ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

CREXENDO BUSINESS SOLUTIONS, INC. APPLICATION FOR A CERTIFICATE OF TERRITORIAL AUTHORITY FOR COMMUNICATIONS SERVICE PROVIDERS	))))	**CAUSE NO. 43871** **APPROVED:** APR 21 2010

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

On March 17, 2010, Crexendo Business Solutions, Inc. ("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 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 March 17, 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.

Therefore, based upon the information provided by the Applicant in its Application, the Commission finds that a Certificate of Territorial Authority for resold interexchange, facilities-based local exchange ("UNE's"), and bundled resale of local exchange 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. 40284[1], 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.

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[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).

h. **List of Current Intrastate Access Rates and Charges.** Consistent with I.C. §§ 8-1-32.5-6(b)(3)(E)(ii) and 8-1-2-88.6 and various orders of the Commission in Cause No. 39369, Applicant shall file prior to commencement of service, the 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. In addition, pursuant to the Commission's GAO 1998-2, Applicant should provide current hyperlinks to the rates, charges, terms and conditions that are subject to these findings, so that such links may be posted on the Commission's website. These rates, charges, terms, and conditions shall be set forth in the appropriate Access Rate and Service Guide.

i. **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.

j. **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.

k. **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.

l. **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 herein or the reclassification of a communications service approved in this CTA, additional obligations and fees may apply.

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 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 Crexendo Business Solutions, Inc. is hereby issued a Certificate of Territorial Authority as a Communications Service Provider to provide **Telecommunications Services, specifically interexchange,**

facilities-based local exchange ("UNE's"), and bundled resale of local exchange 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

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Secretary to the Commission