STATE of INDIANA

INDIANA UTILITY REGULATORY COMMISSION
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INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42398

COMPLAINT OF NUVOX COMMUNICATIONS OF INDIANA INC., AGAINST SBC INDIANA REGARDING ITS UNLAWFUL BILLING PRACTICES FOR COLLOCATION POWER CHARGES	)
RESPONDENT: INDIANA BELL TELEPHONE COMPANY, D/B/A SBC INDIANA	)

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

On August 15, 2003, AT&T Communications of Indiana GP ("AT&T") on its own behalf and that of its affiliate TCG Indianapolis filed a *Petition to Intervene* 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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 Officer having reviewed the Petition to Intervene in this matter has determined that AT&T has a substantial interest in the subject matter of this proceeding. Therefore, the Petition to Intervene filed by AT&T is hereby GRANTED.

IT IS SO ORDERED.

Scott R. Storms, Chief Administrative Law Judge

Date: August 19, 2003

Pamela K. White
Acting Secretary to the Commission