Print Form

APPLICATION FOR A CERTIFICATE OF TERRITORIAL AUTHORITY

State Form 52648 (R1 / 10-06)
INDIANA UTILITY REGULATORY COMMISSION

Applicants are required to file an original and five paper copies and an electronic copy in PDF format.

Cause No._____ (*Internal use only*)

Mark each type of Communications Service for which applicant seeks authority:

☐ Facilities-based local exchange ☐ Bundled Resale of local exchange

☐ Facilities-based Interexchange ☐ Alternative Operator Service (AOS)

☐ Caller ID

I. Applicant Contact Information

A. Legal Name of Company: _____

B. Name (s) under which the company will be marketing services in Indiana:
(Company names, including any "doing business as" must be registered with Indiana Secretary of State)

_____

C. Company Address:

_____

_____

D. Parent Company Name, if applicable: _____

E. Parent Company Address: _____

_____

Main Telephone Number: _____ FAX Number: _____

E-mail Address: _____

F. Name and address of company's contact person for ongoing regulatory affairs and/or customer service:

_____

Telephone Number: _____ FAX Number: _____

Email Address: _____

G. Name of attorney or contact person for this application:

_____

Telephone Number: _____ FAX Number: _____

E-mail Address: _____

II. Service Information

A. Please describe the area(s) for which the applicant seeks authority.

_____

B. Please list each Indiana county and rate center and/or zip code in Indiana in which the applicant proposes to initially offer communications services. (Add extra sheet if necessary).

_____

_____

_____

C. Please provide a description of each general type of communications service that the provider proposes to offer in each of the service areas identified above (add extra sheet if necessary).

_____

_____

D. To what type(s) of customers will the above services be offered? (check all that apply)

☐ Residential

☐ Business

E. Will applicant offer stand-alone basic local service with unlimited local calling? _____

F. Please provide an estimated time frame (year and quarter) of deployment for each general service type for which the applicant seeks authority. (Add extra sheet if necessary).

_____

_____

_____

G. Does the applicant currently have one or more other Certificates of Territorial Authority (CTAs) in the state of Indiana? If so, please list the CTA number and the type of authority granted.

_____

_____

H. Please list other states in which applicant is authorized to provide communications services and the type of services offered.

_____

_____

_____

I. Has this company or its parent, if any, been fined or had operating authority suspended or revoked by the FCC, any state regulatory body, or elected state official (e.g. Attorney General) within the last three years?

☐ No

☐ Yes If yes, please attach additional sheets 1) identifying and explaining each instance; 2) providing additional data demonstrating why those fines, suspensions, or revocations should not influence the Commission's assessment of whether granting the requested CTA would serve the public interest in the state of Indiana.

III. Billing Information

A. Who bills customers for service?

- ☐ Applicant
- ☐ Third Party
- ☐ Local Exchange Carrier

B. Please describe the type of billing arrangements applicant offers to customers

- ☐ Traditional (i.e., bills in arrears for toll, operator services or other per minute services)
- ☐ Prepaid
- ☐ Other *please describe:* _____

C. How are complaints resolved?

- ☐ Applicant resolves
- ☐ Billing agent resolves disputes
- ☐ Other _____

IV. Additional Requirements

Applicant further represents that it will:

- Comply with appropriate Indiana law (Title 8 of the Indiana Code) and IURC regulations (170 IAC 7) and applicable current and future Orders of the IURC.
- Pay the annual public utility fee required by I.C. 8-1-6.
- Notify the Commission of any change in the legal name, address, control or status of the CTA.
- Update substantive information presented in this application on a regular basis; and
- Provide any other information the Commission may require.

In addition, applicant in good faith represents that it believes granting it a CTA is in the public interest and will further the development of full and fair competition for communications services in Indiana.

I affirm under the penalties of perjury that the foregoing representations are true.
(Must be signed by an officer of the company)

_____
Signature and Date

_____
Name and Title (printed or typed)

V. Attachments

The following information must be included with this application:

1. Applicant's certification from the Secretary of State authorizing the applicant to do business within the State of Indiana.
2. Information demonstrating the financial, managerial and technical ability to provide each communication service identified in the application.
    a. The applicant's most recent financial statement or balance sheet or that of the parent company if separate Indiana operations have not yet been established.
    b. Biographies of the applicant's corporate officers responsible for Indiana indicating managerial and technical qualifications.
3. A statement signed under penalty of perjury by an officer or another person authorized to bind the applicant (see attached affidavit)
4. Service area and deployment date descriptions (if not contained on the application).

Although an evidentiary hearing before the Commission is not required, the Commission may hold an evidentiary hearing, if one is requested.

AFFIDAVIT

As an authorized corporate officer or person authorized to bind _____ (applicant/company name), I, _____ (print name), affirm under penalty of perjury:

a) that the applicant has filed or will timely file with the Federal Communications Commission ("FCC"), all forms required by the FCC.

b) that the applicant agrees to comply with customer notification requirements imposed by the Commission;

c) that the applicant agrees to update the information provided in the application on a regular basis;

d) that the applicant agrees to notify the Commission when the applicant commences offering communications service in each service area identified in the application;

e) that the applicant agrees to pay any lawful rate or charge for switched and special access services, as required under any:

- applicable interconnection agreement; or
- lawful tariff or order approved or issued by a regulatory body having jurisdiction.

f) that the applicant agrees to report information required by the Commission under Indiana Code 8-1-2.6-13.

_____
(Signature)

_____
(Title)

_____
(Date)

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, A.D. 20 _____

_____
Signature

_____
Printed Name

My Commission Expires: _____

My County of Residence: _____

Filing Instructions
Certificate of Territorial Authority - Communications Service Provider

There are four types of authority granted to carriers that provide local exchange or facilities-based intrastate communications services:

1. Facilities-based Local Exchange Carrier
2. Bundled Resale of Local Exchange Carrier
3. Facilities-based Interexchange
4. Alternative Operator Service Providers

Caller ID - Local Exchange providers who wish to offer Caller ID must also specify this on the application.

The applicant must fill out a short, simple application which can be obtained from the IURC's website. Legal counsel is not required to apply for a CTA. The completed application must be submitted along with the following attachments:

- Proof of the company's authorization from the Indiana Secretary of State to transact business in Indiana, including registration of any assumed business names;
- The carrier's most recent balance sheet or parent company balance sheet if Indiana specific financial information is not available;
- Information attesting to the carrier's managerial and technical qualifications, such as biographies of corporate officers and/or personnel of the company who are responsible for Indiana;
- A statement signed under penalty of perjury by an officer or another person authorized to bind the provider, that affirms that the provider has complied with, or agrees to comply with the criteria set forth under IC § 8-1-32.5-6(b) (3).
- A description of each service area for which the applicant proposes initial deployment of the communications services.

An original application, including supporting documentation shall be filed with five additional copies and one electronic copy in PDF format (on disk/CD) in the Copy Center of the IURC where the application will be assigned a cause number. The Office of Utility Consumer Counsel (OUCC) will receive one of the copies of the application (and applicable attachments) as a part of the docketed process.

If the applicant believes that financial information to be submitted with the application is confidential in accordance with IC § 8-1-2-29 and IC § 5-14-3, the applicant should include a sworn statement that describes: (1) the nature of the confidential information; (2) the reasons why the information should be treated as confidential information pursuant to IC § 8-1-2-29 and IC § 5-14-3; and (3) the efforts the applicant has made to maintain the confidentiality of the information. The confidential financial information should be submitted on light green paper, in a sealed envelope clearly marked confidential, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with IC § 5-14-3.

If the applicant desires to submit additional information, other than the required financial information that it considers to be confidential, then the applicant should first submit a petition for such a finding of confidentiality by the Commission in accordance with 170 IAC 1-1.1-4.

The application shall receive a preliminary review at the next applicable "Incoming Case Review" meeting held by the IURC Telecommunications Division. If the application is complete, and upon resolution of any claim for confidentiality and submission of confidential information, a summary of the application shall be posted on the Commission's website showing the date of posting and the last date for intervention or the filing of comments.

If the application is not complete, the IURC will have the option of not posting the application and will send written correspondence to the applicant enumerating any deficiencies. If the applicant re-files an updated application it will be considered to be a new application.

At the time of posting, the application will be assigned to a telecommunications analyst with the IURC Telecommunications Division for a more detailed review to ensure completeness, accuracy and the adequacy of the information demonstrating the provider's financial, managerial and technical ability to provide each service identified in the application. The analyst also will ensure that any necessary record keeping, such as documenting carrier types, service areas or other record keeping the Commission may find necessary, is completed.

The application shall be posted on the Commission website for 30 days.

Although an evidentiary hearing before the Commission is not required, the Commission may hold an evidentiary hearing if during the 30-day posting period one is requested by one of the parties below:

- the communications service provider;
- a facilities-based local exchange carrier offering service in a service area identified in the provider's application under IC § 8-1-32.5-6(a)(4) of this chapter;
- the OUCC created by IC § 8-1-1.1-2;
- the Commission's on its own motion

If during the 30 day posting period a formal hearing has not been requested, the application shall be approved and an order will subsequently be issued by the Commission.

Hearing Process

In instances where an evidentiary hearing is requested by one of the above parties, the IURC will conduct a hearing, subject to the requirements for hearing under IC § 8-1-2 for public utilities.

The filing of a Notice of Change in Certificate of Territorial Authority is required if there are subsequent changes to the Certificate of Territorial Authority, such as changes of the name of the certificated entity or additions or changes of an Indiana d/b/a; change in ownership, operation, control or corporate organization of the provider, including merger acquisition or reorganization; a change in the provider's principal business address; any sale, lease, transfer of the CTA; or a relinquishment of the CTA. The applicable Notice of Change form can be found on the Commission's website.