



INDIANA UTILITY REGULATORY COMMISSION  
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May 24, 2013

Dear Indiana Local Exchange Carrier:

The Communications Division has received several inquiries regarding procedures for filing the 2013 intrastate access tariffs with the IURC. In response we would like to offer some guidance. As you are aware, the FCC's USF/ICC Transformation Order instructed LECs to make filings effective July 1 of each year, beginning in 2012, to gradually transition certain interstate and intrastate switched access rates to bill-and-keep.<sup>1</sup> For 2013, any LEC that is not already mirroring its interstate rates and charges for Transitional Intrastate Access Service must do so in its July 1, 2013 filing. Additionally, recent Indiana legislation (SEA 492) modified the notice requirements for intrastate tariff filings in Indiana.

### 2013 IURC Filing Requirements for Transitional Intrastate Access Service<sup>2</sup>

FCC rules require Transitional Intrastate Access Service rates to be capped at (i.e., "no higher than") the applicable interstate access rates, beginning July 1, 2013.<sup>3</sup> This requirement is applicable, regardless of whether a LEC selected "FCC Option No. 1" or "FCC Option No. 2" for its 2012 filings.

- Any LEC that is not already mirroring its interstate rates and charges for the services included in the definition of Transitional Intrastate Access Service must do so this year, effective July 1, 2013.<sup>4</sup> Mirroring can be accomplished pursuant to the Commission's existing instant mirroring requirements, which are explained in the Commission's Orders in Cause No. 43262 (AT&T Indiana), Cause No. 43977 (CCI/TDS), or Cause No. 44004 (all other facilities-based Indiana local exchange carriers, including both ILECs and CLECs).
- Any LEC that is already mirroring its interstate rates and charges for services included in the definition of Transitional Intrastate Access Service (or concurring in the CCI intrastate access tariff) should file a brief statement or letter with the Commission so indicating. Staff's expectation is that this statement or letter would become a part of the carrier's intrastate access tariff.

**\*\*\* THE SUBJECT LINE FOR THE INSTANT MIRRORING FILING NOTICES should read as follows:** "Re: Transitional Intrastate Access Service—2013 Instant Mirroring Filing and Explanation of Compliance with FCC Requirements" **At a minimum, the notice should identify which (and whose) tariff you will be mirroring.**

The Transitional Intrastate Access Service filings shall include no tariff revisions other than the modifications necessary to set forth the rates for transitional intrastate access service and comply with the Federal Communications Commission's USF/ICC Transformation Order and other related orders and rules. Any other rate adjustments or tariff revisions, even if they are required under the same FCC order(s), shall be filed separately.

<sup>1</sup> See, e.g., 47 C.F.R. §§ 51.907(b) – (h), 51.909(b) – (j), and 51.911(b) – (c).

<sup>2</sup> "Transitional Intrastate Access Service" is defined at 47 C.F.R. § 51.903(j). For more information regarding this service see USF/ICC Transformation Order at Paragraph 798, *et seq.*, and at 47 C.F.R. §§ 51.901 - 51.911.

<sup>3</sup> 47 C.F.R. §§ 51.907(c)(1); 51.909(c)(1); and 51.911(c).

<sup>4</sup> *Ibid.* See, also, *Connect America Fund*, et al., at paras. 7 & 8, WC Docket No. 10-90, et al. (DA 12-780, rel. June 5, 2012) (Order).

**Filing Requirements for Originating Switched Access Services and Rate Elements and other Services and Rate Elements Not Included in the Definition of the term “Transitional Intrastate Access Service”**

The IURC is unaware of a transitional schedule for access services and rate elements not included in the definition of the term “Transitional Intrastate Access Service”, beyond those changes that have already been implemented.<sup>5</sup> Any LEC that intends to make a filing with the Commission to modify the structure, rates, charges, and/or terms and conditions for one or more of those rate elements not included in the definition of “Transitional Intrastate Access Service” should follow the IURC’s instant mirroring requirements or 30-day filing rules, whichever apply. Specifically:

- Those intrastate access tariffs and tariff filings that mirror an interstate tariff or concur in the CCI intrastate access tariff are subject to the Commission’s instant mirroring requirements.
- Intrastate access tariffs and tariff changes that do not mirror an interstate tariff or do not concur in the CCI intrastate access tariff remain subject to the Commission’s 30-Day Filing rules.<sup>6</sup>
- Effective July 1, 2013, LECs are no longer required to provide separate notice to their customers of tariff filings, pursuant to applicable provisions of SEA 492, which was signed into law on May 11, 2013: “...the filing of the tariff serves as the public notice of the tariff. The [C]ommission shall provide the public with notice of tariff filings through the [C]ommission’s Internet web site or other electronic means.” (Codified at Ind. Code 8-1-2.6-1.5(d)) **Please read and comply with all other applicable requirements in 170 IAC 1-6.** In addition, **please leave the effective date blank on any 30-day filings.** We will stamp the effective date on the tariff pages after the Commission has approved your tariff changes, as described in 170 IAC 1-6-8.

**\*\*\* THE SUBJECT LINE FOR THE NOTICES ACCOMPANYING THESE 30-DAY FILINGS should read as follows:** “Re: 30-Day Filing (Pursuant to 170 IAC 1-6) and Explanation of Compliance with FCC Requirements, for Services NOT included in the Definition of Transitional Intrastate Access Service”

**Tariffed Non-Access Reciprocal Compensation**

To the extent that any Indiana telecommunications carrier has filed, or does file, an intrastate tariff with the IURC for default transitional “Non-Access Reciprocal Compensation rates”, those rates shall not “exceed that carrier’s tariffed interstate access rate in effect in [Indiana] on January 1 of that same year, for equivalent functionality”<sup>7</sup> and shall comply with all applicable federal and state laws.

All filings and notices addressed in this order should be sent to:

**Indiana Utility Regulatory Commission  
Communications Services Division  
101 W. Washington Street  
Indianapolis, IN 46204**

Please call Karl Henry, at (317) 232-5585, if you have questions regarding the guidance provided in this letter.

Sincerely,



Pamela D. Taber, CPA  
Director of Communications Services Division  
Indiana Utility Regulatory Commission

<sup>5</sup> The FCC sought comment on a number of “transitional” issues pertaining to originating switched access service in the FNPRM associated with the USF/JCC Transformation Order. See, e.g., USF/JCC Transformation Order, at paras. 1297 – 1305.

<sup>6</sup> 170 IAC 1-6.

<sup>7</sup> 47 C.F.R. §§51.705(c)(3).