

December 5, 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. Roads:

Sprint Nextel and **tw telecom of indiana l.p.** submit their Comments on IURC RM #12-07, LSA #12-462 regarding intrastate access tariff filings filed under the Commission's thirty-day administrative filing rule.

Please let me know if you have any questions or comments.

Best regards,

Nikki G. Shoultz
Counsel for Sprint Nextel and
tw telecom of indiana l.p.

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

IURC RM #12-07; LSA #12-462

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

COMMENTS OF SPRINT NEXTEL AND
tw telecom of indiana l.p.

December 5, 2012

Sprint Nextel and tw telecom of indiana l.p. (together, the “Carriers”) respectfully submit their Comments on Rulemaking **IURC RM#12-07**, LSA #12-462 regarding intrastate access tariff filings filed under the Indiana Utility Regulatory Commission’s (“Commission” or “IURC”) thirty-day administrative filing rule. The Commission seeks 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. In order for wholesale customers impacted by intrastate access tariff filings to receive effective notice, the Carriers respectfully request that the Commission consider further modifications to the Rule.

As wholesale customers of ILECs and RLECs, the Carriers know that newspaper notice is not effective and does not typically result in giving the Carriers actual notice of a non-mirroring intrastate access tariff filing. The ITA’s members have also 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.¹ Instead, the most effective means of notice to wholesale customers is a written notice to the wholesale customer, either through electronic or regular mail.

While the language approved by the Commission on November 21, 2012 offers the *option* for wholesale customers to be notified in writing by electronic or regular mail, the language still allows newspaper publication notice, posting of a notice in a public place at the utility’s local customer service office, and notice on the utility’s website if one exists. The Carriers are concerned that they will not learn of an intrastate access tariff filing if they do not receive direct written notice by electronic or regular mail. Accordingly, the Carriers respectfully request the Commission consider the following amendment to the 170 IAC 1-6-6(c):

¹ See ITA Comments on RM 12-07 dated November 1, 2012.

- (c) Notice for intrastate access tariff filings ~~may~~ **shall** be made by:
- ~~(1) following the procedures in subsection (b); or~~
- ~~(1)(2)~~ sending a written notice to each of its intrastate access charge customers via:
- (i) electronic; or
 - (ii) regular mail.
- (2) for purposes of this rule, “intrastate access charge customer” shall mean any customer the utility has billed or should have billed for intrastate access within 90 days prior to the date of the utility’s intrastate access tariff filing.**

As the Commission knows, it is the utility’s responsibility to notify its customers, including wholesale customers, of rate changes. The Carriers disagree with the ITA’s suggestion that the obligation for notice should be shifted onto the customer by requiring the customer to conduct a weekly review through the Commission’s e-mail subscription service for new Commission filings. Similarly, the carriers agree that posting notice of intrastate access tariff filings on the utility’s website improperly shifts the burden onto the wholesale customer to constantly monitor the utility’s website. The Carriers do not dispute the ITA’s observation that it may also be confusing for retail customers when a website posting only applies to a utility’s *wholesale* carrier customers. For all of these reasons, the Carriers respectfully submit that the utilities should be required to provide written notice of intrastate access tariff filings to wholesale customers, either by electronic or regular mail.

The Carriers appreciate the Commission’s consideration of an effective alternative to the current notice requirements for intrastate access tariff filings and believe their recommendations achieve the notice intended by the Rule in a reasonable fashion. Accordingly, the Carriers respectfully request that the Commission adopt its proposed changes to 170 IAC 1-6-6 (c).