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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

SPEAKEASY BROADBAND SERVICES, LLC) CAUSE NO. 43801
APPLICATION FOR A CERTIFICATE OF)
TERRITORIAL AUTHORITY FOR) APPROVED: MAR 03 2010
COMMUNICATIONS SERVICE PROVIDERS)

BY THE COMMISSION:
David E. Veleta, Administrative Law Judge

On October 6, 2009, Speakeasy Broadband Services, LLC (“Speakeasy”) filed with the Indiana Utility Regulatory Commission (“Commission”) its Application for a Certificate of Territorial Authority (“CTA”) to provide communications services, **specifically information services as defined in 47 U.S.C. 153(20)** as described in the Application within the State of Indiana. On December 4, 2009, Speakeasy filed amendments to the Application for a CTA. On January 29, 2010, Speakeasy filed additional amendments to the Application for a CTA and to the Application cover letter. The Commission published notice that Speakeasy 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. Speakeasy requests the issuance of a CTA pursuant to I.C. § 8-1-32.5 and, therefore, the Commission has jurisdiction over Speakeasy and the subject of this Cause.
2. **Commission Discussion and Findings.** Speakeasy 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. Speakeasy also provided information indicating the type, means and location of service that Speakeasy proposes to provide.

The Application was filed with the Commission on October 6, 2009 and was subsequently amended on December 4, 2009 and January 29, 2010. 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.

Speakeasy filed its application with the Commission to be granted a certificate of territorial authority to provide communications service. In that application, it made the requisite

verified representation that it would abide by all Indiana laws and rules of the Commission regarding Communication Service Providers. Subsequently, counsel for Speakeasy submitted a letter stating, in essence, that by its submission of a CTA application, Speakeasy was not agreeing to be bound by any laws as it did not believe itself to be under the jurisdiction of the Commission. Counsel thereafter submitted another letter stating that Speakeasy was not agreeing to be bound by any laws that it did not believe applied to it, either now or in the future.

At this juncture, the only relief sought by Speakeasy is to be granted its CTA. We find that its application is complete and that it should be granted that CTA at this time. Statements by counsel are not evidence in this proceeding. To the extent that circumstances arise in the future where we are faced with a question of law regarding whether or not a certain regulatory provision applies to Speakeasy, we will make a determination at that time, consistent with the provisions of due process.

Therefore, based upon the information provided by Speakeasy in its Application, the Commission finds that a Certificate of Territorial Authority for information services proposed to be offered within the service areas identified in the Application should be issued to Speakeasy, consistent with and subject to the following findings.

Speakeasy 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. 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 Speakeasy's "in service" dates (i.e., the dates on which Speakeasy 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.

b. 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.

c. 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.

d. Notice of Changes. Notifying the Commission, pursuant to I.C. § 8-1-32.5-12, of any change involving either Speakeasy 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 herein or the reclassification of a communications service approved in this CTA, additional obligations and fees may apply.

e. **Other Customer Notifications.** Providing appropriate notice to customers when Speakeasy offers new communications services, discontinues communications services, and/or increases rates and charges for communications services in any of Speakeasy'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 Speakeasy Broadband Services, LLC is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide **Information Services** 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.

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

APPROVED: MAR 03 2010

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



**Brenda A. Howe
Secretary to the Commission**