

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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IN THE MATTER OF THE DESIGNATION)
OF ELIGIBLE TELECOMMUNICATIONS)
CARRIERS BY THE INDIANA UTILITY)
REGULATORY COMMISSION PURSUANT)
TO THE TELECOM ACT OF 1996, AND)
RELATED FCC ORDERS AND IN)
PARTICULAR, THE PETITION OF NEXUS)
COMMUNICATIONS, INC. TO BE SO)
DESIGNATED FOR THE LIMITED)
PURPOSE OF OFFERING WIRELESS)
LIFELINE SERVICE TO QUALIFIED)
HOUSEHOLDS)

CAUSE NO. 41052 ETC 59

APPROVED: JAN 09 2013

ORDER ON RECONSIDERATION

Presiding Officers:
Larry S. Landis, Commissioner
David E. Veleta, Administrative Law Judge

On April 11, 2011, Nexus Communications, Inc. ("Petitioner" or "Nexus") filed its Verified Petition for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Indiana for the Limited Purpose of Offering Wireless Lifeline and Link-Up Service to Qualified Households ("Verified Petition") with the Indiana Utility Regulatory Commission ("Commission").

An Evidentiary Hearing was held on June 19, 2012 at 10:00 a.m. at the PNC Center, 101 West Washington Street, Indianapolis, Indiana. On November 7, 2012, the Commission issued an Order in this Cause in which it granted Nexus's Verified Petition.

On November 27, 2012, Nexus filed its Verified Agreed Motion of Nexus Communications, Inc. for Relief from Extraneous Condition ("Motion").

1. **Commission Jurisdiction.** The bases for our jurisdiction over the parties and subject matter of this proceeding are set forth in our November 7, 2012 Order, which bases are hereby incorporated into this Order on Reconsideration. The Commission has jurisdiction over the parties to, and the subject matter of, this proceeding.

2. **Motion.** The Commission's November 7, 2012 Order provided in part:

Furthermore, some of the conditions and reporting requirements agreed to by Petitioner are more stringent than prior conditions imposed by the Commission on other parties. Specifically, the Settlement Agreement requires Nexus to obtain individual certification from PSAPs. This requirement for Lifeline-only resellers was relaxed by the FCC pursuant to the *Lifeline Reform Order*. Nexus has provided a statement from its

underlying carrier indicating its connection to PSAPs is fully functional, and thus, this requirement seems unnecessary, but for the fact that Nexus voluntarily agreed to it.

Petitioner states in its Motion that “[t]he term in issue was included in the underlying Settlement Agreement between Nexus and the OUCC based on regulatory uncertainty at the time.” Petitioner now seeks relief from this requirement of the approved Settlement Agreement.

3. Commission Discussion and Findings. We will treat Petitioner’s Motion as a request for reconsideration of the Commission’s November 7, 2012 Order. Petitions for reconsideration and rehearing are governed by the requirements in 170 IAC 1-1.1-22(e)(1). This rule requires a petition seeking rehearing to be verified or supported by affidavit and set forth the following:

- (A) The nature and purpose of the evidence to be introduced at rehearing.
- (B) The reason or reasons such new evidence was not available at the time of the hearing or could not be discovered with diligence.
- (C) A statement of how such evidence purportedly would affect the outcome of the proceeding if received into the record.
- (D) A showing that such evidence will not be merely cumulative.

It is unclear what regulatory uncertainty Petitioner is referring to in its Motion as the FCC had previously relaxed the requirement that Lifeline-only resellers must obtain individual certification from PSAPs. Regardless, this condition remains unnecessary, and thus, the Commission hereby grants the Motion.

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

- 1. Nexus’s Motion for Reconsideration is granted.
- 2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: JAN 09 2013

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



Brenda A. Howe
Secretary to the Commission