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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF CONVERSENT)
COMMUNICATIONS RESALE LLC d/b/a ONE)
COMMUNICATIONS FOR A CERTIFICATE) CAUSE NO. 43673
OF TERRITORIAL AUTHORITY TO)
PROVIDE COMMUNICATIONS SERVICE AS) APPROVED: AUG 05 2009
DEFINED IN IND. CODE. § 8-1-32.5-3 WITHIN)
THE STATE OF INDIANA)

BY THE COMMISSION:
Lorraine Hitz-Bradley, Administrative Law Judge

On April 23, 2009, Conversent Communications Resale LLC d/b/a One Communications ("Applicant") filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("CTA") to provide certain communications services as 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") 2009-4 and I.C. § 8-1-32.5-9. Applicant requests the issuance of a CTA pursuant to I.C. § 8-1-32.5 and, therefore, the Commission has jurisdiction over the Applicant and the subject of this Cause. The Presiding Officer issued docket entries on May 28, 2009, June 17, 2009, and June 25, 2009, requesting additional information from Applicant and extending the time within which Applicant was to answer the propounded requests. Applicant provided the requested information on July 21, 2009.

2. **Commission Discussion and Findings.** The Applicant filed an application for a CTA and information describing its legal authority and demonstrating its financial, managerial and technical ability to provide the proposed communications services in certain identified service areas. The Applicant also provided information indicating the type, means and location of service that the Applicant proposes to provide.

The Application was filed with the Commission on April 23, 2009. 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 resold local exchange and interexchange telecommunications service proposed to be offered within the service areas

identified in the 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, but not limited to, 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. **E-911.** Providing notice to all counties and Public Service Answering Points ("PSAPs") covering areas in which the Applicant provides local exchange service when the offering of service commences in the county and the PSAP's area, in order to facilitate the continued operation of the enhanced emergency telephone systems defined and described in I.C. § 36-8-16, *et seq.*, and providing PSAP database updates to applicable 911 Service Providers, as required under I.C. § 36-8-16-16.

d. **Call Blocking.** Offering of per-call or per-line blocking for law enforcement and crisis intervention agencies, pursuant to I.C. § 8-1-2.9-2(a).

e. **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 the Commission's Order in Cause No. 40284¹, commencing with Applicant's initial provision of the requested communications services within the state.

f. **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 subsequently issued IUSF-related requirements, rules, or procedures.

g. **Notice of Initiation of Service.** Pursuant to I.C. §§ 8-1-32.5-6(b)(3)(D) and 8-1-32.5-6(a)(9)(A), filing of 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 in each service area identified in the Application in accordance with I.C. § 8-1-32.5-6(a)(4)) within ninety (90) days of each "in service" date.

h. **Additional Filing Requirements.** Filing of any other data, information, or reports required or requested by the Commission, including but not limited to information concerning the types of service offered, the areas in which the services are offered and any information needed by the Commission.

¹ *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 11/26/1996).

i. **Notice of Changes.** Notifying the Commission after the issuance of this certificate of the occurrence of any change involving either the Applicant or the certificate issued, pursuant to I.C. § 8-1-32.5-12 and GAO 2009-4.

j. **Other Customer Notifications.** Providing 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 I.C. § 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 Conversent Communications Resale LLC d/b/a One Communications is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide the following **telecommunications services** as requested in the Application that is the subject of this Order: **bundled resale of local exchange and resale of interexchange services.**

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

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

APPROVED: AUG 05 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**