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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF TELECOMMUNICATIONS)
MANAGEMENT, LLC FOR A CERTIFICATE) CAUSE NO. 44113 VSP 01
OF FRANCHISE AUTHORITY TO PROVIDE)
VIDEO SERVICE IN THE STATE OF INDIANA) APPROVED: JAN 11 2012

ORDER OF THE COMMISSION

Presiding Officer:
Jeffery A. Earl, Administrative Law Judge

On November 2, 2011, Telecommunications Management, LLC d/b/a NewWave Communications (“NewWave”) filed with the Indiana Utility Regulatory Commission (“Commission”) its Application for a Certificate of Franchise Authority (“Application”) to provide video service within the State of Indiana pursuant to Ind. Code ch. 8-1-34. On November 29, 2011, the Presiding Administrative Law Judge issued a Docket Entry, indicating the Application was deficient and requesting additional information. NewWave filed additional information on December 5, 2011, and a revised Application on December 20, 2011.

Based upon information contained in the Application and applicable law, the Commission makes the following findings:

1. Notice and Jurisdiction. Notice of the Application was provided on the Commission’s website in accordance with General Administrative Order 2011-1. NewWave requests the issuance of a Certificate of Franchise Authority (“CFA”) pursuant to Ind. Code § 8-1-34-17 and, therefore, the Commission has jurisdiction over NewWave and the subject matter of this Cause.

2. Commission Discussion and Findings. NewWave filed its Application for a CFA on the application form prescribed by the Commission and provided information describing the video service that it is proposing to provide in designated service areas within the State of Indiana. A table listing the designated service areas is attached to this Order as Attachment 1.

Based upon the information provided by NewWave in its Application, the Commission finds the Application is complete and properly verified. Therefore, in accordance with Ind. Code § 8-1-34-17(a), the Commission finds that a CFA for the video services within the designated service areas as identified in the Application should be issued to NewWave and that NewWave should be authorized to use and occupy public rights-of-way in the delivery of the requested video services, subject to state and local laws and regulations governing the use and occupancy of public rights-of-way and the police powers to enforce such laws and regulations. The granting of this CFA is subject to NewWave’s lawful provision and operation of video service.

In addition, as a condition of receiving this CFA, the Commission orders NewWave to comply with all applicable legal requirements pertaining to the construction and operation of video services authorized by this CFA, including without limitation, the following:

- a.** Notice to the Commission of any changes involving NewWave or this CFA pursuant to Ind. Code § 8-1-34-20(a);
- b.** Ten (10) days advance notice to any unit or unincorporated area included in the designated service area covered by this CFA in which NewWave does not already provide video service that NewWave intends to provide video service in the unit's or unincorporated area's jurisdiction as required by Ind. Code § 8-1-34-20(b);
- c.** Advance notice to customers in the event of a change in rates and charges for video service in accordance with Ind. Code § 8-1-34-20(c)(1);
- d.** Advance notice to customers in the event NewWave will cease to offer video service or any specific video programming that it currently offers in any of NewWave's designated service areas in Indiana pursuant to Ind. Code § 8-1-34-20(c)(2);
- e.** Annual filing, by March 1 of each year, of a report indicating changes (e.g., deletions and additions) in video programming or other programming service during the previous calendar year pursuant to Ind. Code § 8-1-34-20(a)(6);
- f.** Biennial filing, by March 1 of each odd-numbered year, with the Commission of updated maps indicating, at the census block group level, the portion of authorized designated service areas in which NewWave is actually offering video service or a statement indicating that no changes occurred during the prior two years pursuant to Ind. Code §§ 8-1-34-16(e) and 8-1-34-20(a)(7);
- g.** Ensure that access to video service is not denied to any group of potential residential video subscribers because of the income of the residents of the local area in which such group resides in accordance with Ind. Code § 8-1-34-28(b) and 47 U.S.C. § 541(a)(3);
- h.** Payment and performance of any rights, duties, and obligations owed to any private person as required by Ind. Code § 8-1-34-22(c);
- i.** Payment of all fees owed to units and unincorporated areas included within Applicant's service area as required by Ind. Code § 8-1-34-24; and
- j.** Compliance with any requirements that may be imposed by the Commission regarding channels for public, educational and governmental programming ("PEG Channels") as set forth in Ind. Code §§ 8-1-34-25, 26, 26.5, and 27 that may be required at the time of, or subsequent to, issuance of the Certificate by

Commission rules, upon petition of a unit or an unincorporated area included in NewWave's designated service area or upon the Commission's own motion.

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

1. Subject to the Findings set forth in this Order, Telecommunications Management, LLC d/b/a NewWave Communications is granted a Certificate of Franchise Authority to provide the requested video services in the designated service areas within the State of Indiana.

2. Pursuant to Ind. Code § 8-1-34-17(a)(2), NewWave is granted authority to use and occupy public rights-of-way, subject to state and local laws and regulations and the police powers of local units to enforce such local laws governing the use and occupancy of public rights-of-way.

3. The authority granted in Order paragraphs 1 and 2 above is subject to NewWave's lawful provision and operation of the video service.

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

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

APPROVED: JAN 11 2012

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


Brenda A. Howe
Secretary to the Commission

TELECOMMUNICATIONS MANAGEMENT, LLC
CAUSE NO. 44113-VSP-01

ATTACHMENT 1

DSA	COUNTY	TOWNSHIP	COMMUNITY	ZIP CODE
1	ALLEN	MONROE	MONROEVILLE	46773
2	BENTON	CENTER	UNINCORPORATED AREAS OF BENTON COUNTY; FOWLER	47944
3	BLACKFORD	HARRISON	MONTPELIER	47359
4	CARROLL	BURLINGTON; JACKSON; DEER CREEK; MONROE TIPPECANOE	UNINCORPORATED AREAS OF CARROLL COUNTY; BURLINGTON; CAMDEN; DELPHI; FLORA; BRINGHURST; PITTSBURG	46920; 46917; 46923; 46929; 46913; 46167
5	FOUNTAIN	TROY; VAN BUREN; BROOKEVILLE; RAY	UNINCORPORATED AREAS OF FOUNTAIN COUNTY; COVINGTON; VEEDERSBURG; BROOKVILLE; OLDENBURG	47932; 47987; 47012; 47036
6	MORGAN	MONROE; GREGG; CLAY; RAY	UNINCORPORATED AREAS OF MORGAN COUNTY; BUNKER HILL; MONROVIA; PARAGON	46914; 46157; 46166
7	NOBLE	ALLEN	UNINCORPORATED AREAS OF NOBLE COUNTY; AVILLA	46710
8	FRANKLIN, RIPLEY	RAY; LAUGHERY; ADAMS	BATESVILLE	47006
9	SHELBY	WASHINGTON	UNINCORPORATED AREAS OF SHELBY COUNTY; FLAT ROCK	47234
10	UNION	CENTER	UNINCORPORATED AREAS OF UNION COUNTY; LIBERTY	47353