

ORIGINAL



**GENERAL ADMINISTRATIVE ORDER  
OF THE INDIANA UTILITY REGULATORY COMMISSION  
2011-1**

WHEREAS, Indiana Code § 8-1-34 *et seq.* establishes statutory requirements for the application and approval of video service franchises in the State of Indiana; and

WHEREAS, Indiana Code § 8-1-34-16(a) designates the Indiana Utility Regulatory Commission as the sole franchising authority for the provision of video service in Indiana; and

WHEREAS, Indiana Code § 8-1-34-16(b) requires, except as provided in Indiana Code § 8-1-34-21, that a person seeking to provide video service in Indiana after June 30, 2006, file for a franchise with the Indiana Utility Regulatory Commission using the application form prescribed by the Indiana Utility Regulatory Commission; and

WHEREAS, on September 28, 2006, the Indiana Utility Regulatory Commission adopted by General Administrative Order 2006-5 the Application for a Certificate of Franchise Authority to Provide Video Service in the State of Indiana and the Notice of Change in Certificate(s) of Franchise Authority to Provide Video Service in the State of Indiana, along with Instructions, which were attached to General Administrative Order 2006-5 as Appendix A; and

WHEREAS, on May 13, 2011, the Governor signed into law Senate Enrolled Act No. 480, which amended Indiana Code 8-1-34 and specifically changed the reporting requirements for video service providers to no more frequently than each odd numbered year and also prohibited the Indiana Utility Regulatory Commission from gathering or disseminating information regarding the deployment of video service to a level of census block, street address, or other similar level of specificity; and

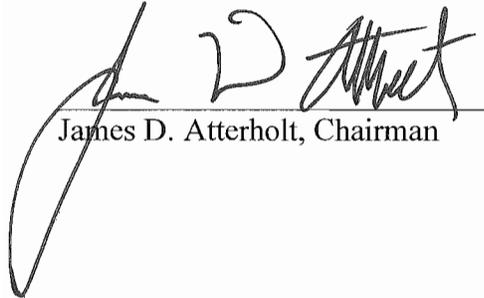
WHEREAS, the referenced provisions of Senate Enrolled Act No. 480 have an effective date of July 1, 2011; and

WHEREAS, the Indiana Utility Regulatory Commission herein finds that changes should be made to the Application form adopted under General Administrative Order 2006-5; and

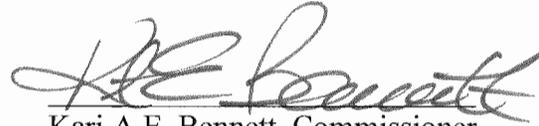
WHEREAS, the Indiana Utility Regulatory Commission herein finds that previously issued Certificates of Franchise Authority to Provide Video Service in the State of Indiana included a list of requirements, as conditions of receiving a Certificate of Franchise Authority, that should also be revised to reflect the changes required under Senate Enrolled Act No. 480;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Application form attached to General Administrative Order 2006-5 is hereby revoked and that the

revised Application for a Certificate of Franchise Authority to Provide Video Service in the State of Indiana, as well as the revised list of requirements that are conditions of receiving and holding a Certificate of Franchise Authority, which are attached to this General Administrative Order as Appendix A, are adopted by this Commission.

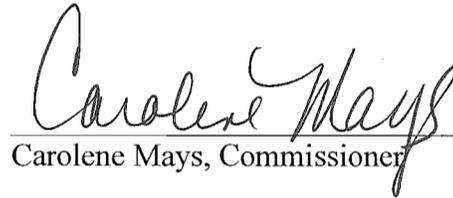


James D. Atterholt, Chairman

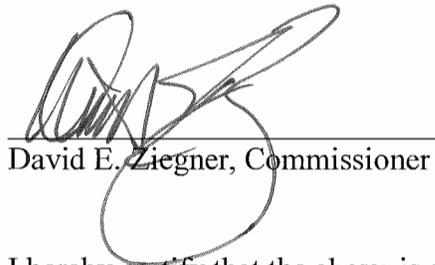


Kari A.E. Bennett, Commissioner

ABSENT  
Larry S. Landis, Commissioner



Carolene Mays, Commissioner



David E. Ziegner, Commissioner

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



Brenda Howe  
Secretary to the Commission

Date: JUN 29 2011

## APPENDIX A

### **Necessary Forms and Formats for Video Franchise Authority Pursuant to Indiana Code § 8-1-34 *et seq.***

- A. Application for a Certificate of Franchise Authority to Provide Video Service in the State of Indiana [Revised]**
  
- B. Requirements and Conditions of Certificate of Franchise Authority to Provide Video Service in the State of Indiana [Revised]**



**APPLICATION FOR A CERTIFICATE OF FRANCHISE AUTHORITY TO PROVIDE  
VIDEO SERVICE IN THE STATE OF INDIANA**

State Form \_\_\_\_\_  
INDIANA UTILITY REGULATORY COMMISSION

Certificate No. \_\_\_\_\_ - VSP - \_\_\_\_\_  
(Extension)

**Applicant's Legal Name:** \_\_\_\_\_

**Applicant's Assumed Name(s):** \_\_\_\_\_

**Authorized Company Representative / Legal Counsel for this Application:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Contact for Ongoing Communication:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Certificate No.

**Please provide the following information:**

1. Applicant's Legal Name: \_\_\_\_\_

2. Name(s) under which Applicant will provide video service in the State of Indiana:

**(NOTE:** The certificated name can be the Applicant's legal name or an assumed name (i.e. dba) as long as the requested name is registered with the Secretary of State of Indiana. The Certificate holder must use only the name and assumed names set forth in its Certificate on bills, advertisements or communications with the public and the Commission. Name changes or additional assumed names require notification to the Commission.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Principal Place of Business: \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City) (State) (Zip Code)

\_\_\_\_\_  
(Telephone #) (Fax#)

4. Toll free customer service telephone number(s):  
\_\_\_\_\_

5. Principal Officers: (e.g., corporate officers, partners, or members depending on the structure of the organization)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

6. Parent Company (if applicable):

Legal Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Certificate No.

7. What type(s) of technology will be used to deploy the video service? (e.g. copper, coax, fiber, satellite, wireless) Please list the technology to be used in each service area.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. What types of video programming will applicant provide to its customers? Please provide service levels of video programming (e.g. basic, CPS, premium, pay-per-view, etc.).

**NOTE:** "CPS" refers to the "cable programming service" as defined at 47 C.F.R. §76.901(b) which refers to any video service provided over a system other than basic, pay-per-view and premium.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Provide a detailed description of the Designated Service Area (DSA) in Indiana for which Applicant seeks authority to provide video service. Include a table with the following column headings: 1) DSA number and name; 2) County, Township; 3) Local Units; and 4) Zip Codes. For each proposed DSA, the table should be populated with the names of any affected geographic counties, township(s), local units of government (e.g. cities, towns, or unincorporated of counties) and zip codes. Also include a map(s) showing the DSA(s). Maps(s) should be of sufficient detail to clearly discern the distance between the boundaries of the proposed DSA relative to adjacent roads/streets, county boundaries, or natural features (e.g. rivers). While not strictly required, the use of roads/streets, county or township boundaries or other man-made or natural features for the boundaries of the proposed DSA(s) will greatly facilitate the Commission's processing of the franchise application. Incumbent video providers should also indicate any areas where they are already providing service under a terminated local franchise agreement.

**NOTE:** If, at a subsequent date, the applicant wishes to add an additional DSA, the applicant must file an additional Application. Increases or decreases to the territory within an existing DSA, for which the applicant has a Certificate of Franchise Authority, can be made by filing a Notice of Change with a detailed description of the change including an updated table and map. Deployment of service within an existing DSA, for which the applicant has a Certificate of Franchise Authority, does not require a Notice of Change.

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Certificate No.

10. Was video service offered previously under a local franchise agreement(s) in any of the DSA(s) described in 9 above? If so, please indicate the date service was initially deployed. If not, please indicate the expected date for deployment of video services under this proposed state franchise.

\_\_\_\_\_  
\_\_\_\_\_

11. Will the Applicant terminate any local franchises upon the issuance of a Certificate of Franchise Authority under this Application?

**If so, please attach a list of:** (a) the franchises to be terminated by this Application; (b) the name(s) of the unit(s) and unincorporated area(s) in the DSA(s) described in #9 above; and (c) the number of PEG channels, as defined in I.C.8-1-34-25(b), required under each franchise and for each unit and unincorporated area(s) listed in (a) and (b). A copy of the written notice to the affected unit(s) and unincorporated area(s), pursuant to I.C.8-1-34-20(b) and 21(c), must be provided to the Commission at the same time it is provided to the affected unit(s) and unincorporated area(s).

12. Please list all other states in which Applicant or its affiliate(s) provide(s) video service.

\_\_\_\_\_  
\_\_\_\_\_

13. What other types of certifications does Applicant or its affiliates hold with the Indiana Utility Regulatory Commission? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

14. Please describe the process Applicant will use to resolve customer complaints or disputes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Please provide contact information for the person to whom customer complaints or disputes received at the Commission should be directed by Commission staff.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**As a condition of receipt of a Certificate of Franchise Authority under I.C. 8-1-34-16, the holder of the Certificate is required to do the following:**

1. Notify the Commission of any changes involving the holder or the Certificate which are required by I.C. 8-1-34;
2. Provide notice to any unit(s) and unincorporated area(s) located within the DSA(s) described in this application, that the applicant intends to provide video service within the unit(s) and unincorporated area(s) (not later than 10 days before beginning to provide service). Notice shall be simultaneously provided to the Commission;
3. Provide advance notice to affected customers in the event of a change in rates and charges for video service, pursuant to any subsequent rules adopted by the Commission;
4. Provide advance notice to affected customers in the event that the holder will cease to offer video service or any specific video programming that it currently offers in any of the applicant's DSA(s) in Indiana, pursuant to any subsequent rules adopted by the Commission;
5. Provide an annual report on March 1<sup>st</sup> of each year indicating changes in video programming or other programming service during the previous calendar year through December 31<sup>st</sup>. Include deleted programming and the service area affected as well as new programming and the service area affected;
6. File biennially (on March 1<sup>st</sup> of each odd-numbered year) with the Commission, an updated map for each authorized DSA, showing the portion of the authorized DSA at the census block group level and a list of those census block groups in which the provider is actually offering service as of the end of the prior year. The first such map is due on the next biennial deadline occurring at least sixty (60) days after receiving the Certificate of Franchise Authority. Following the filing of the first map for an authorized DSA, if in any two-year period there is no change to the portion of the authorized DSA in which the provider is actually offering service, then the provider must file a statement with the Commission that no change has occurred in that particular DSA, referencing the appropriate Certificate Number. The provider does not need to file a map for that DSA for that biennial filing;
7. Ensure that access to its video service is not denied to any group of potential residential video subscribers because of the income of the residents of the local area in which such group resides, as required by 47 USC 541(a)(3);
8. Pay and perform any and all obligations owed to any private person as required by I.C. 8-1-34-22; and
9. Comply with the requirements regarding PEG channels outlined in I.C. 8-1-34-25, 26, 26.5, and 27, including any PEG channel capacity, facilities or financial support that may be required by the Commission upon petition of a unit or unincorporated area included in the applicant's DSA under the Certificate, or upon the Commission's own motion, at the time of, or subsequent to, issuance of the Certificate.



**Requirement and Conditions of  
Certificate of Franchise Authority to Provide Video Service in the State of Indiana**

As a condition of receiving a Certificate of Franchise Authority to Provide Video Service in the State of Indiana (CFA), the Applicant/holder shall comply with all applicable legal requirements pertaining to the construction and operation of video services authorized by this CFA, including without limitation, the following:

- a. Notice to the Commission of any changes involving the Applicant or this CFA pursuant to Ind. Code § 8-1-34-20(a);
- b. Ten (10) days advance notice to any unit or unincorporated area included in the designated service area covered by this CFA in which the Applicant does not already provide video service, that the Applicant intends to provide video service in the unit's or unincorporated area's jurisdiction as required by Ind. Code § 8-1-34-20(b);
- c. Advance notice to customers in the event of a change in rates and charges for video service in accordance with Ind. Code § 8-1-34-20(c)(1);
- d. Advance notice to customers in the event the Applicant will cease to offer video service or any specific video programming that it currently offers in any of the Applicant's designated service areas in Indiana pursuant to Ind. Code § 8-1-34-20(c)(2);
- e. Annual filing, by March 1 of each year, of a report indicating changes (e.g., deletions and additions) in video programming or other programming service during the previous calendar year pursuant to Ind. Code § 8-1-34-20(a)(6);
- f. Biennial filing, by March 1 of each odd-numbered year, with the Commission of updated maps indicating, at the census block group level, the portion of authorized designated service areas in which the Applicant is actually offering video service or a statement indicating that no changes occurred during the prior two years pursuant to Ind. Code §§ 8-1-34-16(e) and 8-1-34-20(a)(7);
- g. Ensure that access to video service is not denied to any group of potential residential video subscribers because of the income of the residents of the local area in which such group resides in accordance with Ind. Code § 8-1-34-28(b) and 47 U.S.C. § 541(a)(3);
- h. Payment and performance of any rights, duties, and obligations owed to any private person as required by Ind. Code § 8-1-34-22(c);

- i. Payment of all fees owed to units and unincorporated areas included within Applicant's service area as required by Ind. Code § 8-1-34-24; and
- j. Compliance with any requirements that may be imposed by the Commission regarding channels for public, educational and governmental programming ("PEG Channels") as set forth in Ind. Code §§ 8-1-34-25, 26, 26.5, and 27 that may be required at the time of, or subsequent to, issuance of the Certificate by Commission rules, upon petition of a unit or an unincorporated area included in the Applicant's designated service area or upon the Commission's own motion.