



INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE INVESTIGATION)
ON THE COMMISSION'S OWN MOTION, UNDER)
INDIANA CODE § 8-1-2-72, INTO ANY AND ALL)
MATTERS RELATING TO THE COMMISSION'S)
MIRRORING POLICY ARTICULATED IN)
CAUSE NO. 40785 AND THE EFFECT OF THE)
FCC'S MAG ORDER ON SUCH POLICY,)
ACCESS CHARGE REFORM, UNIVERSAL)
SERVICE REFORM, AND HIGH COST OR)
UNIVERSAL SERVICE FUNDING)
MECHANISMS RELATIVE TO TELEPHONE)
AND TELECOMMUNICATIONS SERVICES)
WITHIN THE STATE OF INDIANA)

FILED

JUL 18 2002

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42144

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") made the following entry in this Cause:

On May 29, 2002, the Commission issued an Interim Order ("Interim Order") in this Cause that approved a Settlement Agreement that resolved Phase I of this proceeding. In its Interim Order, the Commission also set forth the framework for the discussion and possible resolution of the second phase of this proceeding ("Phase II"). The parties to this Cause have agreed that as part of Phase II of this proceeding they would utilize a series of technical workshops to allow the parties to discuss and narrow the issues. The parties specifically agreed that they would form an Executive Committee comprised of members that would represent the various interests in this Cause; that the technical workshops should be noticed as preliminary hearings; and, that members of the Commission's telecommunications staff should facilitate the technical workshops. The parties further agreed that the Executive Committee would prepare and file a Preliminary and Final Report with the Commission as part of Phase II of this proceeding. Pursuant to the agreement of all parties the Commission found in its Interim Order that this process for resolving the issues in Phase II of this proceeding was in the public interest, and approved the framework agreed upon by the parties. The technical workshops are currently ongoing and are scheduled to continue through September 2002.

In its December 27, 2001 Order ("Order") instituting this Cause the Commission stated that:

The Commission finds that [the possible creation of a State Universal Service Fund] will be an important issue in this broad investigation initiated by the Commission. Prior to a creation of a state universal service fund, we ask parties to consider what type of legislative authority the Commission needs to create such a fund in addition to any legal issues regarding any overlap with the Federal Universal Service Fund. Prior to the creation of a state universal service fund, the Commission should resolve such issues as which entities contribute to the fund and if any demonstration of need is required to obtain funds, and the Commission desires the assistance of interested parties in making such determinations. The Commission also asks the parties to recommend a mechanism to transition the existing Indiana High Cost Fund and the Transitional DEM Weighting Fund into one single state universal service fund. The issues listed are not intended to be exhaustive or immutable, and the Commission will ask the parties to develop a list of specific issues after an initial Prehearing Conference.

The Commission also indicated in its Order opening this investigation that "[A] formal and expedited investigation is hereby commenced in accordance with Indiana Code § 8-1-2-72, regarding the minoring policy adopted by the Commission in Cause No. 40785 and that expedited investigation will also address other issues raised in Cause No. 40785, including but not limited to: access charge reform; universal service reform; the Indiana High Cost Fund; and the Transitional Dial Equipment Minutes ("DEM) Weighting Fund." Order at 3. The Commission also indicated that it welcomes the involvement of all interested parties in this investigation and that the Commission would specifically notify all the other parties from Cause No. 40785 of this investigation. Id.

During the technical workshops some of the parties have expressed concern regarding the apparent lack of participation by numerous wireless carriers in Phase II of this proceeding, and indicated that they believed that the level of participation might be due to a lack of adequate notice to the wireless carriers. Certain other parties have suggested that wireless carriers should be named as Respondents in this Cause.

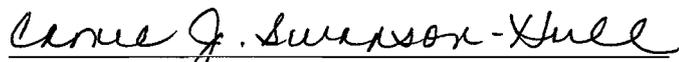
Based upon our review of the caption in this Cause; the legal notices published in this proceeding; and the prior Commission Orders issued in this Cause, it is apparent to the Presiding Officers that the Commission's investigation, as well as the subject matter of this proceeding, has been fully and properly noticed in accordance with all statutory requirements. However, in an effort to address the concerns raised by the parties, the Presiding Officers hereby amend the caption in this matter as follows:

IN THE MATTER OF THE INVESTIGATION ON THE COMMISSION'S OWN MOTION, UNDER INDIANA CODE § 8-1-2-72, INTO ANY AND ALL MATTERS RELATING TO THE COMMISSION'S MIRRORING POLICY ARTICULATED IN CAUSE NO. 40785 AND THE EFFECT OF THE FCC'S MAG ORDER ON SUCH POLICY, ACCESS CHARGE REFORM, UNIVERSAL SERVICE REFORM, AND HIGH COST OR UNIVERSAL SERVICE FUNDING MECHANISMS RELATIVE TO TELEPHONE AND TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF INDIANA

RESPONDENTS: ALL TELECOMMUNICATION SERVICE PROVIDERS, INCLUDING INTRASTATE WIRELESS CARRIERS, IN THE STATE OF INDIANA.

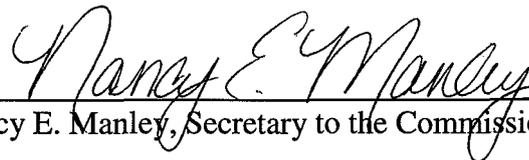
While the Commission, in its December 27, 2001 Order in this Cause, welcomed the involvement of all interested parties, the Presiding Officers note that this is a formally docketed proceeding that has been legally noticed. Accordingly, determinations could be made by the Commission that directly impact each of the Respondents to this Cause. As the caption has been amended in this matter, this Cause shall be re-noticed for the Evidentiary Hearing (Technical Workshop) currently scheduled for August 7, 2002, at 9:30 a.m. EST in Room TC-10 of the Indiana Government Center South, Indianapolis, Indiana.¹

IT IS SO ORDERED.


Camie J. Swanson-Hull, Commissioner


Scott R. Storms, Chief Administrative Law Judge


Date


Nancy E. Manley, Secretary to the Commission

¹ For general information regarding this proceeding, see the Commission's web site at, www.in.gov/iurc/utilities/telecom/42144142144_index.html