



Introduced Version

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**SENATE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

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DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION concerning the Indiana Utility  
Regulatory Commission and the status of the telecommunications  
industry in Indiana.

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MERRITT, LONG, BORST, GARD,  
WYSS, HERSHMAN, HOWARD,  
LANANE, MRVAN

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\_\_\_\_\_, read first time and referred to Committee on

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## SENATE CONCURRENT RESOLUTION

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A CONCURRENT RESOLUTION concerning the Indiana Utility Regulatory Commission and the status of the telecommunications industry in Indiana.

*Whereas, The Indiana Utility Regulatory Commission conducts hearings under procedures governed by statute and administrative rule;*

*Whereas, Goals of the federal Telecommunications Act of 1996 include competition in the local telephone market and deployment of advanced broadband services;*

*Whereas, Anticompetitive behavior in the telecommunications industry may appear to be a problem;*

*Whereas, In its 2003 Triennial Review, the Federal Communications Commission took a deregulatory approach to the provision of broadband services;*

*Whereas, The Indiana Utility Regulatory Commission does not regulate wireless communications;*

*Whereas, The Indiana Utility Regulatory Commission currently issues certificates of territorial authority to telephone companies;*

*Whereas, The Indiana Utility Regulatory Commission*



*has recognized that the cost studies used to set the price of making unbundled network elements available to competitors in the telecommunications industry may need to be updated;*

*Whereas, The Indiana Utility Regulatory Commission has stated its intent to give companies every opportunity to update relevant costs and market information;*

*Whereas, SBC, a Texas based company providing telecommunications services, has an application pending before the Indiana Utility Regulatory Commission to provide intrastate, interLATA telecommunications services in Indiana; and*

*Whereas, The General Assembly encourages the Indiana Utility Regulatory Commission to expedite the commission's review of SBC's pending application to provide intrastate, interLATA telecommunications services in Indiana: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

- 1           SECTION 1. That the Indiana Utility Regulatory Commission
- 2           should establish a nine (9) month time frame in which to resolve cases
- 3           before the Commission. If the Commission receives new information
- 4           about a case, the applicant and the Commission shall agree upon an
- 5           appropriate extension of time to review the new information and
- 6           resolve the pending case.
- 7           SECTION 2. That the Indiana Utility Regulatory Commission
- 8           should review the pricing mechanism for line leasing and consider
- 9           various analyses, including market predictors. If the Commission uses
- 10          total element long run increment cost in its analysis, the Commission
- 11          shall consider actual fill utilization factors in the pricing mechanism.
- 12          SECTION 3. That the General Assembly supports the continued
- 13          deregulation of broadband and wireless communications and
- 14          encourages the Indiana Utility Regulatory Commission to adopt the
- 15          position of the General Assembly in the Commission's ongoing



1 proceedings.

2 SECTION 4. That the Indiana Utility Regulatory Commission  
3 shall report to the General Assembly on anticompetitive behavior in the  
4 telecommunications industry. The report must identify the  
5 Commission's authority to address and resolve anticompetitive  
6 behavior as well as additional authority the Commission needs to more  
7 effectively address and resolve anticompetitive behavior. The report  
8 may include additional information the Commission considers relevant.

9 SECTION 5. That the Indiana Utility Regulatory Commission  
10 shall review its current application process for certificates of territorial  
11 authority and report the Commission's findings to the General  
12 Assembly.

13 SECTION 6. That the Indiana Utility Regulatory Commission  
14 shall review the status of SBC's pending application to provide  
15 intrastate, interLATA telecommunications services in Indiana and  
16 report the status of the application to the General Assembly not later  
17 than June 30, 2003.

18 SECTION 7. That the Indiana Utility Regulatory Commission  
19 shall file with the General Assembly a preliminary report addressing  
20 SECTIONS 1 through 5 of this resolution not later than September 30,  
21 2003, and a final report addressing SECTIONS 1 through 5 of this  
22 resolution not later than December 31, 2003.

23 SECTION 8. The Secretary of the Senate is hereby directed to  
24 transmit copies of this Resolution to Chairman William McCarty of the  
25 Indiana Utility Regulatory Commission and to Anne Becker, Utility  
26 Consumer Counselor.

