

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

NEW GLOBAL TELECOM, INC.)	
APPLICATION FOR A CERTIFICATE)	CAUSE NO. 43838
OF TERRITORIAL AUTHORITY FOR)	
COMMUNICATIONS SERVICE)	APPROVED:
PROVIDERS)	APR 21 2010

BY THE COMMISSION:
DeAnna L. Brunner, Administrative Law Judge

On December 10, 2009, New Global Telecom, Inc. ("Applicant" or "New Global") 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 March 5 and 17, 2010, Applicant filed amendments to the Application for a CTA. 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.

Applicant filed its Application with the Commission to be granted a certificate of territorial authority to provide communications services. The cover letter accompanying the original application makes certain arguments with respect to jurisdiction.

The only relief sought by Applicant in this proceeding is to be granted its CTA. We find that its application is complete and that it should be granted that CTA at this time, pursuant to applicable provisions of Indiana law (including, but not necessarily limited to, certain portions of I.C. 8-1-32.5). Statements in cover letters are not evidence in this proceeding. To the extent that circumstances arise in the future where we are presented with a question of law regarding whether or not a certain regulatory provision applies to Applicant, we will make a determination at that time, consistent with the provisions of due process.

Therefore, 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 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 December 10, 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 information 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. **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.*, providing PSAP database updates to applicable 911 Service Providers, as required under I.C. § 36-8-16-16, and performing all other applicable obligations and responsibilities as set forth in I.C. § 36-8-16.

b. **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.

c. **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.

d. **Indiana Underground Plant Protection Service.** To the extent Applicant owns, maintains, or otherwise has control over underground facilities, 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.

e. **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.

f. **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 New Global Telecom, Inc. 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.

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

APPROVED: APR 21 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**