ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE APPLICATION OF X5 OPCO, LLC FOR A CERTIFICATE OF TERRITORIAL AUTHORITY FOR COMMUNICATIONS SERVICE PROVIDERS	))))	**CAUSE NO. 44621** **APPROVED:** JUN 10 2015

ORDER OF THE COMMISSION

Presiding Officer:
Marya E. Jones, Administrative Law Judge

On April 30, 2015, X5 OpCo, LLC ("Applicant") filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("CTA") to provide communications services, specifically information service as defined in 47 U.S.C. § 153(20)[1] 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 contained in the Application 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 proposed communications services in the State of Indiana.

The Application was filed with the Commission on April 30, 2015. Notice of the Application was posted to the Commission's website. 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 information services, specifically

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[1] 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.

Voice over IP ("VoIP") service, proposed to be offered within the State of Indiana 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. **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.

b. **E-911.** If and to the extent Applicant is a "provider" (as defined in Ind. Code ch. 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 ch. 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 applicable obligations and responsibilities as set forth in Ind. Code ch. 36-8-16.6.

c. **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) within 90 days of each "in service" date.

d. **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 and any information needed by the Commission.

e. **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.

f. **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.

g. **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, X5 OpCo, LLC, is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide 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.

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

APPROVED: JUN 10 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