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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF DYNALINK COMMUNICATIONS, INC. FOR A CERTIFICATE OF TERRITORIAL AUTHORITY TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE, FACILITIES-BASED INTEREXCHANGE AND CALLER ID TELECOMMUNICATIONS SERVICE IN THE STATE OF INDIANA	)	CAUSE NO. 43683 **FINAL ORDER** APPROVED: JUN 24 2009

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

On May 6, 2009, Dynalink Communications, 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 May 6, 2009. 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.

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[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. **211 Dialing Code.** Establishing and maintaining contact with, and providing appropriate notice to, the Indiana 211 Partnership, Inc. (the designated administrator of the 211 dialing code in Indiana) to coordinate proper translations for the 211 dialing code described in I.C. § 8-1-2.6-13(d)(3).

d. **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.

e. **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).

f. **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.

g. **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.

h. **Tariffs.** Filing of tariffs containing rates, charges, terms, and conditions for Basic Telecommunications Service ("BTS"), if offered by the Applicant. Pursuant to the Commission's General Administrative Order 1998-2, Applicant should provide current

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[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).

hyperlinks to the BTS, switched, and special access tariffs that are subject to these findings, so that such links may be posted on the Commission's website. We further find that, consistent with I.C. § 8-1-32.5-6(b)(3)(E)(ii) and other applicable law, Applicant should file tariffs containing rates, charges, terms and conditions for switched and special access services and/or appropriate concurrence or exception pages, if the offering of such services have been approved by the Commission. Pursuant to the Commission's General Administrative Order 1998-2, Applicant should provide current hyperlinks to the tariffs that are subject to these findings, so that such links may be posted on the Commission's website.

i. **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.

j. **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.

k. **Indiana Underground Plant Protection Service.** Establishing and maintaining contact with, and providing appropriate notice to, the Indiana Underground Plant Protection Service ("IUPPS"), the designated administrator of the 811 dialing code in Indiana, to coordinate proper translations for the 811 dialing code pursuant to I.C. § 8-1-26.

l. **Customer Notifications on changing from Basic Telecommunications Service to Non-basic Telecommunications Service.** Pursuant to I.C. § 8-1-2.6-4.1(b) and 170 I.A.C. 7-1.4-3, concurrently notifying a residential customer of: "(1) the option of basic telecommunications service; and (2) any regulatory protections, including pricing or quality of service protections, that the residential customer would forego by switching to non-basic telecommunications service", if, at any time, Applicant communicates with that residential customer about changing the customer's basic telecommunications service to non-basic telecommunications service.

m. **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 provider's service areas in Indiana" pursuant to I.C. § 8-1-32.5-11(b) and related customer notification requirements, rules, or procedures the Commission may issue in the future.

n. **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 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.

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[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).

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

1. Subject to the Findings set forth in this Order, the Applicant Dynalink Communications, 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; ATTERHOLT PRESENT BUT NOT VOTING:

APPROVED: JUN 24 2009

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

Brenda A. Howe

Brenda A. Howe,
Secretary to the Commission