

November 1, 2012

Indiana Utility Regulatory Commission
Office of General Counsel
Attn: Ms. Beth Krogel Roads
Assistant General Counsel
101 West Washington - Suite 1500 East
Indianapolis, Indiana 46204-3407

**Re: IURC Rulemaking RM#12-07/LSA#12-462 Intrastate Access Tariffs Filed
Under the Commission's Thirty-Day Administrative Filing Rule**

Dear Ms. Krogel Roads:

The Indiana Telecommunications Association (“ITA” or “Association”), a non-profit trade association representing Indiana’s telecommunications industry, on behalf of its members, respectfully submits its Comments on Rulemaking (“RM”) 12-07, Legislative Services Agency (“LSA”) 12-462 regarding intrastate access tariff filings filed under the Commission’s thirty-day administrative filing rule.

Please direct any questions or comments regarding the ITA’s Comments to Mr. John Koppin - ITA President on (317) 624-4414 or john@itainfo.org.

Respectfully submitted,

/s/ Charles R. Mercer, Jr.

Charles R. Mercer, Jr. (Attorney No. 9144-98)
Attorney for ITA Member CenturyLink
5320 Singleton Street
Indianapolis, IN 46227-2065
Voice: (317) 507-5190
Email: charles.r.mercer@gmail.com

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

RULEMAKING RM#12-07/LSA#12-462

**INTRASTATE ACCESS TARIFFS FILED UNDER THE COMMISSION'S
THIRTY-DAY ADMINISTRATIVE FILING RULE**

COMMENTS OF THE INDIANA TELECOMMUNICATIONS ASSOCIATION

The Indiana Telecommunications Association (“ITA” or “Association”), a non-profit trade association representing Indiana’s telecommunications industry, on behalf of its members,¹ respectfully submits its Comments on Rulemaking (“RM”) 12-07, Legislative Services Agency (“LSA”) 12-462, regarding intrastate access tariff filings filed under the Indiana Utility Regulatory Commission’s (“Commission” or “IURC”) thirty-day administrative filing rule. On September 19, 2012, the Commission issued

¹ AT&T Indiana, CenturyTel of Central Indiana, d/b/a CenturyLink, CenturyTel of Odon, d/b/a CenturyLink, Cincinnati Bell Telephone, Citizens Telephone Corp., Craigville Telephone Company, Inc., Endeavor Communications, Enhanced Telecommunications, Frontier Communications of Indiana, Frontier Communications of Thorntown, Frontier North Inc., Frontier Midstates Inc., Geetingsville Telephone Co. Inc., Ligonier Telephone Company, Monon Telephone Company Inc., Mulberry Cooperative Telephone Co., Inc., New Lisbon Telephone Company, New Paris Telephone Company, NineStar Connect, Northwestern Indiana Telephone Company, Inc., PSC, Pulaski White Rural Telephone Cooperative, Inc., Rochester Telephone Co., Inc., RTC Communications, Smithville Telephone Company, Southeastern Indiana Rural Telephone Cooperative (SEI), Swayzee Telephone Co. Inc., Sweetser Telephone Company, Inc., TDS Telecom – Camden, TDS Telecom – Hillsboro, TDS Telecom - New Richmond, TDS Telecom – Pittsboro, TDS Telecom – Poseyville, TDS Telecom – Roachdale, TDS Telecom – Sandborn, TDS Telecom – Tipton, TDS Telecom – Waldron, TDS Telecom – West Point, United Telephone Company of Indiana, Inc., d/b/a CenturyLink, Washington Country Rural Telephone Cooperative d/b/a Tele-Media Solutions, Verizon, and Yeoman Telephone Company.

proposed rules in this Rulemaking to amend 170 IAC 1-6-3 and 170 IAC 1-6-6 of the Commission's Thirty-day Administrative Filing Rule to provide an alternative method of notice for intrastate access tariff filings. The Commission conducted a public hearing on the proposed rules on October 25, 2012 and invited parties to provide comments on its proposed rules by November 1, 2012.

Discretionary Notice

The ITA commends the Commission for providing an alternative to the current requirement of publishing notice in at least one newspaper of general circulation for intrastate access tariff filings. The ITA's members have long recognized that publishing newspaper notice is not an effective means of notifying *wholesale* carrier customers of proposed changes to its intrastate access tariffs filed under the Commission's thirty-day administrative filing rule.

In lieu of publishing newspaper notice, the Commission proposes to amend 170 IAC 1-6-6 (b) to permit notice for intrastate access tariff filings to be made by: (1) posting the notice in an obvious place on the utility's website, which at a minimum is a link on the Indiana homepage of the utility's website; and (2) sending a written notice to each of its intrastate access charge customers via electronic or regular mail. While the ITA appreciates relief from the requirement to publish notice in the newspaper, it does not believe there is a need to provide notice in such a prescribed manner. The ITA acknowledges the Commission's efforts in proposing alternative notice requirements to the current newspaper notice requirements, but they still impose needless administrative and regulatory burdens and costs on carriers filing intrastate access tariffs.

The ITA notes the Commission has already established a means for wholesale and other customers to receive effective and timely notice of intrastate access tariff filings and other Commission matters. The Commission has an e-mail subscription service that allows a wholesale customer to receive notice of any new tariff filings received by the Commission during the previous week and access to the documents through the Communications Services Division Page of the Commission’s website. The link for wholesale customers to sign up for the Commission’s e-mail subscription service: <https://public.govdelivery.com/accounts/INSTATE/subscriber/new?preferences=true>

For carriers who want to continue providing notice of its intrastate access tariffs filings to satisfy Interconnection Agreements (“ICA”) or Service Level Agreement (“SLA”) commitments, the ITA believes it is appropriate that they be given the option to provide notice. Accordingly, the ITA recommends that proposed rule 170 IAC 1-6-6 (b) be amended as follows:

(b) Notice for intrastate access tariff filings may be made **at the discretion of the utility.**
by:

~~(1) following the procedures in subsection (a); or~~

~~(2) providing notice as follows:~~

~~(A) posting the notice in an obvious place on the utility’s website, which at a minimum is a link on the Indiana homepage of the utility’s website; and~~

~~(B) sending a written notice to each of its intrastate access charge customers via:~~

~~(i) electronic; or~~

~~(ii) regular~~

~~mail.~~

Alternative Notice Methods

The ITA submits that prescribed intrastate access tariff filing notice requirements are not necessary and has respectfully recommended the Commission revise its proposed rule 170 IAC 1-6-6 (b) and allow notice to be at the option of the carrier filing the tariffs. However, if the Commission, upon review and consideration of the ITA's recommendation, determines that some form of direct notice from a carrier making an intrastate access tariff filing is required, the ITA does not believe that both methods of proposed notice: (1) posting notice in an obvious place on the utility's website; and (2) sending written notice to each of its intrastate access charge customers, are necessary. The ITA believes carriers should have flexibility in communicating tariff filing notices to wholesale customers in an efficient and effective manner that is mutually beneficial to all parties. Proposed rule 170 IAC 1-6-6 (b) limits a carrier's ability to meet the needs of its wholesale customers by dictating the precise means of serving tariff filing notices.

Posting notice of intrastate access tariff filings on the company's website, including a link on the Indiana homepage of the utility's website, intended for *wholesale* carrier customers is potentially confusing and disruptive to a carrier's *retail* residential and business customers. Similarly, an Indiana homepage of the provider's website for wholesale customer tariff filing notice for a multistate, national carrier is distracting and ineffective, especially for retail customers accessing the website to retrieve readily available service, pricing, or customer service information for the carrier. Because of the potential confusion and disruption to retail customers, several of the ITA's members have established dedicated locations on their websites for wholesale customers to directly access information pertaining to their needs.

Sending written notice to each intrastate access charge customer also restricts a carrier's ability to meet a wholesale customer's needs by not allowing the customer to elect to receive only notices for substantive tariff filings, e.g., affecting, rates or terms and conditions. Some wholesale customers do not want to be bothered with notice of insignificant tariff filings, e.g., formatting changes or correcting typos.

The ITA does not believe it is necessary to require both posting notice on the website **and** sending written notice to each intrastate access charge customer. The ITA believes it should be allowed to work with wholesale customers in determining the optimal method of providing tariff filing notice. By not requiring both forms of notice when they may be unnecessary and unwelcome by wholesale customers, the Commission would relieve some administrative and regulatory burdens and costs on providers and wholesale customers and thereby comply with the principles of IC § 8-1-2.6-2 (c) (1) that rules and orders of the Commission promote: "Cost minimization for providers to the extent that a provider's quality of service and facilities are not diminished."

The ITA recommends greater flexibility in the proposed rules to allow carriers to communicate tariff filing notices in an efficient and effective manner that will meet the needs of wholesale customers. Accordingly, the ITA recommends in the alternative that proposed rule 170 IAC 1-6-6 (b) be amended as follows:

(b) Notice for intrastate access tariff filings may be made by:

(1) following the procedures in subsection (a); or

(2) providing notice as follows:

(A) posting the notice ~~in an obvious place on the utility's website that is~~ **readily accessible by its intrastate access charge customers**, ~~which at a minimum is a link on the Indiana homepage of the utility's website;~~ **or and**

(B) sending a written notice to each of its intrastate access charge customers, **subscribing to such notice** via:

(i) electronic; or

(ii) regular

mail.

Conclusion

The ITA commends the Commission on its efforts to provide an alternative to the current requirement of publishing notice in at least one newspaper of general circulation for intrastate access tariff filings. The ITA believes its recommendations will further that effort and respectfully requests the Commission adopt its proposed changes to 170 IAC 1-6-6 (b). The ITA is willing to work with Staff through a workshop or other opportunity to foster a deeper understanding of a streamlined and effective process for communicating intrastate access tariff filing notice requirements.