

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE VERIFIED )  
 PETITION OF TW TELECOM OF INDIANA ) CAUSE NO. 44211  
 L.P. FOR APPROVAL OF ITS )  
 TRANSITIONAL INTRASTATE ACCESS ) APPROVED: JUL 03 2012  
 SERVICES TARIFF FILINGS )

*JR*  
*[Signature]*  
*[Signature]*  
*[Signature]*

ORDER OF THE COMMISSION

**Presiding Officers:**

**Larry S. Landis, Commissioner**

**Lorraine L. Seyfried, Chief Administrative Law Judge**

On June 5, 2012, tw telecom of indiana l.p. (“TWTC”) filed its Verified Petition requesting that the Indiana Utility Regulatory Commission (“Commission”) approve TWTC’s proposed revisions to its Intrastate Access Service Tariff, which was submitted in response to a request by the Commission’s Communications Services Division to all Indiana local exchange carriers as part of the obligations imposed by the Federal Communications Commission (“FCC”) in its USF/ICC Transformation Order<sup>1</sup> reforming the federal universal service fund mechanism and certain aspects of intrastate and interstate intercarrier compensation.

On June 5, 2012, TWTC also filed a Motion for Confidential Treatment of the data supporting its proposed tariff, which was granted on a preliminary basis by docket entry dated June 7, 2012. TWTC hand delivered the confidential data to the Presiding Administrative Law Judge on June 12, 2012.

Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, a public hearing in this Cause was held on June 20, 2012 at 1:00 p.m. in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. TWTC and the Indiana Office of Utility Consumer Counselor (“OUCC”) were present and participated.

The Commission, based upon the applicable law and the evidence of record, now finds as follows:

**1. Notice and Jurisdiction.** Due, legal and timely notice of the public hearing in this Cause was given and published by the Commission as provided by law. TWTC is a public utility and a communications service provider as those terms are defined by Indiana Code chs. 8-1-2 and 8-1-2.6, respectively. The Commission has jurisdiction over TWTC and the subject matter of this proceeding in the manner and to the extent provided by the laws of the State of Indiana.

<sup>1</sup> *Connect America Fund*, WC Docket Nos. 10-90 *et al.*, 26 FCC Rcd 17663 (2011); 47 C.F.R. § 51.

2. **TWTC's Characteristics.** TWTC is a competitive local exchange carrier certified by the Commission to provide communications services in Indiana. TWTC is a competitive local exchange carrier as defined by 47 C.F.R. § 51.903(a) and a local exchange carrier as defined by 47 C.F.R. § 51.5, and as such is subject to the FCC's requirement to make filings effective on July 1 of each year, beginning in 2012, to gradually transition certain interstate and intrastate switched access rates to bill-and-keep.

3. **Background and Relief Requested.** In response to the May 24, 2012 letter from the Commission's Communications Service Division, on June 1, 2012, TWTC submitted its proposed Transitional Intrastate Access tariff via the Commission's 30-day filing procedure. Because the Commission's 30-day filing procedure does not allow for the submission of confidential supporting data, TWTC withdrew its 30-day filing and filed its Verified Petition in this proceeding. TWTC has elected to establish rates for Transitional Intrastate Access Service using the methodology set forth in 47 C.F.R. § 51.911(b), which requires a carrier to set access rates using an equation that compares a carrier's total revenue from Transitional Intrastate Access Service at both the carrier's interstate and intrastate access rates in effect on December 29, 2011, applied to intrastate usage during 2011. The calculation is designed to establish rates for Transitional Intrastate Access Service that produce intrastate revenue reductions in accordance with the FCC's rules.

4. **Evidence Presented.** TWTC offered into evidence its Verified Petition, which included TWTC's proposed tariff revision reflecting the rates and charges TWTC will charge for switching, transport and network elements. Also attached to its Verified Petition was the pre-filed testimony of TWTC's Vice President of Regulatory Affairs for the Central Region, Pamela Hollick. Ms. Hollick explained that TWTC was unable to obtain tariff approval through the Commission's 30-day filing process because its supporting tariff documents are considered confidential by TWTC. She noted that had the 30-day filing process permitted confidential treatment of the information, TWTC would have made its filings pursuant to that process in accordance with the Communications Services Division's May 24, 2012 letter. Ms. Hollick testified that although TWTC provided individual written notice of its proposed tariff revision to all of its customers, it also complied with the notice provisions of 170 IAC 1-6-6 by publication in a newspaper of general circulation. Additionally, through its confidential supporting data, TWTC provided the calculations it used to derive its proposed tariffed rates to establish TWTC's compliance with the requirement that TWTC reduce revenues in accordance with the FCC's rules.

5. **Commission Discussion and Findings.** Based on the record presented, we conclude that TWTC's proposed Transitional Intrastate Access Service tariff should be approved. TWTC has provided calculations supporting its proposed rates, which are consistent with the FCC's requirement at 47 C.F.R. § 51.911(b) and that will result in the gradual transition of certain interstate and intrastate switched access rates to bill-and-keep. We note that no objection to TWTC's proposed Transitional Intrastate Access Service tariff was filed by the OUCC or any other party. Accordingly, we hereby approve TWTC's Transitional Intrastate Access Service tariff and order that it be effective immediately.

Further, TWTC's filing demonstrates the supporting data filed pursuant to the Presiding Officers' preliminary grant of confidentiality contains information satisfying the elements of a trade secret, as defined in Ind. Code § 24-2-3-2, and the Commission will continue to hold the information as confidential pursuant to Ind. Code §§ 8-1-2-29 and 5-14-3-4.

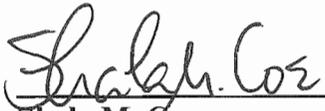
**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. The Transitional Intrastate Access Service tariff submitted by tw telecom of indiana l.p. is hereby approved.
2. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:**

**APPROVED: JUL 03 2012**

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

  
\_\_\_\_\_  
**Shala M. Coe**  
**Acting Secretary to the Commission**