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

Re: Verizon's Response to the IURC's 12/29/09 Strawman

Dear Ms. Taber:

Verizon North Inc. and Contel of the South, Inc. d/b/a Verizon North Systems (collectively "Verizon") concur in the simultaneous comments filed today on behalf of the Indiana Telecommunications Association ("ITA") and also provide a few additional comments regarding the Commission Staff's 12/29/09 "Strawman" proposal for rules that comply with the deregulatory mandates of HEA 1279.

It is important that the Commission ground any new rules under its enabling legislation. For example, the current Strawman proposal seeks to apply some of its rules to business, nonbasic and basic services, when in fact the IURC actually has very little jurisdiction over nonbasic as well as basic services. This requires modification to the Strawman. IC §8-1-2.6-1.2 states directly that the IURC shall "... not exercise jurisdiction over any nonbasic telecommunications service", Further, IC §8-1-2.6-1.4 states that the IURC shall "...not exercise jurisdiction over basic telecommunications service" with three exceptions. The exceptions are matters under IC §8-1-2.6-1.5 (intercarrier matters and matters delegated under §251 and 252 of the FTA); IC §8-1-2.6-12 (enforcement of settlement agreements entered into prior to July 29, 2004); and, IC §8-1-2.6-13 (a number of select issues, such as dual party relay; 211 service; slamming and cramming; obligations under the FTA; certificates of territorial authority; duties of POLRs; interconnection; lifeline; and, requiring communications service providers to report to the IURC

on matters such as service quality goals and performance data, dark fiber, services which are offered). Thus, the Strawman should not include provisions that conflict with the law.

Again, under IC §8-1-2.6-12(e), the IURC specifically has no jurisdiction over communications service providers (“CSPs”) with respect to quality of service, other than the reporting requirement, and under IC §8-1-2.6-12(f) the IURC only has jurisdiction over a CSP where it is expressly granted by state or federal law. The Strawman should not exceed these legal parameters.

Nonbasic service is defined at IC §8-1-2.6-0.3 and includes retail telecommunications services other than basic, but nonbasic service also includes basic services when the service is purchased in conjunction with another service, or is part of a package or promotion or contract. Nonbasic service also includes services in customer specific contracts, and volume, term and discount pricing. Basic service is defined in IC §8-1-2.6-0.1 and is limited to residential services through the customer’s primary line and not part of a package of services or contract and not offered at a discounted price. At a minimum, the Strawman requires a definition of nonbasic services and should add related definitions which track those in the statute. Also, the Strawman should include a general exclusion for all non-basic services (and to prohibit application of the rules to CSPs to the extent to which the CSPs provide or offer nonbasic service), except for the following provisions which would still apply to nonbasic services:

- 170 IAC 7-1.3-8.1 (slamming/cramming provisions)
- all of 170 IAC 7-6 (including -1, -2, -3, -4, -5, -6, which concern intercarrier and certification issues)
- all of 170 IAC 7-7 (including -1, -2, -3, -4, -5, -6, -7, -8, -9, -10, and -11 which concern interconnection and intercarrier issues)

Verizon may have other concerns as the rulemaking proceeds and appreciates the opportunity to work with the industry and Staff on the elimination and/or modification of the Indiana Rules that are no longer necessary in today’s environment.

Sincerely,



A. Randall Vogelzang  
General Counsel