

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF CENTENNIAL)
CELLULAR TRI-STATE OPERATING)
PARTNERSHIP, CENTENNIAL RANDOLPH)
CELLULAR LLC, ELKHART METRONET,)
INC., MEGA COMM LLC, MICHIANA)
METRONET, INC., AND SOUTH BEND)
METRONET, INC. APPLICATION FOR)
DESIGNATION AS ELIGIBLE)
TELECOMMUNICATIONS CARRIERS)
PURSUANT TO SECTION 214(3)(6) OF THE)
COMMUNICATIONS ACT OF 1934)

CAUSE NO. 41052 ETC 46

APPROVED: JUN 23 2010

BY THE COMMISSION:

David E. Ziegner, Commissioner
David E. Veleta, Administrative Law Judge

On February 22, 2010, Centennial Cellular Tri-State Operating Partnership, Centennial Randolph Cellular LLC, Elkhart Metronet, Inc., Mega Comm LLC, Michiana Metronet, Inc. and South Bend Metronet, Inc. (collectively, "Joint Petitioners") filed a Verified Petition for Relinquishment of Eligible Telecommunications Carrier Status ("Petition") requesting that the Indiana Utility Regulatory Commission ("Commission" or "IURC") permit the relinquishment of their designation as "eligible telecommunications carriers" ("ETCs") pursuant to 47 U.S.C. §214(e)(4).

Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, a public hearing was held in this Cause at 1:30 p.m., on April 29, 2010, in Suite 224, National City Center, 101 West Washington Street, Indianapolis, Indiana. Joint Petitioners and the OUCC were present and participated. The testimony and exhibits of both Joint Petitioner and OUCC were admitted into the record. No members of the general public appeared or sought to testify at the hearing.

Based upon the applicable law and the evidence presented herein, the Commission now finds:

1. **Notice and Jurisdiction.** Due, legal, and timely notice of the hearing in this cause was given and published by the Commission as required by the law. Pursuant to Section 214(e) of the Communications Act of 1934, as amended, 47 C.F.R. §§54.201 and 54.203 of the Federal Communications Commission's ("FCC") rules, and Indiana Code §8-1-2.6-13(d)(5), this Commission is authorized to designate ETCs, thereby enabling those so designated to apply for federal universal service support under 47 U.S.C. §254. The Commission therefore has jurisdiction over the parties and subject matter of this cause.

2. Relevant Prior Proceedings. On April 6, 2004, Joint Petitioners filed a *Renewed Application for Designation as an Eligible Telecommunications Carrier* with the IURC in this cause. With that Application, Joint Petitioners sought designation as ETCs pursuant to 47 U.S.C. §214(e), to become qualified to receive federal universal service support. On December 15, 2004, the Commission issued a final order in this cause granting the requested relief

3. Summary of the Evidence. The evidence relating to this matter consists of the Verified Petition and attachments. The evidence demonstrates that the Joint Petitioners currently have a combined total of six (6) Lifeline customers in the State of Indiana. The evidence further shows that the areas served by Joint Petitioners are also served by at least one incumbent local exchange carrier (“ILEC”) with ETC status (hereinafter referred to as “ILEC-ETCs”). The record also shows that, to the best of the Joint Petitioners’ knowledge, those ILEC-ETCs will not need to purchase or construct facilities in order to provide service to customers in the ILEC-ETCs’ respective designated service areas. The Joint Petitioners provided a sample letter proposed for use in notifying the six Lifeline customers of Joint Petitioners’ decision to relinquish their ETC status.

4. Findings and Conclusions. 47 U.S.C. §214(e)(4), states, in relevant part, “[a] State commission ... shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.” The Joint Petitioners provided a list of the ILECs serving the relevant service areas. *See* Petition, Exhibit A. Each of the relevant ILECs is an ETC in their respective service territories, and as such, will be available to provide services, including Lifeline service.¹ Finally, the Joint Petitioners have provided an acceptable customer letter that should be used to communicate with all Indiana Lifeline customers still served by the Joint Petitioners as of the date this Order is approved. Joint Petitioners are ordered to provide the approved written notice to their remaining Lifeline customers within ten (10) days of this approval.

¹ *See Century Telephone of Central Indiana*, Cause No. 41052-ETC 09 (December 16, 1997), *Citizens Telephone Corp.* Cause No. 41052-ETC 11(December 16, 1997), *Craigville Telephone Co., Inc.* Cause No. 41052-ETC 13 (December 16, 1997), *Frontier Communications of Indiana, Inc.*, Cause No. 41052 ETC 14 (December 16, 1997), *Monon Telephone Co., Inc.* Cause No. 41052-ETC 17 (December 16, 1997), *Mulberry Co-Op. Telephone Co., Inc.*, Cause No. 41052-ETC 18 (December 16, 1997), *New Lisbon Telephone Co., Inc.*, Cause No. 41052-ETC 19 (December 16, 1997), *Pulaski-White Rural Tele. Co-Op., Inc.*, Cause No. 41052-ETC 20 (December 16, 1997), *Swayzee Telephone Co., Inc.*, Cause No. 41052-ETC 24 (December 16, 1997), *Sweetser Rural Telephone Co. Inc.*, Cause No. 41052-ETC 25 (December 16, 1997), *Yeoman Telephone Co., Inc.*, Cause No. 41052-ETC 28 (December 16, 1997), *Ligonier Telephone Company, Inc.*, Cause No. 41052-ETC 29 (December 16, 1997), *New Paris Telephone, Inc.* Cause No. 41052-ETC 31 (December 16, 1997), *Hancock Rural Telephone Co-Op.*, Cause No. 41052-ETC 33 (December 16, 1997), *Tri-County Telephone Company, Inc.*, Cause No. 41052-ETC 34 (December 16, 1997), *Rochester Telephone Co., Inc.*, Cause No. 41052-ETC 35 (December 16, 1997), *Northwestern Indiana Telephone Co.*, Cause No. 41052-ETC 38 (December 16, 1997), *Tipton Telephone Co., Inc.*, Cause No. 41052-ETC 02 (December 16, 1997), *Camden Telephone Company, Inc.*, Cause No. 41052-ETC 07 (December 16, 1997), *Smithville Telephone Co., Inc.*, Cause No. 41052-ETC 01 (December 16, 1997).

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

1. This Commission grants the Joint Petitioners' request to relinquish their ETC designations and their right to receive federal universal service funding in the State of Indiana.

2. This Order shall be effective sixty-five (65) days after the date of its approval to provide sufficient time for Joint Petitioners to provide the approved written notice to existing Lifeline customers, consistent with Finding Paragraph 4 of this Order, thereby enabling Joint Petitioners' remaining Lifeline customers to migrate to another ETC without an interruption in Lifeline discounts.

3. As Joint Petitioners will continue to receive federal universal service high cost support and Lifeline funding for their designated Indiana service areas until the effective date of this Order, the Joint Petitioners are also ordered to jointly file a final verified report in this cause within sixty (60) days of the effective date of this order confirming that all federal universal service support funding Joint Petitioners received since their last annual ETC recertifications for the State of Indiana was used for its lawful, intended purpose. Joint Petitioners shall use the form most recently issued by the Commission under Cause No. 42067 to certify the proper use of all federal universal service funds received after their 2009 recertification filings for the State of Indiana. However, since Joint Petitioners will have no right to receive additional federal universal service funding after the effective date of this Order, information on planned future capital improvement projects need only be reported through the projected depletion of federal high cost support previously received by Joint Petitioners for use in their designated Indiana service areas.

ATTERHOLT, LANDIS, MAYS AND ZIEGNER CONCUR; HARDY ABSENT:

APPROVED: JUN 23 2010

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



**Brenda A. Howe
Secretary to the Commission**