

ORIGINAL

sel
Duo
[Signature]

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF AN ORDER)
APPROVING UTILITY ARTICLES)
PURSUANT TO 170 IAC 1-6.)

APPROVED:

The Indiana Administrative Code provides for Thirty-Day Administrative Filing Procedures and Guidelines pursuant to the authority of Ind. Code 8-1-1-3 and Ind. Code 8-1-2-42. The thirty-day filing process is available for certain routine and non-controversial requests to facilitate expedited consideration of these matters by the Commission. The rule sets forth the requirements for the thirty-day administrative filings.

The thirty-day filings received pursuant to 170 IAC 1-6 and ripe for Commission action are attached hereto and collectively referred to as the Utility Articles. There are no controversial filings in the Utility Articles approved today.

Pursuant to the rule, the Commission Technical Divisions have submitted their recommendations to the Commission. Therefore, the Commission finds that the requirements of 170 IAC 1-6 have been met and that the Utility Articles attached are hereby approved.

ZIEGNER, FREEMAN, AND OBER CONCUR; HUSTON AND KREVDA ABSENT:

APPROVED: JUL 29 2019

I hereby certify that the above is a true and correct copy of the Order as approved.

Regina Gomez acting for
Mary M. Becerra
Secretary of the Commission



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MEMORANDUM

TO: Commissioner David E. Ziegner
Commissioners Freeman and Ober

FROM: Commission Technical Divisions

DATE: July 26, 2019

RE: 30-Day Utility Articles for Conference on *Monday July 29, 2019 @ 10:00 a.m.*

The following thirty-day filings have been submitted to the Commission. Each item was reviewed by the appropriate Commission Technical Divisions and all regulations were met in accordance with 170 IAC 1-6 Thirty-Day Administrative Filing Procedures and Guidelines. Therefore, the following filings listed below and attached hereto are recommended to be considered by the Commission at the next conference:

Attachment Number	30-Day Filing No.	Name of Utility Company	Type of Request	Date Received
1	50281	New Lisbon Broadband and Communications LLC	Submits the original intrastate switched access tariff to I.U.R.C Tariff No. 2	6/13/2019

Submitted By: Pamela D. Taber
Director, Communications Division

Filing Party: New Lisbon Broadband & Communications, LLC (“New Lisbon Broadband”, or “NLBC”)
30-Day Filing ID No.: 50281
Date Filed: June 13, 2019; resubmitted on July 12 for clerical and administrative corrections.
Filed Pursuant To: IC 8-1-2-88.6; 170 IAC 1-6; and IURC Cause No. 44004.
Request: This filing is submitted as an original intrastate switched access tariff, I.U.R.C. Tariff No. 2.

Pursuant to the FCC’s “Rural Exemption”, New Lisbon Broadband & Communications benchmarks its originating and terminating intrastate switched access rates to the corresponding interstate rates in the NECA Tariff No. 5, which may be found at <https://www.neca.org/Tariff 5.aspx>

[CLECs are generally required to benchmark their switched exchange access rates to the rates charged for similar services by the competing ILEC pursuant to 47 C.F.R. § 61.26(c), and as explained in paragraph 807 of the FCC’s USF/ICC Transformation Order. However, NLBC qualifies for the FCC’s “Rural Exemption”, which is one of two exceptions to the general benchmarking requirement. The Rural Exemption¹ allows a rural CLEC offering service within the territory of a nonrural incumbent local exchange carrier (ILEC) to “benchmark” to the highest possible local switching rates prescribed in the National Exchange Carrier Association (“NECA”) access tariff, instead of mirroring the competing nonrural ILEC’s interstate local switching rates. (In this case, the competing nonrural ILEC is AT&T Indiana.)]

NLBC’s operating territory is the entire state of Indiana, but explicitly excludes the territory of its ILEC affiliate (New Lisbon Telephone Company, or NLTC).

Retail Customer Impact: N/A

Tariff Page(s) Affected: I.U.R.C. Tariff No.2 New tariff [Complete/all pages]

Staff Recommendations: Requirements in IC 8-1-2-88.6; 170 IAC 1-6; and IURC Cause No. 44004 were met; **Staff recommends approval.**

¹ 47 C.F.R. § 61.26(e). See, also, *In the Matter of Connect America Fund, et al.*, WC Docket No. 10-90, et al., *Report and Order and Further Notice of Proposed Rulemaking* [“USF/ICC Transformation Order”], at para. 807 (FCC 11-161, rel. Nov. 18, 2011).