

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

TIME WARNER NY CABLE LLC) CAUSE NO. 43729
 APPLICATION FOR A CERTIFICATE OF)
 TERRITORIAL AUTHORITY FOR) DISMISSAL ORDER
 COMMUNICATIONS SERVICE)
 PROVIDERS) APPROVED: AUG 19 2009

[Handwritten signatures and initials: "JLG", "JLG", and a large signature]

BY THE COMMISSION:

Angela Rapp Weber, Administrative Law Judge

On July 2, 2009, Time Warner NY Cable LLC ("Applicant") filed its *Application for a Certificate of Territorial Authority for Communications Service Providers* ("CTA Application") with the Indiana Utility Regulatory Commission ("Commission"). Contemporaneously therewith, Applicant filed its *Verified Notice of Change in a Certificate of Territorial Authority to Provide Communications Services within the State of Indiana* ("Notice of Change"), which pertained to the Certificate of Franchise Authority granted to Applicant by the Commission in Cause No. 43516-VSP01 on July 11, 2008. On July 31, 2009, Applicant filed with the Commission *Time Warner Cable LLC's Motion for Leave to Withdraw Application for Certificate of Territorial Authority* ("Motion to Withdraw").

According to Indiana Code § 8-1-32.5-6(a), a communications service provider¹ must apply to the Commission for a CTA in order to provide communications service in Indiana. Indiana Code § 8-1-32.5-6(b) details the information that a communications service provider must submit with the CTA application. However, according to Indiana Code § 8-1-32.5-6(c), a communications provider that possessed a CTA before July 1, 2009² does not need to resubmit to the Commission an application for a CTA. As noted above, the Commission granted Applicant's CTA on July 11, 2008 in Cause No. 43516-VSP01.

The Commission has reviewed the CTA Application, Notice of Change, and Motion to Withdraw. As a result, the Commission has determined that pursuant to Indiana Code § 8-1-32.5-6(c), the Notice of Change filed with the Commission is sufficient to ensure Applicant's compliance with Indiana Code § 8-1-32.5-6. Applicant's Motion to Withdraw is hereby granted, and this Cause is dismissed without prejudice.

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

¹ Indiana Code § 8-1-32.5.4 defines Communications Service Provider as "a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. . . ."

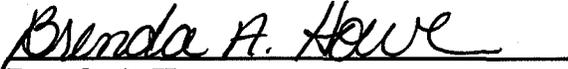
² Indiana Code § 8-1-32.5 *et seq.* became effective on July 1, 2009.

1. Applicant's Motion to Withdraw is hereby granted, and this Cause is dismissed without prejudice.
2. This Order shall be effective on and after the date of its approval.

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

APPROVED: AUG 19 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**