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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE INDIANA UTILITY )  
REGULATORY COMMISSION'S INVESTIGATION )  
INTO THE PROCEDURE FOR ADDRESSING )  
APPLICATION REQUIREMENTS FOR )  
DESIGNATION AS AN ELIGIBLE )  
TELECOMMUNICATIONS CARRIER )

CAUSE NO. 44274

APPROVED: FEB 27 2013

ORDER OF THE COMMISSION

**Presiding Officers:**

**Larry S. Landis, Commissioner**

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

On December 5, 2012, the Indiana Utility Regulatory Commission ("Commission") commenced this investigation to consider the procedure for updating the current application requirements for designation as an Eligible Telecommunications Carrier ("ETC") and addressing future changes to those requirements. Notice of the investigation was provided to all facilities-based telephony providers, wireless carriers and current ETCs.

Pursuant to notice published as required by law, proof of which is incorporated into the record, a Prehearing Conference and Preliminary Hearing was scheduled for January 9, 2013 at 11:00 a.m. in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. The hearing was subsequently converted to an Attorneys' Conference to establish a procedural schedule in this Cause. As reflected in a January 14, 2013 Docket Entry, any objections to the Commission's proposal to update the current application requirements for ETC designation in a General Administrative Order ("GAO") were to be filed with the Commission by February 1, 2013. No objections were filed.

Based upon the applicable law and being duly advised, the Commission now finds:

**1. Commission Jurisdiction.** The Commission is authorized under Ind. Code § 8-1-2.6-13(d)(5) to designate ETCs under 47 U.S.C. 214. In addition, Ind. Code § 8-1-2-72 authorizes the Commission, upon notice and opportunity to be heard, to alter or amend any order made by the Commission. The Commission also has authority to initiate an investigation into matters relating to any public utility pursuant to Ind. Code § 8-1-2-58. In addition to the foregoing statutory provisions, the Commission notes that the Indiana Court of Appeals has specifically found that inherent in this grant of power is the implicit power and authority to "do that which is necessary to effectuate the regulatory scheme." *South Eastern Indiana Natural Gas v. Ingram*, 617 N.E.2d 943, 948 (Ind. Ct. App. 1993). Accordingly, the Commission has jurisdiction over the subject matter of this investigation.

**2. Commission Discussion and Findings.** On November 5, 1997, the Commission issued an Order in Cause No. 40785 establishing procedures to be followed by entities seeking ETC designation for the purpose of receiving compensation from the federal Universal Service Fund. The next day, on November 6, 1997, the Commission issued a Preliminary Order in Cause No. 41052

("Preliminary Order") setting forth the application requirements for seeking ETC designation. Since issuance of the Preliminary Order in 1997, substantial changes in the industry and the law have occurred. As a result, many of the application requirements contained in the Preliminary Order for designation as an ETC have substantially changed or are no longer applicable.

Given the length of time since the Preliminary Order and the intervening changes in the law, the Commission initiated this investigation to review and consider the appropriate procedure for updating the current application requirements and addressing changes to those requirements when they occur. More specifically, the Commission provided notice of its intention to update the current application requirements for ETC designation in a GAO to allow for more efficiency when amendments to the application are necessitated by changes in the law or industry. Because the form of the application and its contents are derived from applicable state and federal law, a GAO provides a more efficient process for making changes to the application when necessary.

As noted above, no party opposed the Commission utilizing the GAO to establish the application requirements for ETC designation. Therefore, General Counsel for the Commission is instructed to commence the drafting of a GAO that sets forth the application requirements for requesting designation as an ETC. Prior to proposing a GAO for Commission approval, General Counsel shall distribute a proposed draft to the parties for their review and comment.

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

1. The application requirements for ETC designation shall be established, and modified when necessary, in a GAO.
2. General Counsel for the Commission shall prepare a draft GAO setting forth the application requirements for requesting ETC designation. On or before April 1, 2013, General Counsel shall distribute a draft GAO to the parties in this proceeding for their review and comment. After consideration of these comments, General Counsel shall submit a proposed GAO for Commission approval.
3. This Order shall be effective on and after the date of its approval.

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

**APPROVED: FEB 27 2013**

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

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