



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 16-2

SEP - 9 2016

September 6, 2016

Investigation by the Department of Telecommunications and Cable, On its Own Motion, Instituting A Rulemaking and Regulation Review Pursuant to G.L. c. 30A, 207 C.M.R. § 2.00, 220 C.M.R. § 2.00, and Executive Order No. 562 To Reduce Unnecessary Regulatory Burdens

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**NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS**

On September 6, 2016, the Department of Telecommunications and Cable (“D.T.C.”) issued an Order Instituting a Rulemaking, pursuant to the provisions of G.L. c. 25C, G.L. c. 30A, G.L. c. 159, G.L. c. 166A, 220 C.M.R. § 2.00, 207 C.M.R. § 2.00, and Executive Order No. 562, to reduce unnecessary regulatory burden and to amend or rescind D.T.C. regulations within Titles 207 and 220 of the Code of Massachusetts Regulations (“C.M.R.”).

The D.T.C.’s regulations currently reside in two Titles of the C.M.R., with cable regulations located in Title 207 and telecommunications regulations located in Title 220. However, Title 220 has been assigned to the D.T.C.’s sister agency, the Department of Public Utilities (“D.P.U.”). Further, certain chapters, including 220 C.M.R. §§ 1.00, 2.00, 5.00, 45.00, 26.00, 77.00, and 78.00, are presently used by both agencies and applicable to industries regulated by both agencies.<sup>1</sup> As a result, the D.T.C.’s proposed amendments largely shift D.T.C. regulations and those applicable to telecommunications into Title 207. In addition, with the exception of 220 C.M.R. § 45.00, which will continue to apply to both agencies, but will not be addressed at this hearing, the D.P.U. will independently propose to amend Title 220 to remove that Title’s applicability to telecommunications common carriers.

The D.T.C. proposes to merge procedural regulations applicable to cable and telecommunications into a single chapter, 207 C.M.R. § 1.00, and similarly merge regulations involving the adoption, amendment, or repeal of regulations into 207 C.M.R. § 2.00. Other proposed changes include technical corrections, updating outdated references, and choosing not to repromulgate certain unnecessary or shared regulations. In particular, the D.T.C. proposes not to repromulgate 220 C.M.R. §§ 16.00 and 273.00 in its regulations. The D.T.C. also proposes not to repromulgate telecommunications-specific provisions contained in 220 C.M.R. §§ 77.00 and 78.00. As noted above, the D.P.U. will independently propose to rescind 220 C.M.R. §§ 16.00 and 273.00, and to amend 220 C.M.R. §§ 77.00 and 78.00 so that they do not apply to telecommunications common carriers.

A copy of the D.T.C.’s Order and proposed amended regulations may be viewed at the D.T.C.’s Washington Street address listed below. The D.T.C. has also posted a copy of the Order and proposed amended regulations on its website. Documents on the D.T.C.’s website

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<sup>1</sup> Although Title 220 has been assigned to the D.P.U., several Chapters remain within the regulatory purview of the D.T.C. due to the agencies’ joint history. In addition, due to longstanding practice, the D.T.C. relies on the regulations as they are drafted and listed on the D.T.C.’s website, rather than those amended by the D.P.U. (e.g., Chapters 1.00, 2.00, and 5.00). The D.T.C. and the D.P.U. share jurisdiction over Chapter 45.00, which applies to pole attachments.