

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Morrissey, Michael (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to wireless telephone service.

PETITION OF:

| | |
|--------------------------|----------------------|
| NAME: | DISTRICT/ADDRESS: |
| Morrissey, Michael (SEN) | Norfolk and Plymouth |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01945 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO WIRELESS TELEPHONE SERVICE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the General Laws as appearing the in the 2006 Official
2 Edition is hereby amended by inserting after section 107, the following new sections:-

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4 Section 108. For the purposes of this section and section 109, the following words shall have the
5 following meanings:

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7 “Department”, means department of telecommunications and cable.

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9 “Wireless telephone service”, commercial mobile radio services as defined by the federal
10 telecommunications act, 47 U.S.C., section 332(c).

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12 SECTION 109. (a) The department shall monitor the quality of wireless telephone service
13 provided in Massachusetts by requiring semi-annual reports by wireless telephone service
14 providers on the following:

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16 (1) dropped calls;

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18 (2) blocked calls;

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20 (3) known coverage gaps (including average signal strength) or dead zones;

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22 (4) predicted street level signal strength;

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24 (5) any other matters the department considers appropriate.

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(b) In monitoring the quality of wireless telephone service under paragraph (a) the department shall mandate that each wireless telephone service provider establish a record of dropped calls per cellular telephone per month. Each wireless telephone service provider shall maintain a customer service division where their wireless telephone service subscribers can submit their comments or register that they received a dropped call within the previous 24 hours. The department shall also accept written complaints by mail; provided that the correspondence include the date and time of the dropped call, the telephone number of the cellular telephone phone, the name of the wireless telephone service provider and any other information the department considers appropriate.

(c) Any wireless telephone service subscriber who experiences at least 5 dropped calls in a 30 day time period may consider the wireless service provider in breach of contract and the subscriber may terminate the contract at no cost and pay any remaining charges at a pro-rata rate.

(d) Any wireless telephone service subscriber who is a member of the armed services or National guard and called into active duty to a foreign country may terminate their contract at no cost and pay any remaining charges at a pro-rata rate.

(e) The department shall have the power and authority to enforce the provisions of this section. The department shall have the power, consistent with federal law, to assess a penalty not to exceed \$1,000 against any company that neglects or knowingly fails to comply with the requirements of this section.

(f) Failure to comply with any provision of this section or any regulation promulgated in accordance with this section shall constitute an unfair or deceptive practice under chapter 93A.