchange telephone network.

(5) The term "reseller" shall mean any corporation, partnership, person or other organization that purchases local telephone exchange service and resells such service to a subscriber of said service.

(6) The term "subscriber" shall mean any ultimate user of local telephone exchange service, but shall not include transient users.

(7) The term "transient user" shall mean any ultimate user of local telephone exchange service that does not use such service for incoming telephone calls on a regular basis, including, but not limited to, users of coin-operated telephones and those residing on a temporary basis in hospitals, hotels and motels.

36.03 Submission and Approval of Implementation Plan

(1) Every common carrier providing local telephone exchange service on the promulgation date of these regulations shall submit to the Department, no later than thirty days after such date, a proposed implementation plan consistent with the requirements of section 36.04.

(2) Every common carrier that begins to provide local telephone exchange service after the promulgation date of these regulations shall submit to the Department, no later than thirty days after beginning such service, a proposed implementation plan consistent with the requirements of section 36.04.

(3) An implementation plan proposed by a common carrier pursuant to this section shall go into effect upon approval by the Department pursuant to such terms, conditions or modifications as the Department may order.

(4) Any implementation plan approved by the Department pursuant to paragraph 36.03(3) shall remain in effect until and unless modified or cancelled by Order of the Department.

36.04: Requirements of Implementation Plan

The implementation plan shall have, at a minimum, the following elements:

(1) The implementation plan shall establish a method for notifying all present subscribers of their right to request that they not receive calls from automatic telephone dialing systems and of the fact that, if they indicate that they do not wish to receive such calls, their name and telephone number will be placed on a list of subscribers not desiring such calls that will be provided to persons using such systems. The notification to subscribers shall include information specifying the time and manner in which a subscriber may notify the common carrier of its desire to be placed on such a list.

(2) The implementation plan shall provide that notification to subscribers described in paragraph 36.04(1) shall be made within sixty days after approval of the implementation plan and not less frequently than annually thereafter. New subscribers shall be so notified within sixty days after the initiation of service and not less than annually thereafter.

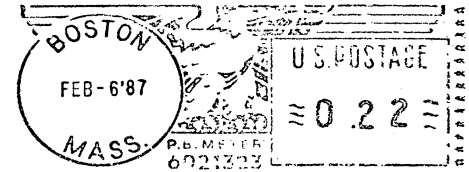
(2) The implementation plan shall specify the manner in which a subscriber may revoke notification that said subscriber does not wish to receive calls from an automatic telephone dialing system.

(3) The implementation plan shall specify the manner in which the common carrier will make available to persons using an automatic dialing system the names and telephone numbers of persons who do not wish to receive such calls.

(4) An implementation plan for a common carrier that sells local exchange service to a reseller shall provide for the coordination with the reseller of the compilation of the lists of subscribers not desiring calls placed by an automatic dialing system.

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES
COMMERCIAL MOTOR VEHICLE DIVISION
100 CAMBRIDGE ST., 12TH FLOOR
BOSTON, MASSACHUSETTS 02202

The Mayor
City Hall
Cambridge, Mass. 02139



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S-123

Notice of a public hearing from the DPU to be held on March 4, 1987 at 10:00 a.m. at 100 Cambridge St., Boston Re: adoption of regulations on the use of automatic telephone dialing systems.

In City Council,

February 23, 1987

Placed on File
Copy to the City Manager

2/25/87 copy sent to the
City Manager