

January 8, 2010

Pamela D. Taber, Director
Communications Division
Indiana Utility Regulatory Commission
National City Center
101 West Washington Street, Suite 1500E
Indianapolis, IN 46204

Re: Comments on Proposed Strawman Telecommunications Rule

Dear Pam:

Thank you for your December 29, 2009 letter, and for the Commission's willingness to discuss the issues raised by the Midwest Association of Competitive Carriers ("MACC") and other commenters. In response to your letter dated December 29, 2009 seeking specific issues for discussion at the upcoming January 14, 2010 workshop, the carrier members of MACC¹ refer you to MACC's December 9, 2009 letter, which outlines MACC's specific concerns regarding the Commission's lack of jurisdiction to impose several of the proposed rules. It does not appear that the recent changes to the strawman rule cured any of MACC's concerns.

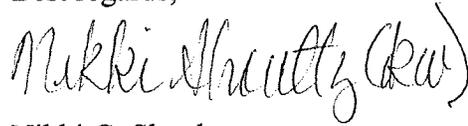
Unfortunately, MACC is unable to compile the detailed financial data requested by the Commission to demonstrate the fiscal impact of the proposed rule in the six (6) business days it was given to do so. MACC can state, however, that for carriers that have not previously been subject to many of the proposed rules, the proposed rule amendment will have a significant financial impact. For example, if the Commission imposes the billing and disconnection rules found at 170 I.A.C. 7-1.3-6(a)-(e) on an information service provider or other provider that was never previously subject to those rules, the time and cost to modify a provider's nationwide billing platform and disconnection process to create an Indiana-specific template and procedure will be considerable. Ultimately, if the Commission agrees with MACC and other commenters that no jurisdiction exists to impose these rules on certain providers, MACC's financial impact concerns will be moot.

¹ The MACC carrier members participating in these comments are Birch Communications; Level 3 Communications, LLC; One Communications; PAETEC; and tw telecom.

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We look forward to a productive discussion on January 14th. Should you have questions or concerns in the meantime, please don't hesitate to call.

Best regards,

A handwritten signature in black ink that reads "Nikki Shoultz (KW)". The signature is written in a cursive, flowing style.

Nikki G. Shoultz

cc: MACC Members (via e-mail)