INDIANA CABLE ICTA TELECOMMUNICATIONS ASSOCIATION

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INDIANA UTILITY
REGULATORY COMMISSION

Pamela D. Taber, Director
Communications Division
Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500 E.
Indianapolis, IN 46204-3407

Dear Pam:

Thank you for inviting the Indiana Cable Telecommunications Association to provide input concerning the "strawman" of proposed administrative rule amendments that the Commission is considering adopting in the communications area. We are pleased to provide the following response to your November 10, 2009 letter on this subject.

As a threshold matter, we wish to express our preference for a workshop, which we believe will be the most efficient forum for stakeholders, including the ICTA and its members, to provide their feedback to the Commission. Particularly because the strawman proposal is a work-in-progress, bringing different interests together for a live discussion can facilitate the resolution of questions and concerns about the current proposal as well as any revisions thereto.

As an example of our concerns regarding the strawman proposal, it appears that some of these changes might apply the Commission's regulations to all communications service providers (CSPs) without differentiating between providers of regulated services and those over which the Commission has no jurisdiction.

The amendments proposed to 170 IAC 7-1.3-1 specify that Rule 1.3 does not apply to the provision of video or information services "unless otherwise specified." Accordingly, although the general definition of CSP includes providers of video and information services, the sections within Rule 1.3, such as Section 1.3-9, would not apply to such providers.

This renders unclear the Commission's intent in Section 1.3-5 which indicates that it applies to "all CSPs with the exception of CMRS providers." Since CMRS providers had already been excluded pursuant to Section 1.3-1 this reference in Section 1.3-5 is either redundant or intended to create an exception to the general exclusion from Section 1.3 of video and information service providers . If no exception to Section 1.3-1 was intended, a simple clarification should resolve any potential confusion. But if, instead, it is the case that the Commission intends to apply the notice requirement specified in Section 1.3-5 to video, broadband and VoIP service providers, then the ICTA respectfully requests that the Commission reconsider. The ICTA may raise other concerns later in the proceeding, during the proposed workshop or otherwise.

In conclusion, as the Commission works through the process of crafting new rules to further reflect the broad changes in regulatory oversight reflected in Indiana House Enrolled Act 1279 and the communications landscape in Indiana, the ICTA once again stands ready to assist so that these new rules reflect the public interest and remain within the limits set by that Act.

Sincerely,

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