

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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APPLICATION OF BANANA COMMUNICATIONS) CAUSE NO. 43796
 VENTURES, LLC FOR A CERTIFICATE OF)
 TERRITORIAL AUTHORITY TO PROVIDE) FINAL ORDER
 COMMUNICATIONS SERVICE AS DEFINED IN)
 IND. CODE. § 8-1-32.5-3 WITHIN THE STATE OF) APPROVED: OCT 28 2009
 INDIANA)

BY THE COMMISSION:

Lorraine Hitz-Bradley, Administrative Law Judge

On September 25, 2009, Banana Communications Venture, LLC ("Applicant") filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("CTA") to provide communications services, **specifically telecommunications services as defined in 47 U.S.C. 153(46)** 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.

2. **Commission Discussion and Findings.** The Applicant filed an application for a CTA and information describing its legal authority 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 September 25, 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 **telecommunications services as defined in 47 U.S.C. 153(46), specifically commercial mobile radio services** 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. **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 switch translations for the 211 dialing code described in I.C. § 8-1-19.5 to ensure that its customers can dial “211” when desired or, in the case of a bundled reseller of local exchange service, to ensure the facilities-based carrier has provided 211 Service.

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 the Commission’s Order in Cause No. 40284¹, commencing with Applicant’s initial provision of the requested communications 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 subsequently issued IUSF-related requirements, rules, or procedures.

h. **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.

i. **Additional Filing Requirements.** Filing of any other data, information, or reports required or requested by the Commission, including but not limited to information

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).*

concerning the types of service offered, the areas in which the services are offered and any information needed by the Commission.

j. **Indiana Underground Plant Protection Service.** Establishing and maintaining contact with, and providing appropriate notice to, the Indiana Underground Plant Protection Service, the designated administrator of the 811 dialing code in Indiana, and complying with I.C. § 8-1-26.

k. **Notice of Changes.** Notifying the Commission, pursuant to I.C. § 8-1-32.5-12, of any change involving either the Applicant or the CTA occurring after the issuance of this CTA. Such notice shall be provided using a Notice of Change form in accordance with GAO 2009-4. If the change involves the provision of other types of services than those approved in this CTA, additional obligations and fees may apply.

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

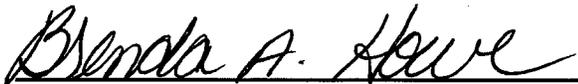
1. Subject to the Findings set forth in this Order, the Applicant Banana Communications Venture, LLC is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide **Telecommunications Services, specifically commercial mobile radio service** as requested in the Application that is the subject of this Order.

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

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

APPROVED: OCT 28 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**