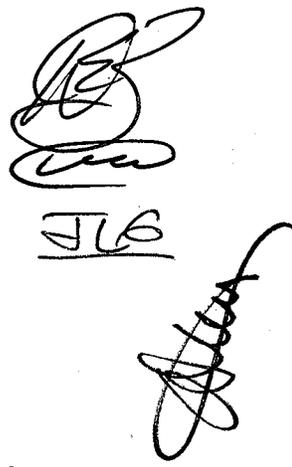


ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF CONSOLIDATED) CAUSE NO. 43610
COMMUNICATIONS NETWORK)
SERVICES, INC. FOR A CERTIFICATE) FINAL ORDER
OF TERRITORIAL AUTHORITY TO)
PROVIDE ALTERNATIVE OPERATOR) APPROVED:
TELECOMMUNICATIONS SERVICE IN) JAN 07 2009
THE STATE OF INDIANA)



BY THE COMMISSION:

Lorraine Hitz-Bradley, Administrative Law Judge

On November 17, 2008, Consolidated Communications Network Services, Inc. d/b/a Consolidated Communications Enterprise Services, Inc. ("Applicant") filed its Application ("Application") with the Indiana Utility Regulatory Commission ("Commission") for a Certificate of Territorial Authority ("CTA") to provide certain communications services within the State of Indiana, as captioned herein. The Commission published notice as required by law that an application for a CTA to provide communications services within the State of Indiana was filed with the Commission and, absent a timely challenge, 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 the Commission's Order in Cause No. 43009.¹ Applicant requests the issuance of a CTA pursuant to Ind. Code § 8-1-2-88 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 demonstrating its legal authority and describing its financial, technical and managerial ability to provide the proposed communications services in the service areas identified in the application. The Applicant also provided information indicating the type, means and location of service that the Applicant proposes to provide and represented that such proposed service would be in the public interest and in furtherance of the goals of full and fair competition.

The Application was filed with the Commission on November 17, 2008. Notice of the Application was posted to the Commission's web site, and no timely written request for an intervention or a hearing was made by any entity during the 30-day posting period. 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.

¹ Order to Implement Application and Expedited Process for Approval of Certificates of Territorial Authority to Telecommunications Service Providers in Accordance with HEA 1279 and Ind. Code § 8-1-2.6-2, Cause No. 43009, 2006 Ind. PUC LEXIS 156 (Ind. Util. Regulatory Comm'n Mar. 29, 2006).

Therefore, based upon the information provided by the Applicant in its Application, the Commission finds that a Certificate of Territorial Authority for the specific communications services proposed to be offered within the service areas identified in its 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 without limitation, the following.

a. **Public utility fees.** Payment of all public utility fees assessed by the Commission, pursuant to I.C. § 8-1-6, *et seq.*

b. **InTRAC.** Establishing and maintaining contact with the Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired ("InTRAC") and payment of all fees required by I.C. § 8-1-2.8 *et seq.*

c. **Dialing Parity.** Implementation of dialing parity to competing service providers throughout its Indiana service territory as required by § 251(b)(3) of the Telecommunications Act of 1996 and our Order in Cause No. 40284,² commencing with Applicant's initial provision of the requested communications or telecommunications services within the state.

d. **Indiana Universal Service Fund.** Payment of all required assessments into the Indiana Universal Service Fund ("IUSF"), based on the "net billed intrastate retail telecommunications revenue", pursuant to the "Implementation Guidelines" attached to the July 25, 2007, docket entry issued in Cause No. 42144, or pursuant to any IUSF-related requirements, rules, or procedures the Commission may issue in the future.

e. **Tariffs.** Pursuant to the November 5, 1997 Order in Cause No. 38812, all AOS providers shall maintain on file with the Commission current copies of their rates and charges for AOS service. No change in such rates and charges shall be effective until thirty (30) days after such change is filed with the Commission.

f. **Notice of Initiation of Service.** Pursuant to I.C. § 8-1-32.5-6(b)(3)(D) and I.C. § 8-1-32.5-6(a)(9)(A), filing of a notice with the Secretary of the Commission of each of its "in service" dates. (i.e., the dates on which Applicant "commences offering communications service in each service area identified in the provider's application under [I.C. § 8-1-32.5-6(a)(4)]" and/or in future deployments in a new service area), within ninety (90) days of each such in-service date.

g. **Additional filing requirements.** Filing of any other data, information, or reports required or requested by the Commission, including but not limited to any financial, market performance, and quality of service reports.

h. **Notice of Changes.** Notify the Commission after the issuance of this certificate of the occurrence of any change involving either the provider or the certificate issued, pursuant

² *In the Matter of the Petition of AT&T Communications of Indiana, Inc., LCI International Telecom Corp., Sprint Communications Co. L.P., and WorldCom, Inc. d/b/a LDDS WorldCom for Commission Approval of 1+/0+ MTS on a Presubscribed Basis with Respect to the Provision of Their Intrastate IntraLATA Services, Cause No. 40284, 1996 Ind. PUC LEXIS 458, at *79-80, Finding Para. No. 3, at 14 and Ordering Para. No. 1 (Ind. Util. Regulatory Comm'n Nov. 26, 1996).*

to applicable requirements established in Cause No. 39983,³ including future Commission updates or modifications, if any, to those requirements. Pursuant to I.C. § 8-1-32.5-6(b)(3)(C), Applicant should also notify the Commission of any modifications to the information submitted under I.C. § 8-1-32.5-6(a) as part of the application that is the subject of this Order.

i. **Alternative Operator Service Requirements.** The Applicant shall comply with all requirements of current and subsequent Orders in Cause No. 38812 or other causes relating to and affecting alternative operator services.

j. **Operator Services to Controlled Populations.** To the extent that the Applicant offers AOS to controlled populations, the Commission takes administrative notice of Ind. Code 5-22-23 that acts to further restrain the pricing of collect calling services provided to controlled populations. The Commission cautions the applicant that I.C. 5-22-23 limits the amount that can be solicited by purchasing agents of certain controlled populations in the State for 1) a per call service charge; 2) a per minute rate; and 3) or a commission rate to no higher than the terms of the most recent contract between the state and a telecommunications provider for the same services.

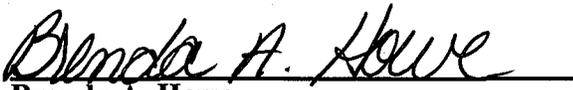
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Subject to the Findings set forth in this Order, the Applicant Consolidated Communications Network Services, Inc. d/b/a Consolidated Communications Enterprise Services, Inc. is hereby issued a Certificate of Territorial Authority, as described above and as requested in Section IIA of the Application that is the subject of this Order.

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

HARDY, GOLC, LANDIS AND ZIEGNER CONCUR; SERVER ABSENT:
APPROVED: JAN 07 2009

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


Brenda A. Howe
Secretary to the Commission

³ *In the Matter of the Investigation on the Commission's Own Motion Into Any and All Matters Relating to Local Telephone Exchange Competition Within the State of Indiana*, Cause No. 39983, Order at 3-4, 2001 Ind. PUC LEXIS 693 (Ind. Util. Regulatory Comm'n Dec. 19, 2001).