



Advancing Fairness
in the Marketplace for All

BOSTON HEADQUARTERS
7 Winthrop Square, Boston, MA 02110-1245
Phone: 617-542-8010 • Fax: 617-542-8028

WASHINGTON OFFICE
1001 Connecticut Avenue NW, Suite 510, Washington, DC 20036
Phone: 202-452-6265 • Fax: 202-296-4062

www.nclc.org

November 9, 2015

Chairman Benjamin B. Downing
Senate Chair, Joint Committee on Telecommunications, Utilities and Energy
State House, Room 413-F
Boston, MA 02133

Chairman Thomas A. Golden, Jr.
House Chair, Joint Committee on Telecommunications, Utilities and Energy
State House, Room 473B
Boston, MA 02133

Re: Opposition to H. 2867 “An Act to Modernize Communications Policy for Voice Services.”

Dear Chairmen Golden and Downing:

We are writing to express our opposition to H. 2867 entitled “An Act to Modernize Communications Policy for Voice Services.” It is not yet possible to guarantee adequate competitive options for telephone service in every region of the Commonwealth. This is why oversight of the one reliable landline telephone network that exists throughout the Commonwealth must remain. If H. 2867 is enacted, it will remove virtually all Department Telecommunications and Cable rules and regulations, including the carrier of last resort (“COLR”) requirement that guarantees that every resident of the Commonwealth has access to

telephone service. This would enable the incumbent phone company to retire its traditional network, while not guaranteeing the presence of any reliable alternative in its place.

In addition, currently, basic telephone service from a traditional telephone provider is less expensive than stand-alone wireless or voice service from a cable company. It is subscribed to most heavily by elderly and low-income households. The practical implication of this proposed legislation would be to force these vulnerable populations to adopt a service—if one is even available—that has not yet proven to be as reliable (particularly during a power outage) or affordable as existing wireline telephone service, and that cannot support functionalities such as medical alert devices, fax machines, and home security systems that the traditional wireline network can support.

If enacted, this bill would eliminate virtually all oversight of landline telephone service in the Commonwealth. The Department of Telecommunications and Cable, the agency with deep telecommunications expertise, would no longer have the authority to act on consumer complaints or to investigate service quality, rates, terms and conditions, or any other problems that might exist in the marketplace. This bill would force consumers to file a formal Chapter 93A complaint with the Attorney General to seek relief regarding a question about his or her bill if the phone company is not responsive. This would have a significant negative impact on consumers in Massachusetts, especially in the more rural sections of the Commonwealth such as Western Massachusetts where competitive voice options continue to be limited.

Verizon will likely argue that any state regulation of its service quality is unnecessary because of competition from other providers such as cable and wireless companies. Verizon will add that its current regulatory obligation in Massachusetts puts it at a competitive disadvantage. However, incumbent carriers have chosen not to come to the Department of Telecommunications

and Cable with evidence justifying further deregulation, and this is likely because such evidence does not exist on a statewide basis. Rather, this legislation seeks to deem over 300 municipalities in Massachusetts “competitive” automatically without the support of any evidence or analysis.

The undersigned organizations respectfully oppose H. 2867. Thank you for your consideration of our concerns.

Sincerely,



Olivia Wein, Lead Telecom Project Attorney
Charles Harak, Senior Attorney
National Consumer Law Center,
on behalf the Massachusetts Union of Public Housing Tenants

Peter Wingate, Co-Chair
Massachusetts Energy Directors Association

Deirdre Cummings, Legislative Director
MASSPIRG

Pam Wilmot, Executive Director
Common Cause Massachusetts

Edgar Dworsky, Founder
Consumer World

Kate Alexander
Berkshire County Consumer Program
Working in cooperation with the Massachusetts Attorney General’s Office

Nathan Proctor, State Director
Massachusetts Fair Share

Dee Davis, President
Center for Rural Strategies

Matt Wood, Policy Director
Free Press

Meredith Rose, Attorney
Public Knowledge