

ORIGINAL

GENERAL ADMINISTRATIVE ORDER
OF THE INDIANA UTILITY REGULATORY COMMISSION
2006-5

WHEREAS, Indiana Code § 8-1-34 *et seq.* establishes statutory requirements for the application and approval of video service franchises in the State of Indiana; and

WHEREAS, Indiana Code § 8-1-34-16(a) designates the Indiana Utility Regulatory Commission as the sole franchising authority for the provision of video service in Indiana; and

WHEREAS, Indiana Code § 8-1-34-16(b) requires, except as provided in Indiana Code § 8-1-34-21, that a person seeking to provide video service in Indiana after June 30, 2006, file for a franchise with the Indiana Utility Regulatory Commission using the application form prescribed by the Indiana Utility Regulatory Commission; and

WHEREAS, Indiana Code § 8-1-34-20(a) requires a holder of a certificate of franchise authority for video service to provide notice to the Indiana Utility Regulatory Commission of certain changes involving the holder or the certificate, within the time and on the form prescribed by the Indiana Utility Regulatory Commission; and

WHEREAS, Indiana Code § 8-1-34-21(c) requires a provider that elects to terminate a local franchise to provide written notice of the provider's election to the Indiana Utility Regulatory Commission and the affected unit no later than November 1, 2006; and

WHEREAS, on June 14, 2006, the Indiana Utility Regulatory Commission adopted by General Administrative Order 2006-4 the Application for a Certificate of Franchise Authority to Provide Video Service in the State of Indiana and the Notice of Change in Certificate(s) of Franchise Authority to Provide Video Service in the State of Indiana, along with Instructions, which were attached to General Administrative Order 2006-4 as Appendix A; and

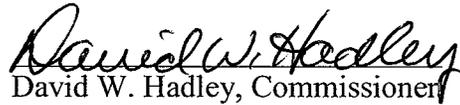
WHEREAS, the Instructions adopted under General Administrative Order 2006-4 indicated that the written notice required under Indiana Code § 8-1-34-21(c) to the Indiana Utility Regulatory Commission could only be provided by filing an application with the Indiana Utility Regulatory Commission; and

WHEREAS, the Indiana Utility Regulatory Commission herein finds that it is not necessary to file an Application for a Certificate of Franchise Authority prior to November 1, 2006, in order to comply with Indiana Code § 8-1-34-21(c), but it is necessary for the written notice to contain certain information to be effective; and

WHEREAS, the Indiana Utility Regulatory Commission herein finds that additional nonsubstantive changes should be made to the Application form adopted under General Administrative Order 2006-4;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that General Administrative Order 2006-4 and its attached forms are hereby revoked and that the revised Application for a Certificate of Franchise Authority to Provide Video Service in the State of Indiana and the Notice of Change in Certificate(s) of Franchise Authority to Provide Video Service in the State of Indiana, along with revised Instructions, which are attached to this General Administrative Order as Appendix A, are adopted by this Commission.

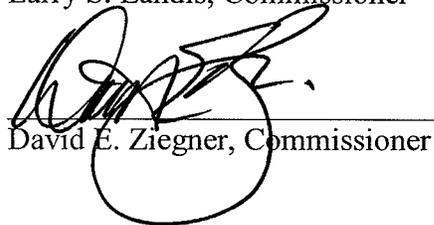

David Lott Hardy, Chairman


David W. Hadley, Commissioner

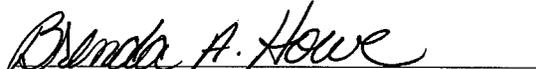
ABSENT

Larry S. Landis, Commissioner


Gregory D. Server, Commissioner


David E. Ziegner, Commissioner

I hereby certify that the above is a true and correct copy of the order as approved.


Acting Secretary to the Commission
Date: SEP 28 2006

APPENDIX A

Necessary Forms and Formats for Video Franchise Authority Pursuant to Indiana Code § 8-1-34 *et seq.*

- A. Instructions for the Application for a Certificate of Franchise Authority and for a Notice of Change [Revised]**

- B. Application for a Certificate of Franchise Authority to Provide Video Service in the State of Indiana [Revised]**

- C. Notice of a Change to Existing Certificates of Franchise Authority to Provide Video Service in the State of Indiana**

INSTRUCTIONS FOR THE APPLICATION FOR A CERTIFICATE OF FRANCHISE AUTHORITY AND FOR A NOTICE OF CHANGE

Pursuant to Indiana Code § 8-1-34-16, any person or entity seeking to provide video service in one or more Designated Service Areas (DSA) in Indiana after June 30, 2006, shall file an Application for a Certificate of Franchise Authority (Certificate) with the Indiana Utility Regulatory Commission (Commission). If, at a subsequent date, the applicant wishes to add additional DSA(s) the applicant must file an additional Application. As a condition of receiving a Certificate, the holder is also required to notify the Commission of changes involving the holder or the Certificate itself. To accomplish this notice, the holder shall file a Notice of Change to a Certificate of Franchise Authority with the Commission.

Pursuant to Indiana Code § 8-1-34-21, if a person or entity is providing video service under one or more existing local franchise agreements on June 30, 2006, that person or entity may elect to (A) continue one or more of its local franchise agreement(s) until the agreement(s) expire(s) and/or (B) terminate the local franchise agreement(s) within that DSA pursuant to Indiana Code § 8-1-34-21(c). If a video service provider chooses option (B), it must provide written notice of its election to terminate the applicable local franchise agreement(s) to the Commission and to the affected unit(s) by November 1, 2006. The written notice shall include the following: (1) the name(s) of the affected unit(s), (2) the expiration date(s) of the local franchise agreement(s) to be terminated, and (3) the date that the provider will file an application with the Commission, which, upon approval, will terminate the local franchise agreement(s).

An Application consists of: a completed Cover Page, complete responses to the questions on the application form, a completed and signed Affidavit and the application fee of \$832.00. Applicant shall file an original and five (5) paper copies of its notarized application as well as an electronic copy of the filed document in PDF format. The Commission will assign a Cause Number to the application, which will include the designation of "VSP" ("video service provider") and an extension. That Cause Number will become the Certificate Number upon approval. Applications to add additional DSAs should reference the original Certificate Number and the chronological extension. The extension shall be a number that reflects the number of Applications filed by the applicant to date.

A Notice of Change (Notice) consists of complete responses to the questions on the form regarding the applicable change(s), as well as a copy of the Certificate of Authority from the Indiana Secretary of State in the case of a change in legal or assumed name. Applicant shall file an original and two (2) paper copies of its notarized Notice as well as an electronic copy of the filed document in PDF format. The Certificate Number on the Notice shall reflect the Certificate Number with the appropriate extension(s). The Commission will add a letter in alphabetical order representing the number of Notices filed with the Commission under that Certificate Number and extension. The Notice must be filed with the Commission at least ten (10) days prior to the effective date of the change. In the case of a DSA change that requires notice to the unit, the Notice must be filed with the Commission simultaneously with notice to the unit (i.e., ten [10] days prior to providing service in the unit). The notice of change required by statute regarding changes in video programming or other programming service shall be accomplished by the filing of an annual report due to the Commission on March 1st of each year, reflecting changes made during the previous year.

If the applicant believes that any of the required information may appropriately be treated confidentially pursuant to I.C. 5-14-3, the applicant should submit a petition along with its Application for such a finding by the Commission in accordance with 170 IAC 1-1.1-4. It should be noted that the Application will not be considered to be complete until the Commission receives the required information. The applicant's petition for a finding of confidentiality must be accompanied by the sworn statement of the applicant that describes the following: (1) the nature of the confidential information; (2) the reasons why the information should be treated as confidential information pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and (3) the efforts the applicant has made to maintain the confidentiality of the information.

The forms shall meet the following requirements:

- Applicant's name and Certificate Number (formatted as described above) should appear on the cover page and in the top right-hand corner of each page of subsequent Applications and Notice of Change forms.
- Responses to all questions must be provided and must be amended appropriately when changes occur.

Applicant Name

Certificate No.

The Application or Notice of Change should be submitted to:

Indiana Utility Regulatory Commission
Indiana Government Center South
302 West Washington Street, Suite E-306
Indianapolis, Indiana 46204

Notice of the receipt of an Application or Notice of Change will be posted to the Commission website at www.in.gov/iurc.

Questions should be directed to the Communications Division at (317) 232-5559.



**APPLICATION FOR A CERTIFICATE OF FRANCHISE AUTHORITY TO
PROVIDE VIDEO SERVICE IN THE STATE OF INDIANA
(Pursuant to I.C. 8-1-34-16)**

COVER PAGE

Certificate No. _____ - VSP - _____
(Extension)

Applicant's Legal Name: _____

Applicant's Assumed Name(s): _____

Authorized Company Representative / Legal Counsel for this Application:

Name: _____

Title: _____

Address: _____

Telephone: _____ Fax: _____

E-mail address: _____

Contact for Ongoing Communication:

Name: _____

Title: _____

Address: _____

Telephone: _____ Fax: _____

E-mail address: _____

Applicant Name

Certificate No.

Please provide the following information:

1. Applicant's Legal Name: _____

2. Name(s) under which Applicant will provide video service in the State of Indiana:

(NOTE: The certificated name can be the Applicant's legal name or an assumed name (i.e. dba) as long as the requested name is registered with the Secretary of State of Indiana. The Certificate holder must use only the name and assumed names set forth in its Certificate on bills, advertisements or communications with the public and the Commission. Name changes or additional assumed names require notification to the Commission.)

3. Principal Place of Business: _____

(Street Address)

(City) (State) (Zip Code)

(Telephone #) (Fax#)

4. Toll free customer service telephone number(s):

5. Principal Officers: (e.g., corporate officers, partners, or members depending on the structure of the organization)

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____

Title: _____

6. Parent Company (if applicable):

Legal Name: _____

Title: _____

Address: _____

Telephone: _____ Fax: _____

Applicant Name

Certificate No.

7. What type(s) of technology will be used to deploy the video service? (e.g. copper, coax, fiber, satellite, wireless) Please list the technology to be used in each service area.

8. What types of video programming will applicant provide to its customers? Please provide service levels of video programming (e.g. basic, CPS, premium, pay-per-view, etc.).

NOTE: "CPS" refers to the "cable programming service" as defined at 47 C.F.R. §76.901(b) which refers to any video service provided over a system other than basic, pay-per-view and premium.

9. Provide a detailed description of the Designated Service Area (DSA) in Indiana for which Applicant seeks authority to provide video service. Include a list and a detailed description of any unit and unincorporated area(s) that applicant plans to serve. (*DSA descriptions shall include all of the following: county lines, township lines, municipal /city limits, and zip codes*) Also include a map(s) showing the DSA(s). Incumbent video providers should also indicate any areas where they are already providing service under a terminated local franchise agreement.

NOTE: If, at a subsequent date, the applicant wishes to add an additional DSA, the applicant must file an additional Application. Increases or decreases to the territory within an existing DSA, for which the applicant has a Certificate of Franchise Authority, can be made by filing a Notice of Change with a detailed description of the change including an updated map. Deployment of service within an existing DSA, for which the applicant has a Certificate of Franchise Authority, does not require a Notice of Change.

10. Expected date for deployment of video service in each DSA described in 9 above.

Applicant Name

Certificate No.

11. Will the Applicant terminate any local franchises upon the issuance of a Certificate of Franchise Authority under this Application?

If so, please attach a list of: (a) the franchises to be terminated by this Application; (b) the name(s) of the unit(s) and unincorporated area(s) in the DSA(s) described in #9 above; and (c) the number of PEG channels, as defined in I.C.8-1-34-25(b), required under each franchise and for each unit and unincorporated area(s) listed in (a) and (b). A copy of the written notice to the affected unit(s) and unincorporated area(s), pursuant to I.C.8-1-34-20(b) and 21(c), must be provided to the Commission at the same time it is provided to the affected unit(s) and unincorporated area(s).

12. Please list all other states in which Applicant or its affiliate(s) provide(s) video service.

13. What other types of certifications does Applicant or its affiliates hold with the Indiana Utility Regulatory Commission? _____

14. Please describe the process Applicant will use to resolve customer complaints or disputes.

15. Please provide contact information for the person to whom customer complaints or disputes received at the Commission should be directed by Commission staff.

Name: _____

Title: _____

Address: _____

Telephone: _____ Fax: _____

E-mail address: _____

As a condition of receipt of a Certificate of Franchise Authority under I.C. 8-1-34-16, the holder of the Certificate is required to do the following:

1. Notify the Commission of any changes involving the holder or the Certificate which are required by I.C. 8-1-34;
2. Provide notice to any unit(s) and unincorporated area(s) located within the DSA(s) described in this application, that the applicant intends to provide video service within the unit(s) and unincorporated area(s) (not later than 10 days before beginning to provide service). Notice shall be simultaneously provided to the Commission;
3. Provide advance notice to affected customers in the event of a change in rates and charges for video service, pursuant to any subsequent rules adopted by the Commission;
4. Provide advance notice to affected customers in the event that the holder will cease to offer video service or any specific video programming that it currently offers in any of the applicant's DSA(s) in Indiana, pursuant to any subsequent rules adopted by the Commission;
5. Provide an annual report on March 1st of each year indicating changes in video programming or other programming service during the previous calendar year through December 31st. Include deleted programming and the service area affected as well as new programming and the service area affected;
6. File quarterly with the Commission, an updated map for each authorized DSA, showing the portion of the authorized DSA at the census block level and a list of those census blocks in which the provider is actually offering service as of the end of each calendar quarter. Maps should be filed on May 1st for the quarter ending March 31st, on August 1st for the quarter ending June 30th, on November 1st for the quarter ending September 30th, and on February 1st for the quarter ending December 31st. The first such map is due on the next quarterly deadline occurring at least sixty (60) days after receiving the Certificate of Franchise Authority. Following the filing of the first map for an authorized DSA, if in any calendar quarter there is no change to the portion of the authorized DSA in which the provider is actually offering service, then the provider must file a statement with the Commission that no change has occurred in that particular DSA, referencing the appropriate Certificate Number. The provider does not need to file a map for that DSA for that calendar quarter;
7. Ensure that access to its video service is not denied to any group of potential residential video subscribers because of the income of the residents of the local area in which such group resides, as required by 47 USC 541(a)(3);
8. Pay and perform any and all obligations owed to any private person as required by I.C. 8-1-34-22; and

Applicant Name

Certificate No.

Conditions – cont.

9. Comply with the requirements regarding PEG channels outlined in I.C. 8-1-34-25, 26, 26.5, and 27, including any PEG channel capacity, facilities or financial support that may be required by the Commission upon petition of a unit or unincorporated area included in the applicant's DSA under the Certificate, or upon the Commission's own motion, at the time of, or subsequent to, issuance of the Certificate.

Applicant Name

Certificate No.

SUBSCRIBED AND SWORN to before me on the _____ day of _____, 20____.

Notary Public In and For the
State of _____

My Commission expires: _____



**NOTICE OF CHANGE TO EXISTING CERTIFICATE(S) OF FRANCHISE
AUTHORITY TO PROVIDE VIDEO SERVICE IN THE
STATE OF INDIANA
(Pursuant to I.C. 8-1-34-20)**

Affected Certificates:

Certificate No. _____ - VSP - _____ - _____
(extension) (letter of change)

Certificate No. _____ - VSP - _____ - _____
(extension) (letter of change)

1. Name of the Holder of the Certificate: _____
2. Please indicate the type of change(s) requested in this filing:
 - _____ Change in Ownership/Control (#3)
 - _____ Change in Legal Name or adoption or change to assumed business name (#4)
 - _____ Change in Principal Business Address or Person Authorized to Receive Notice (#5)
 - _____ Transfer of the Certificate of Franchise Authority (#6)
 - _____ Termination of Certificate of Franchise Authority (#7)
 - _____ Increase / Decrease in the Territory of the Designated Service Area (DSA) (#8)

Complete the sections below that correspond to the type of changes marked above.

3. Change in Ownership or Control: *(including mergers, acquisitions, or reorganization)*
 - a) Description of Transaction: _____

 - b) Parties Involved: _____

4. Change in Legal Name or assumed business name, etc: *(Approval from the Secretary of State must be attached.)*
 - a) Existing name: _____
 - b) New name: _____
5. Change in Principal Business Address or Name of Person Authorized to Receive Notice:
 - a) Principal/business office address *(street address, city, state and zip)*:

Applicant Name

Certificate No.

- b) Main business telephone number: _____
- c) Toll-free customer service telephone number: _____
- d) E-mail address: _____
- e) Fax number: _____

- f) Mailing address, if different from principal/business address (*street address, city, state and zip code*): _____

- g) Name and title of person authorized to receive notice: _____

6. Transfer of the Certificate of Franchise Authority:

a) Present Certificate Holder: _____

b) New Certificate Holder: _____

Explain the transaction that defines the transferee as a successor in interest: _____

7. Termination of existing Certificate for (*also complete #8 below*) : _____

a) Identify any other Certificates that will be retained by the holder: _____

b) Identify the number of customers covered by the Certificate being terminated: _____

c) What method was used to notify customers of termination of service as required in I.C. 8-1-34-20(c)(2)? (*Attach a copy of the customer notice*) _____

8. Increase / Decrease in the Territory of the DSA. (*Include a map indicating the existing certificated DSA as well as any proposed changes to the territory of the existing DSA*)

a) Reason for the change: _____

b) Description of change: _____

c) List the new unit(s) and unincorporated area(s) to be served under this change in DSA: _____

Applicant Name

Certificate No.

Verification

I affirm under penalties of perjury that the foregoing representations are true.

Officer's Name & Title: _____
(Please Print)

Signature : _____ *Date:* _____

Phone Number: _____

IURC Receipt Date: _____