

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

APPLICATION OF ACME COMMUNICATIONS, )  
INC. FOR DIRECT MARKETING AUTHORITY ) CAUSE NO. 44372 DM  
BY A VIDEO SERVICE PROVIDER IN THE )  
STATE OF INDIANA ) APPROVED:

AUG 07 2013

ORDER OF THE COMMISSION

**Presiding Officers:**

**Larry S. Landis, Commissioner**

**Lorraine L. Seyfried, Chief Administrative Law Judge**

On July 22, 2013, Acme Communications, Inc. ("Applicant") filed with the Indiana Utility Regulatory Commission ("Commission") its Application for Direct Marketing Authority ("Application") to market the services and/or products offered by Applicant directly to all households in its service area within the State of Indiana, pursuant to Ind. Code ch. 8-1-34.

Based upon information contained in the Application and applicable law, the Commission makes the following findings:

1. **Notice and Jurisdiction.** Notice of receipt of the Application was provided on the Commission's website in accordance with General Administrative Order 2013-4. Applicant is a holder of a Certificate of Franchise Authority ("CFA"), which was issued by the Commission on June 6, 2007 in Cause No. 43264 VSP 01, and has requested issuance of Direct Marketing Authority ("DMA") pursuant to Ind. Code § 8-1-34-30. Therefore, the Commission has jurisdiction over Applicant and the subject matter of this Cause.

2. **Commission Discussion and Findings.** Applicant filed an application for DMA on the form prescribed by the Commission and provided specific information regarding designated employees of the Applicant that it is proposing will be engaged in direct marketing of its services and/or products to all households in its designated service area within the State of Indiana. Pursuant to Ind. Code § 8-1-34-30(g)(2), a list of the names of Applicant's designated employees is provided as an Attachment to this Order and available on the Commission's website at [www.in.gov/iurc/](http://www.in.gov/iurc/).

Applicant has provided specific information to the Commission regarding its designated employees as required by Ind. Code § 8-1-34-30(d) and (e). Based upon the information provided by Applicant, the Commission finds the Application to be complete and properly verified. Therefore, in accordance with Ind. Code § 8-1-34-30(g), the Commission finds that Direct Marketing Authority should be issued to Applicant for its designated employees to market the services and/or products offered by Applicant in its designated service area. The granting of this DMA is subject to the Applicant's lawful conduct of direct marketing activities and holding

a valid CFA, as well as local laws and regulations governing the hours or manner in which direct marketing activities may be performed and that apply uniformly to all persons engaging in direct marketing or other soliciting.

In addition, the Commission finds that Applicant shall comply with all applicable legal requirements pertaining to the direct marketing of services and/or products in its designated service area, including notice to the Commission of any changes to the Applicant's list of designated employees pursuant to Ind. Code § 8-1-34-30(h). Notice of changes to the Applicant's list of designated employees shall be provided as follows:

- a. If Applicant wishes to add additional designated employees, it must submit verified information that complies with Ind. Code § 8-1-34-30(e)(1) or Ind. Code § 8-1-34-30(f)(1) to the Commission as a supplemental filing under this Cause for each additional employee at least one week prior to such employee performing any direct marketing activities;
- b. If a designated employee leaves the employment of Applicant or no longer meets the certification requirements, Applicant shall notify the Commission through a supplemental filing under this Cause within five (5) business days of the qualifying event that the employee should be removed from the DMA list of approved designated employees.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. Subject to the Findings set forth in this Order, Acme Communications, Inc., is hereby granted Direct Marketing Authority to market any video service and/or product offered by Applicant directly to all households in its service area within the State of Indiana, pursuant to Ind. Code ch. 8-1-34.
2. The authority granted herein is subject to Applicant's lawful conduct of direct marketing activities and holding a valid CFA.
3. Applicant's designated employees are those set forth in the Attachment to this Order. Changes to the list of designated employees shall be made as set forth herein.
4. This Order shall be effective on and after the date of its approval.

**BENNETT, MAYS AND ZIEGNER CONCUR; ATTERHOLT AND LANDIS ABSENT:**  
**APPROVED:**

**AUG 07 2013**

**I hereby certify that the above is a true  
and correct copy of the Order as approved.**



**Brenda A. Howe**  
**Secretary to the Commission**

### **Roster of Eligible Employees**

Last Name	First Name	Last four digits of Driver's License #
Hutchinson	Bradley	2647
Morris	Carly	9311
Overton	Steve	8979
Richey	Victoria	6629
Richey	William	8698
Young	Dusty	1608