

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 to promote regulated utility service.

PETITION OF:

NAME:

Morrissey, Michael (SEN)

DISTRICT/ADDRESS:

Norfolk and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01957 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROMOTE REGULATED UTILITY 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 164 of the General Laws is hereby amended by inserting the following
2 new paragraph after paragraph (d) of section 1E:-

3 (e) Whenever a distribution company, as defined in section 1, or gas company, as defined in
4 section 1, intends to transfer to another state any call center, billing center or complaint-handling
5 functions or activities currently located within the state, it shall provide advance notice to the department
6 no less than sixty days in advance of any such transfer. Notice shall not be required if the transfer does
7 not result in the net reduction of the number of Massachusetts-based employees responding to calls,
8 processing bills or handling complaints. Any company required to provide notice under this paragraph
9 shall include with its notice sufficient information, data, or studies to demonstrate that the proposed
10 transfer provides net benefits to its customers, considering all costs and savings and any impacts on
11 service quality. The department shall promptly review such information, data or studies and, prior to the
12 expiration of sixty days from its receipt, determine whether the proposed transfer is in the best interests of

13 the company's customers. If the department fails to make and issue an affirmative finding within sixty
14 days from any notification, the company may not proceed with the transfer; however, a company may
15 refile new notice at any time.

16 SECTION 2. Chapter 164 of the General Laws is hereby amended by inserting the following new
17 paragraph after paragraph (e) of section 1E:-

18 (f) For the purposes of calculating performance based rates pursuant to Section 1E of this chapter, a
19 company's service quality standards shall be computed based upon actual monthly figures and shall not
20 be calculated on a rolling basis.

21 SECTION 3. Chapter 159 of the General Laws is hereby amended by inserting the following new section
22 after section 17:-

23 Section 17A. Provision of Service, Regulation.

24 (a) Whenever a telecommunications company, which provides a service regulated by the Department of
25 Telecommunications and Cable as these services are defined in paragraph (d) of section 12 of chapter 159
26 of the General Laws, intends to transfer to another state any call center, billing center or complaint-
27 handling functions or activities currently located within the state, it shall provide advance notice to the
28 department no less than sixty days in advance of any such transfer. Notice shall not be required if the
29 transfer does not result in the net reduction of the number of Massachusetts-based employees responding
30 to calls, processing bills or handling complaints. Any company required to provide notice under this
31 paragraph shall include with its notice sufficient information, data, or studies to demonstrate that the
32 proposed transfer provides net benefits to its customers, considering all costs and savings and any impacts
33 on service quality. The department shall promptly review such information, data or studies and, prior to
34 the expiration of sixty days from its receipt, determine whether the proposed transfer is in the best
35 interests of the company's customers. If the department fails to make and issue an affirmative finding

36 within sixty days from any notification, the company may not proceed with the transfer; however, a
37 company may refile new notice at any time.

38 (b) Service quality standards and performance based rates established by the department for companies
39 regulated under this chapter shall be computed based upon actual monthly figures and shall not be
40 calculated on a rolling basis.