ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE APPLICATION OF KEPS TECHNOLOGIES, INC. FOR A CERTIFICATE OF TERRITORIAL AUTHORITY FOR COMMUNICATION SERVICE PROVIDERS	)))))	**CAUSE NO. 44583** **APPROVED:** MAR 18 2015

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On January 14, 2015, KEPS Technologies, Inc. d/b/a ACD.Net ("Applicant") filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("CTA") to provide communications services, specifically telecommunications service as defined in 47 U.S.C. § 153(46)[1]; and information service as defined in 47 U.S.C. § 153(20)[2] and described in the Application, within the State of Indiana. The Commission published notice that Applicant filed an application for a CTA to provide communications services within the State of Indiana. Absent a timely request, the Application may be granted without a hearing.

Based upon information provided by the Applicant and applicable law, the Commission makes the following findings:

1. **Commission Notice and Jurisdiction.** Due, legal and timely notice of the Application was given and published by the Commission in accordance with General Administrative Order ("GAO") 2011-2 and Ind. Code § 8-1-32.5-9. Applicant requests the issuance of a CTA pursuant to Ind. Code ch. 8-1-32.5 and, therefore, the Commission has jurisdiction over the Applicant and the subject of this Cause.

2. **Commission Discussion and Findings.** The Applicant filed an application for a CTA and information describing its legal authority and demonstrating its financial, managerial and technical ability to provide the proposed communications services in certain identified

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[1] The definition of telecommunications service referenced and cited in Indiana Code ch. 8-1-32.5 as 47 U.S.C. §153(46) was amended October 8, 2010, by Public Law 111-260. P.L. 111-260 added seven new definitions to 47 U.S.C. §153. The definition of telecommunications service was not changed, but redesignated as 47 U.S.C. §153(53). The current version of Indiana Code ch. 8-1-32.5 refers to the definitions in 47 U.S.C. §153 prior to its amendment.

[2] The definition of information service referenced and cited in Indiana Code ch. 8-1-32.5 as 47 U.S.C. §153(20) was amended October 8, 2010 by Public Law 111-260. P.L. 111-260 added seven new definitions to 47 U.S.C. §153. The definition of information service was not changed, but redesignated as 47 U.S.C. §153(24). The current version of Indiana Code ch. 8-1-32.5 refers to the definitions in 47 U.S.C. §153 prior to its amendment.

service areas. The Applicant also provided information indicating the type, means and location of service that the Applicant proposes to provide.

The Application was filed with the Commission on January 14, 2015. No timely written request for intervention or a hearing was made by any entity during the 30-day posting period, and the Commission has not, on its own motion, determined a need for a hearing in this Cause. Accordingly, no hearing is required in this Cause.

Therefore, based upon the information provided by the Applicant in its Application, the Commission finds that a Certificate of Territorial Authority for telecommunication services, specifically facilities-based local exchange service and interexchange service; and information services, specifically Internet Protocol enabled services, broadband service, and advanced service, proposed to be offered within the service areas identified in the Application should be issued to the Applicant, consistent with and subject to the following findings.

The Applicant shall comply with all applicable legal requirements pertaining to the provision of the communications services authorized by this CTA, including, but not limited to, the following:

a. **Public Utility Fees.** Applicant shall pay all public utility fees assessed by the Commission, pursuant to Ind. Code ch. 8-1-6.

b. **InTRAC.** Applicant shall establish and maintain contact with the Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired ("InTRAC") and pay all fees required by Ind. Code ch. 8-1-2.8.

c. **211 Dialing Code.** Applicant shall establish and maintain contact with, and provide appropriate notice to, the Indiana 211 Partnership, Inc. (the designated administrator of the 211 dialing code in Indiana) to coordinate proper switch translations for the 211 dialing code described in Ind. Code ch. 8-1-19.5 to ensure that its customers can dial "211" when desired or, in the case of a bundled reseller of local exchange service, to ensure the facilities-based carrier has provided 211 Service.

d. **E-911.** If and to the extent Applicant is a "provider" (as defined in Ind. Code§ 36-8-16.7-19), Applicant shall provide notice to all counties and Public Service Answering Points ("PSAPs") covering areas in which the Applicant offers communications service (as defined in Ind. Code § 36-8-16.7-7) in Indiana to users (as defined in Ind. Code § 36-8-16.7-21), when the offering of communications service commences in the county and the PSAP's area, in order to facilitate the continued operation of the enhanced emergency telephone systems, provide PSAP database updates to applicable 911 Service Providers, and perform all other obligations and responsibilities as set forth in Ind. Code ch. 36-8-16.6

e. **Dialing Parity.** Applicant shall implement dialing parity to competing service providers throughout its Indiana service territory as required by § 251(b)(3) of the

Telecommunications Act of 1996 and the Commission's Order in Cause No. 40284,[3] commencing with Applicant's initial provision of the requested communications services within the state.

f. Indiana Universal Service Fund. Applicant shall pay all required assessments into the Indiana Universal Service Fund ("IUSF"), based on the "net billed intrastate retail telecommunications revenue," pursuant to the Order in Cause No. 42144[4] and the "Implementation Guidelines" attached to the July 25, 2007 Docket Entry issued in Cause No. 42144, and pursuant to any subsequently issued IUSF-related requirements, rules, or procedures.

g. List of Current Intrastate Access Rates and Charges. Consistent with Ind. Code §§ 8-1-32.5-6(b)(3)(E)(ii) and 8-1-2-88.6 and various orders of the Commission, Applicant shall file prior to commencement of service, the rates, charges, terms and conditions for switched and special access services and/or appropriate concurrence or exception pages if the offering of such services have been approved by the Commission. In addition, pursuant to the Commission's GAO 1998-2, Applicant should provide current hyperlinks to the rates, charges, terms and conditions that are subject to these findings, so that such links may be posted on the Commission's website. These rates, charges, terms, and conditions shall be set forth in the appropriate intrastate access tariff. Updates to intrastate access tariffs shall comply with all applicable federal and state law, including the Commission's Orders in Cause Nos. 44004 and 39369 and 170 IAC 1-6, and shall adhere to such additional guidelines or instructions as may from time to time be provided by the Commission or its staff.

h. Notice of Initiation of Service. Pursuant to Ind. Code §§ 8-1-32.5-6(b)(3)(D) and 8-1-32.5-6(a)(9)(A), Applicant shall file under this Cause a notice with the Secretary of the Commission of Applicant's "in service" dates (i.e., the dates on which Applicant commences offering communications service in each service area identified in the Application in accordance with Ind. Code § 8-1-32.5-6(a)(4)) within 90 days of each "in service" date.

i. Additional Filing Requirements. Applicant shall file any other data, information, or reports required or requested by the Commission, including but not limited to information concerning the types of service offered, the areas in which the services are offered and any information needed by the Commission.

j. Indiana Underground Plant Protection Service. To the extent Applicant owns, maintains, or otherwise has control over underground facilities, Applicant shall establish and maintain contact with, and provide appropriate notice to, the Indiana Underground Plant Protection Service, the designated administrator of the 811 dialing code in Indiana, and comply with Ind. Code ch. 8-1-26.

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[3] *AT&T Communications of Indiana, Inc., LCI International Telecom Corp., Sprint Communications Co. L.P., and WorldCom, Inc. d/b/a LDDS WorldCom*, Cause No. 40284, 1996 Ind. PUC LEXIS 458, at *79-80 (IURC Nov. 26, 1996).

[4] *Commission Investigation*, Cause No. 42144, 2004 Ind. PUC LEXIS 61 (IURC March 17, 2004).

k. **Notice of Changes.** Applicant shall notify the Commission, pursuant to Ind. Code § 8-1-32.5-12, of any change involving either the Applicant or the CTA occurring after the issuance of this CTA. Such notice shall be provided using a Verified Notice of Change form in accordance with GAO 2011-2. If the change involves the provision of other types of services than those approved herein or the reclassification of a communications service approved in this CTA, additional obligations and fees may apply.

l. **Other Customer Notifications.** Applicant shall provide appropriate notice to customers when Applicant offers new communications services, discontinues communications services, and/or increases rates and charges for communications services in any of the Applicant's service areas in Indiana pursuant to Ind. Code § 8-1-32.5-11(b) and any regulations adopted by the Commission.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Subject to the Findings set forth in this Order, the Applicant, KEPS Technologies, Inc. d/b/a ACD.Net, is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide telecommunication services, specifically facilities-based local exchange service and interexchange service; and information services as requested in the Application that is the subject of this Order.

2. This Order shall be effective on and after the date of its approval.

STEPHAN, MAYS-MEDLEY, HUSTON, WEBER, AND ZIEGNER CONCUR:

APPROVED: MAR 18 2015

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

Brenda A. Howe

Brenda A. Howe
Secretary to the Commission