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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: DEC 05 2012

ORDER OF THE COMMISSION

Presiding Officers:
Larry S. Landis, Commissioner
Loraine L. Seyfried, Chief Administrative Law Judge

On November 5, 1997, the Indiana Utility Regulatory Commission ("Commission") issued an Order in Cause No. 40785 establishing procedures to be followed by entities seeking designation as an Eligible Telecommunications Carrier ("ETC") 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 that time, the Commission has addressed many changes to the ETC application requirements through subsequent orders. However, many of the application requirements contained in the Preliminary Order have substantially changed or are no longer applicable based upon changes in the industry and orders or rules issued by the Federal Communications Commission.

Given the length of time since the Preliminary Order and the intervening changes in the law, the Commission finds it appropriate to initiate this investigation to consider the procedure for updating the current application requirements for ETC designation and addressing future changes to those requirements.

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. Parties. As this investigation will consider the application requirements for designation as an ETC, the Commission finds that facilities-based telephony providers, wireless carriers and current

ETCs should be notified of this proceeding and the opportunity to participate. Additionally, the Indiana Office of Utility Consumer Counselor should be included on the service list and participate in this proceeding pursuant to Ind. Code ch. 8-1-1.1.

3. **Scope of Investigation.** As noted above, since the issuance of the Commission's Preliminary Order in 1997, substantial changes in 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.

The purpose of this investigation is 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 is considering updating the current application requirements for ETC designation in a General Administrative Order ("GAO"), as opposed to initiating a docketed proceeding, 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.

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

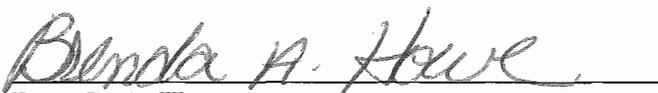
1. An investigation is hereby commenced to allow the Commission to consider the appropriate procedure for updating the current application requirements for ETC designation and addressing future changes to those requirements.
2. Facilities-based voice telephony providers, wireless carriers and current ETCs shall be notified of this proceeding.
3. A preliminary hearing and prehearing conference to determine a procedural schedule for this investigation is scheduled for January 9, 2013 at 11:00 a.m. Local Time in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana.
4. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED:

DEC 05 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