STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION
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INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE DESIGNATION OF ELIGIBLE TELECOMMUNICATIONS CARRIERS BY THE INDIANA UTILITY REGULATORY COMMISSION PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996 AND RELATED FCC ORDERS, AND IN PARTICULAR, THE APPLICATION OF NPCR, INC. D/B/A NEXTEL PARTNERS TO BE DESIGNATED

CAUSE NO. 41052 ETC-43

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On July 15, 2003, Smithville Telephone Company filed a *Request for Consent of the Commission to Intervene and Request for Intervention* in this Cause. 170 IAC 1-1.1-11, governs intervention in Commission proceedings and states that:

(a) A petition to intervene may be filed by any person or entity alleging a substantial interest in the subject matter of the proceeding in which the person or entity requests leave to intervene.

(b) Petitions to intervene shall set out clearly and concisely facts showing the following:

(1) The proposed intervenor's substantial interest in the subject matter of the proceeding.

(2) The position of the proposed intervenor with respect to the matters involved in the proceeding.

(3) Specific prayers for affirmative relief, if desired.

(4) A prayer for leave to intervene and to be made a party to the proceeding.

(c) A petition to intervene shall be filed not less than five (5) days prior to the date set for the initial public evidentiary hearing on the merits. A petition to intervene may be filed and granted thereafter at the discretion of the presiding officer, upon good cause shown.

If a petition to intervene satisfies this section and shows the proposed intervenor has a substantial interest in the subject matter of the proceeding or any part thereof, and the proposed intervenor's participation will not unduly broaden the issues or result in unreasonable delay of the proceeding, the presiding officer may grant the prayer for leave to intervene, in whole or in part and, thereupon, the intervenor becomes a party to the proceeding with respect to the matters set out in the intervention petition.

(d) An intervenor is bound by all rulings and other matters of record prior to the time the intervenor is made a party and takes the case as the intervenor finds it as of the date of intervention.

(e) Petitions to intervene, when filed with the commission, shall show service thereof upon all parties to the proceeding, in conformity with section 13 of this rule.

(f) A party may object to a petition to intervene, and, absent objection thereto, may be deemed to have waived any objection to the granting of the petition. Any response shall be filed within seven (7) days after service of the petition to intervene and shall be served upon all other parties unless the presiding officer prescribes a different time. Any reply to the responses shall be filed within five (5) days after service of the response unless the presiding officer prescribes a different time. Responses or replies may be made orally at the time of hearing or prehearing conference if there exists insufficient time prior to the hearing or conference to make written response or reply according to the deadlines provided under this section.

The Presiding Officers having reviewed the Request to Intervene in this matter have determined that Smithville Telephone Company has a substantial interest in the subject matter of this proceeding. Therefore, the Request for Intervention filed by Smithville Telephone Company is hereby GRANTED.

IT IS SO ORDERED:

David E. Ziegner, Commissioner

Scott R. Storms, Chief Administrative Law Judge

DATE: August 7, 2003

Pamela Kuhn acting for

Nancy E. Manley, Secretary to the Commission