

ORIGINAL

**GENERAL ADMINISTRATIVE ORDER  
OF THE INDIANA UTILITY REGULATORY COMMISSION  
2019-6**

WHEREAS, Ind. Code § 8-1-32.5 *et seq.* establishes statutory requirements for certificates of territorial authority (“CTA”) for communications service providers (“CSP”) in the State of Indiana; and

WHEREAS, Ind. Code § 8-1-32.5-6 requires that a person or entity seeking to provide communications services in Indiana after June 30, 2009, file an application for a CTA with the Indiana Utility Regulatory Commission (“Commission”); and

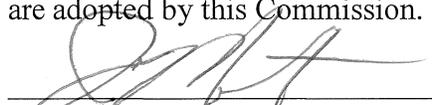
WHEREAS, Ind. Code § 8-1-32.5-6 requires the Commission to prescribe the form on which such an application for a CTA is to be made; and

WHEREAS, Ind. Code § 8-1-32.5-12 requires a CTA holder to provide notice to the Commission of certain changes involving the holder or the certificate; and

WHEREAS, Ind. Code § 8-1-32.5-12 requires the Commission to prescribe the time in which a holder of a CTA must report changes and the form to report the changes; and

WHEREAS, the Commission finds that changes should be made to the Application for a Certificate of Territorial Authority for Communication Service Providers in the State of Indiana and the Notice of Change in Certificate(s) of Territorial Authority, adopted under General Administrative Order 2019-1; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Application for a Certificate of Territorial Authority for Communication Service Providers and the Notice of Change in A Certificate of Territorial Authority to Provide Communication Services within the State of Indiana, attached to General Administrative Order 2019-1 are hereby revoked and that the revised Application, Notice of Change, and the instruction thereto, attached as Appendix A, are adopted by this Commission.

  
James F. Huston, Chairman

  
Sarah E. Freeman, Commissioner

  
Stefanie Krevda, Commissioner

  
David L. Ober, Commissioner

  
David E. Ziegner, Commissioner

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

  
Mary M. Becerra  
Secretary to the Commission

NOV 27 2019  
Date

## **APPENDIX A**

### **Necessary Forms and Formats for Certificates of Territorial Authority Pursuant to Ind. Code ch. 8-1-32.5**

- A. Application for a Certificate of Territorial Authority for Communication Service Providers [Revised]
- B. Verified Notice of Change in a Certificate of Territorial Authority to Provide Communications Services within the State of Indiana [Revised]
- C. Instructions for the Application for a Communications Service Provider Certificate of Territorial Authority and for a Notice of Change [Revised]

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_



**APPLICATION FOR A CERTIFICATE OF TERRITORIAL AUTHORITY FOR  
COMMUNICATIONS SERVICE PROVIDERS**

State Form 52648 (R5 / 8-11)

INDIANA UTILITY REGULATORY COMMISSION

**Applicants are required to file electronically, in the Commission's Online Services Portal:**

**[ <https://iurc.portal.in.gov/> ]**

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IC 8-1-32.5-6(a) states, "Except as provided in IC 8-1-32.5-6(c), before a communications service provider ("CSP") may offer communications service to its customers in Indiana, the CSP must apply to the Commission for a Certificate of Territorial Authority (CTA). A CSP that seeks a certificate under IC 8-1-32.5 shall submit an application on a form prescribed by the Commission..."

**This CTA application shall be considered the "form prescribed by the Commission" under IC 8-1-32.5-6.**

Definitions for terms used in this application appear in the Instructions attached as **Appendix A**. **Please review Appendix A before completing this form.**

**PLEASE NOTE:** Engaging in activities described in IC 8-1-32.3 is not necessarily the equivalent of offering "communications services", as that term is used in IC 8-1-32.5-3. Therefore, an entity engaging in activities described in IC 8-1-32.3 will not automatically be considered either:

- (1) a communications service provider, as that term is used in IC 8-1-32.5-4; or
- (2) a "facilities-based local exchange carrier," as that term is used in IC 8-1-32.5-5.

Consequently, engaging in one or more of the activities described in IC 8-1-32.3 will not automatically trigger the statutory provisions regarding filing, review, and/or approval of a CTA set forth in IC 8-1-32.5-6, 32.5-8, or elsewhere in IC 8-1-32.5.

**Applicants** are required to:

- Check the applicable box(es), on the next page, to identify the Type(s) of communications service they seek to offer in Indiana; and
- List each communications service they propose to offer in Indiana. The list of service(s) must be consistent with the box(es) checked and with the responses elsewhere in the application. Proposed services described herein must also be consistent with the Instructions and Definitions in Appendix A.

**NOTE: Applicants should not classify the same service as both a telecommunications service and an information service. This specifically applies to, but is not limited to, VoIP services or other "IP-enabled services."**

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

Check all that apply:

TELECOMMUNICATIONS SERVICE AS DEFINED IN 47 U.S.C. 153

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please list, on the lines above, each type of telecommunications service, including, but not necessarily limited to, facilities-based local exchange; bundled resale of local exchange; commercial mobile service; retail interexchange service (either facilities-based or resold); operator services; interconnected VoIP service or other internet protocol ("IP") enabled services; switched access; special access; dedicated transport telecommunications services; or advanced services (please explain how it falls under this definition). "Telecommunications service" is defined in the instructions.*

INFORMATION SERVICE AS DEFINED IN 47 U.S.C. 153.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please list, on the lines above, each type of information service, including, but not necessarily limited to, computer to computer VOIP; interconnected VoIP service or other internet protocol ("IP") enabled services; mobile texting, data, or internet access service; broadband service; or advanced services (please explain how it falls under this definition). "Information service" is defined in the instructions.*

VIDEO SERVICE AS DEFINED IN IC 8-1-34-14.

\_\_\_\_\_  
\_\_\_\_\_

*Please list, on the lines above, any local franchises that are in place.*

**Note: A Video Service Provider that does not currently have a video franchise must apply for, and obtain, a state issued video franchise from this Commission, as specified in IC 8-1-34-16. The video franchise application form is available on the Commission's website.**

**I. Applicant Contact Information**

**(All CSP CTA Applicants are required to complete this section)**

A. Legal Name of Applicant: \_\_\_\_\_

B. Name(s) under which the company will be offering communications services in Indiana:  
*(Company names, including any "doing business as" names or aliases must be registered with Indiana Secretary of State)*

\_\_\_\_\_  
\_\_\_\_\_

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

C. Company Address: \_\_\_\_\_  
\_\_\_\_\_

Main Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Website Address: \_\_\_\_\_

D. Name, title, and other contact information of company's primary contact person for ongoing IURC communications with the company (including regulatory affairs and/or customer service personnel):

Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

E. Name, title, and other contact information of attorney or other contact person for **this application**, if different from D. above:

Name and Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ FAX Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

\*Additional contact person(s) may be included as an attachment to the application.

F. Parent Company's Legal Name, Address, and Telephone Number (if applicable):

\_\_\_\_\_  
\_\_\_\_\_

(CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1 are not required to provide their parent company information. See IC 8-1-32.5-6(e).)

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

**II. Service Information**  
(Add additional sheets if necessary.)

**In Indiana, will Applicant ONLY offer communications services described in IC 8-1-2.6-1.1?**

Check one:  YES  NO

If you checked the "Yes" box, please list the specific communications services, as described in IC 8-1-2.6-1.1, the Applicant proposes to offer<sup>1</sup>:

\_\_\_\_\_

**PLEASE NOTE:** Any communications services you list above that you believe are described in IC 8-1-2.6-1.1 must also be consistent with the applicable definition(s) for the same service(s) in Appendix A. Applicants that only offer service described in I.C. 8-1-2.6-1.1 are not required to complete Section II below.

Pursuant to I.C. 8-1-32.5-6(e), a CSP that is only offering a service(s) described in I.C. 8-1-2.6-1.1 is only required to report and certify the accuracy of some of the information requested in this form. Not all portions of the form are applicable to such a CSP. See **Appendix A**.

**APPLICANTS THAT ONLY OFFER SERVICE(S) DESCRIBED IN I.C. 8-1-2.6-1.1 ARE NOT REQUIRED TO COMPLETE SECTION II BELOW.<sup>2</sup>**

INSTRUCTIONS FOR II.A. AND II.B. The service area(s) you list in your response to II.B. must be either a subset of, or the same as, the geographic area(s) you list in your response to II.A. This means that any service area(s) listed in your response to II.B. must be within the boundaries of the geographic area(s) listed in your response to II.A.

A. Please describe the geographic area(s) for which the applicant seeks authority.

\_\_\_\_\_

B. Please provide a description of each service area in Indiana in which the applicant proposes to offer communications service (i.e., county, city, or town, or exchange).

\_\_\_\_\_

C. Please provide a description of each type of communications service that the provider proposes to offer in each of the service areas identified in II.B. The services listed should be consistent with the box(es) checked on Page 2 and the services listed on Page 2 or elsewhere in the application.

\_\_\_\_\_

<sup>1</sup> The following are examples of services that are not described in IC 8-1-2.6-1.1; if you offer these services, you are not eligible for the streamlined certification filing and review procedures under IC 8-1-32.5-6(e):

- (1) Non-retail IP enabled services (e.g., IP enabled services you provide on a wholesale, or provider-to-provider basis);
- (2) Video service, as defined in IC 8-1-34-14; and,
- (3) Local exchange and interexchange services.

<sup>2</sup> IC 8-1-32.5-6(e).

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

D. For each type of service identified in II.C., please indicate whether the communications service will be offered only to residential customers, only to business customers, or to both residential and business customers.

\_\_\_\_\_  
\_\_\_\_\_

E. Please provide an estimated date of deployment (year and quarter) for each communications service identified under II.C. in each service area identified in II.B. The list of services should be complete and consistent with the boxes you checked on Page 2 and the services listed there or elsewhere in the application.

\_\_\_\_\_  
\_\_\_\_\_

F. Does the applicant seek authorization to offer facilities-based local exchange service? (“Yes” or “No”)

G. Is applicant offering only wholesale communications services (to other providers), only retail communications services (including facilities-based and resold services), or both?

H. Will the applicant operate as a Local Cooperative Corporation pursuant to IC 8-1-17-3? (“Yes” or “No”) *(If yes, please submit three (3) original articles of incorporation as required by IC 8-1-17-5 et seq.<sup>3</sup>)*

I. Please list other states in which applicant is authorized to provide communications services and the types of services offered.

\_\_\_\_\_  
\_\_\_\_\_

### III. Additional Requirements

**All CSP CTA Applicants** are required to fulfill these Part III requirements unless explicitly exempt under Indiana law or as otherwise noted herein and/or in Appendix A.

Applicant further represents that it will:

- Comply with Indiana law (including but not limited to Title 8 of the Indiana Code, IURC regulations (170 IAC §§ 1 & 7), and applicable current and future Orders of the IURC.)<sup>4</sup>
- Notify the Commission of any change in the legal name, address, control or status of the CTA, or service area (if applicable), type of communications service, etc., pursuant to IC 8-1-32.5-12, using the CSP Notice of Change Form prescribed by the Commission, which is available on the Commission’s website. <https://www.in.gov/iurc/2400.htm>. Such notification of change shall be provided to the Commission at least thirty (30) days prior to the occurrence of the change.
- If applicable, file intrastate access tariffs, concurrences, and exceptions pursuant to the Commission’s filing procedures and provide informational copies of interstate access tariffs in electronic format, when specified by the Commission.
- If applicable, provide the Commission with current and updated/corrected hyperlinks to the company’s intrastate and interstate access tariffs, concurrences, and exceptions, consistent with the IURC’s General Administrative Order (GAO) 1998-2.

<sup>3</sup> The Commission is required to provide notice of CTA applications of local cooperative corporations to each facilities-based local exchange carrier operating in territory contiguous to the area in which the cooperative corporation proposes to render telephone service pursuant to IC 8-1-17-5(d).

<sup>4</sup> Telecommunications Service Providers and Video Service Providers are subject to enforcement remedies per IC 8-1-29.5.

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

#### IV. Attachments

**All CSP CTA Applicants (with no exceptions)** are required to submit the following additional information:

- A. A copy of the Applicant's Certificate of Authority from the Indiana Secretary of State (NOT a "business entity report"), authorizing the applicant to do business within the State of Indiana. (IC 8-1-32.5-6(b)(1)) (A tax statement or other tax-related documentation from the Indiana Department of Revenue is **not acceptable**.)
- Applicant shall include its Certificate of Authority from the Indiana Secretary of State for any "doing business as" names or aliases as well as its legal name.
  - Applicants that are units of a municipal government, or are owned by a municipal government entity, may submit their local authorizing ordinance in lieu of the Secretary of State Certificate of Authority.
- B. A statement signed under penalty of perjury by an officer or another person authorized to bind the applicant (*see attached affidavit, which is Part VI in the CTA Application*). (IC 8-1-32.5-6(b)(3))

**All CSP CTA Applicants** are required to provide the following additional documentation, **except** those applicants that are, or will be, offering ONLY communications services described in IC 8-1-2.6-1.1.<sup>5</sup> Additional information regarding IC 8-1-2.6-1.1 appears in Appendix A

- C. Information demonstrating the financial<sup>6</sup>, managerial and technical ability to provide each communication service identified in the application.
- The applicant's most recent financial statement or balance sheet or that of the parent company if separate Indiana operations have not yet been established. Applicants that are municipalities may submit their local budget. (IC 8-1-32.5-6(b)(2)).
  - Biographies of the applicant's corporate officers responsible for Indiana indicating managerial and technical qualifications. (IC 8-1-32.5-6(b)(2)).

Although an evidentiary hearing before the Commission is not required, the Commission shall hold an evidentiary hearing, if one is requested pursuant to IC 8-1-32.5-9(a).

#### V. Application Verification

**All CSP CTA Applicants (with no exceptions)** are required to provide the following verification:

I, as an authorized corporate officer or person authorized to bind the company, affirm under the penalties of perjury that the above representations made in this application are true.

\_\_\_\_\_  
Signature and Date (*month, day, year*)

<sup>5</sup> See, IC 8-1-32.5-6(e).

<sup>6</sup> If the applicant believes that financial or other information required to be submitted with the CTA Application is exempt from public disclosure under IC 5-14-3, the applicant should follow the procedures in 170 IAC 1-1.1-4 and Appendix A regarding confidential information prior to submitting that information.

Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

\_\_\_\_\_

Name and Title (*printed or typed*)

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Cause No. \_\_\_\_\_ (IURC use only)

Legal Name of Applicant: \_\_\_\_\_

**VI. AFFIDAVIT**

**All CSP CTA Applicants (with no exceptions)** are required to complete the affidavit shown below, as requested, below (See IC 8-1-32.5-6(b)(3)):

I, \_\_\_\_\_ (*print name*), as an authorized corporate officer or person authorized to bind \_\_\_\_\_ (*company name*), affirm under penalty of perjury that:

- a) Applicant has filed or will timely file with the Federal Communications Commission (“FCC”) all forms required by the FCC.
- b) Applicant agrees to comply with the Commission’s customer notification requirements per IC 8-1-32.5-6(b)(3)(B) and 8-1-32.5-11(b) (not applicable to “a provider of commercial mobile service”).
- c) Applicant (including providers of commercial mobile service<sup>7</sup>) agrees to update the information provided in the application on a regular basis pursuant to IC 8-1-32.5-12.
- d) Applicant agrees to notify the Commission when the applicant commences offering communications service in each service area identified in the application (Pursuant to IC 8-1-32.5-6(e), this requirement is not applicable to CSPs that only offer a service(s) described in IC 8-1-2.6-1.1.).
- e) Applicant agrees to pay any lawful rate or charge for switched and special access services required by:
  - applicable interconnection agreements; or
  - lawful tariffs or orders approved or issued by a regulatory body having jurisdiction.
- f) Applicant agrees to report, at the time requested by the Commission, information required under IC 8-1-2.6-13(c)(9) (not applicable to “a provider of commercial mobile service”).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date (*month, day, year*)

Subscribed and Sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_

My State and County of Residence: \_\_\_\_\_

<sup>7</sup> There is an exception in IC 8-1-32.5-12(6) to the information that “a provider of commercial mobile service” must provide. This exception does not apply to the other subdivisions in IC 8-1-32.5-12.



**VERIFIED NOTICE OF CHANGE IN A CERTIFICATE OF TERRITORIAL AUTHORITY  
TO PROVIDE COMMUNICATIONS SERVICES WITHIN THE STATE OF INDIANA  
(As addressed in IC 8-1-32.5-12)**

State Form 50739 (R5 / 8-11)  
INDIANA UTILITY REGULATORY COMMISSION

Applicant shall file using the IURC's Electronic Filing System at <https://iurc.portal.in.gov>.

Tracking number: \_\_\_\_\_ (IURC use only)

Name of the holder of the Certificate: \_\_\_\_\_

Please list the types of communications services currently authorized in Indiana and the Cause Number(s) under which they were authorized:

\_\_\_\_\_  
\_\_\_\_\_

Please indicate the type of change(s) requested in this filing:

- Change in Ownership, Operation, Control or Corporate Organization of the Provider, including Merger, Acquisition or Reorganization (#1)
- Name Change or Adoption of or Change to an Assumed Business Name or Change in Parent Company Name, etc. (#2)
- Change in Provider's Principal Business Address or Change of the Person Authorized to Receive Notice on Behalf of the Provider (#3)
- Sale, Assignment, Lease or Transfer (#4)
- Relinquishment of Provider of Last Resort Status (#5)
- Relinquishment of Certificate (#6)
- Change in One or More of the Service Areas Identified in the Provider's CTA application that Would Increase or Decrease the Territory within the Service Area (#7)
- Change in Type of Communications Service Provided in One or More of the Service Areas Identified in the Provider's Application for Certificate of Territorial Authority (#8)

Complete the sections below that correspond to the type of changes marked above.

*Please check all boxes and complete all blanks that apply, and attach any supporting documents.*

1.  **Change in Ownership, Operation, Control or Corporate Organization of the Provider, including Merger, Acquisition, or Reorganization**

a. Please provide a description of transaction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Effective date (month, day, year): \_\_\_\_\_

2.  **Name Change or Adoption of, or Change to, an Assumed Business Name or Change in Parent Company Name, etc.**

a. Existing name: \_\_\_\_\_

b. New name: \_\_\_\_\_

c. Alias or d/b/a name: \_\_\_\_\_

For a name change, please provide the following: (attach additional sheets as necessary)

- The reason for the name change or d/b/a and the effect on the operations and/or the utility's customers.
- A certified copy of the amended certificate of authority or certificate of assumed business name issued by the Indiana Secretary of State.
- Method by which the company's customers were or will be notified of the proposed name change or assumed name to alleviate customer confusion and prevent baseless slamming complaints (attach copy of bill insert, notice, etc.)

3.  Change in Provider's Principal Business Address or Change of the Person Authorized to Receive Notice on Behalf of the Provider

a. Principal business office address (street address, city, state, and ZIP code): \_\_\_\_\_

- 1) Main business telephone number: \_\_\_\_\_
- 2) Toll-free customer service telephone number: \_\_\_\_\_
- 3) Email address: \_\_\_\_\_
- 4) Fax number: \_\_\_\_\_
- 5) Mailing address, if different from principal/business address (street address, city, state, and ZIP code): \_\_\_\_\_

b. Name and title of person authorized to receive notice: \_\_\_\_\_

- 1) Telephone number: \_\_\_\_\_
- 2) Email address: \_\_\_\_\_
- 3) Fax number: \_\_\_\_\_
- 4) Mailing address (street address, city, state, and ZIP code): \_\_\_\_\_

4.  Sale, Assignment, Lease or Transfer

Subject to any notice requirements adopted by the Commission under IC 8-1-32.5-12, a CTA pursuant to IC 8-1-32.5-10 may be: 1) sold, assigned, leased, or transferred by the holder to any communications service provider to which a CTA may be lawfully issued; or 2) included in the property and rights encumbered under any indenture of mortgage or deed of trust of the holder.

a. Are you seeking to encumber or have you encumbered the CTA through a mortgage or deed, as stated above  Yes  No?

The transferee company name and Indiana d/b/a:

\_\_\_\_\_  
(If answering YES in Question a., write "not applicable")

Transferee Contact Person and Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Email address: \_\_\_\_\_

b. If customers are being transferred, please provide the method by which the company's customers were or will be notified of the transfer pursuant to 47 CFR 64.1120(e)(3).

c. Does transferee have a current Indiana CTA?  Yes  No

- If yes, please provide the Cause Number(s): \_\_\_\_\_
- If no, please complete the Transfer CTA application in **Attachment A** and include it with this filing.

5.  **Relinquishment of Provider of Last Resort Status** (*Pursuant to IC 8-1-32.4-17, Notice by incumbent local exchange carrier; does not require 30 day notice*)

- Please include information with respect to the portion of its service area in which the ILEC seeks to be relieved of its provider of last resort obligation.
- Please provide as much information as possible regarding the portion of the service area for which POLR status is being relinquished. (e.g. list of exchanges or census blocks; shapefile(s) of relinquishment area if available)

6.  **Relinquishment of Certificate** (*Not applicable to telecommunications providers of last resort pursuant to IC 8-1-32.4*)

a. Reason for CTA Relinquishment: \_\_\_\_\_

\_\_\_\_\_

(Attach additional sheets as necessary)

b. Please identify any other Indiana CTA(s) currently held by Applicant -- by Cause Number, type, and date issued -- that will be retained.

\_\_\_\_\_

c. For each service for which Applicant is relinquishing its CTA, please provide the number of residential and business customers that Applicant currently serves in Indiana.

\_\_\_\_\_

d. For each service for which Applicant is relinquishing its CTA, please provide the method by which Applicant's customers were or will be notified that Applicant is relinquishing its CTA and provide a copy of the notice.

\_\_\_\_\_

e. For each service for which Applicant is relinquishing its CTA, how much time will Indiana customers have to find a new provider after receipt of notice before Applicant's operations cease? To the extent your answer varies by service territory or location, please provide a clear, detailed response.

\_\_\_\_\_

Applicant Name

Certificate No.

7.  **Change in One or More of the Service Areas Identified in the Provider's CTA application that Would Increase or Decrease the Territory within the Service Area<sup>1</sup>.**

*(This requirement is not applicable to CSPs that only offer a service(s) described in IC 8-1-2.6-1.1.)*

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*(Attach additional sheets as necessary)*

8.  **Change in Type of Communications Service Provided in One or More of the Service Areas Identified in the Provider's Application for Certificate of Territorial Authority.**

*Above, please list the types of communications services you propose to offer in Indiana that you are not currently authorized to offer under your existing CTA or CPCN.*

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*Above, please list the types of communications services currently authorized under your CTA or CPCN that you wish to cease offering in Indiana.*

a. Please describe the geographic area(s) for which the applicant proposes to provide the new or changed services listed above (i.e. county, city, or rate center). If the applicant provides service through a local video franchise agreement, please provide the issuing franchise authority and expiration date.

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b. For each type of service identified above, please list whether the communications service will be offered to residential customers, business customers, or both.

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c. If applicant proposes offering new services, please provide an estimated date of deployment (year and quarter) for each service area and each service type within that area for which the applicant seeks authority. The services listed in this response should be consistent with the services listed above.

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d. Does the applicant propose to offer facilities-based local exchange service?

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e. Will applicant offer stand alone basic telecommunications service for a flat monthly rate per IC 8-1-2.6-0.1?

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<sup>1</sup> Providers of Last Resort may not use this process to reduce service territory. Providers of Last Resort must use the process specified in IC 8-1-32.4.

Applicant Name

Certificate No.

- f. Is applicant offering or proposing to offer, only wholesale communications services (to other providers), only retail communications services (including facilities-based and resold services), or both? \_\_\_\_\_

**Designated Regulatory or Customer Service Contact Information**

Include name, title, mailing address, phone & fax numbers, and email address for the designated regulatory or customer service contact person *responsible for ongoing communications* with the Commission:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Designated Contact Information for *this* Notice of Change Only**

Include name, title, mailing address, phone & fax numbers, and email address for the designated contact person for *this* Notice of Change

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERIFICATION**

I, as an authorized corporate officer or person authorized to bind the company, affirm under penalties of perjury that the foregoing representations are true.

Printed Name & Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date Signed (day, month, year): \_\_\_\_\_

Telephone number: \_\_\_\_\_

**IURC ACKNOWLEDGEMENT**

Notice of Change number: \_\_\_\_\_

Date of Acknowledgement: \_\_\_\_\_

**ATTACHMENT A**

**INDIANA UTILITY REGULATORY COMMISSION  
APPLICATION FOR TRANSFER OF A CERTIFICATE OF TERRITORIAL AUTHORITY FOR  
COMMUNICATIONS SERVICE PROVIDERS  
As addressed in IC 8-1-32.5-10**

*This form is only required when the applicant checks item 4 in the Verified Notice of Change form (Sale, Assignment, Lease or Transfer) and the transferee does not have a current Indiana CTA. If you are only encumbering your CTA (as described in IC 8-1-32.5-10 and discussed above) but you are not selling, assigning, leasing, or transferring your CTA, you are not required to complete Attachment A.*

Tracking number \_\_\_\_\_ (IURC use only)  
(from Notice of Change)

\_\_\_\_\_ requests to transfer the CTA originally issued to  
(transferee)

\_\_\_\_\_ in Cause Number: \_\_\_\_\_ dated: \_\_\_\_\_  
(transferor)

**I. Contact Information for Transferee of CTA**

A. Legal name of company:

\_\_\_\_\_

B. Name (s) under which the company will be marketing services in Indiana:

*(Company names, including "doing business as" must be registered with Indiana Secretary of State)*

\_\_\_\_\_

C. Company address:

\_\_\_\_\_

Main telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

Website address: \_\_\_\_\_

D. Parent company's legal name, address, and telephone number (if applicable):

\_\_\_\_\_

*(This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)*

E. Name, title, and other contact information of company's contact person for ongoing communications with the commission (including regulatory affairs and/or customer service information):

Contact name and title: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Applicant Name

Certificate No.

Mailing address: \_\_\_\_\_

Email address: \_\_\_\_\_

- F. Name, title, and other contact information of attorney or contact person for this application, if different from E. above:

Contact name and title: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Email address: \_\_\_\_\_

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## II. Contact Information for Transferor of CTA

A. Legal name of company: \_\_\_\_\_

B. Any Aliases or d/b/a names used in Indiana: \_\_\_\_\_

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## III. Service Information

(Add additional sheets if necessary.)

Pursuant to IC 8-1-32.5-6(e), a CSP that is only offering a service(s) described in IC 8-1-2.6-1.1 is only required to report and certify the accuracy of some of the information requested in this form. Not all portions of the form are applicable to such a CSP. **See Appendix A**

**In Indiana, will Applicant ONLY offer communications services described in IC 8-1-2.6-1.1?**

Check one: YES  NO

**PLEASE NOTE:** All CSPs *must complete* a Verified Notice of Change form if the answer to this question changes at any time subsequent to completing this form. The Notice of Change form is currently available on the Commission's website: [www.in.gov/iurc/2400.htm](http://www.in.gov/iurc/2400.htm).

A. Will the types of services (e.g. Telecommunications, Information, and/or Video Services) offered by the Transferee be the same as those granted to the Transferor in the above referenced CTA? If not, what additional or different types of service will be offered?

\_\_\_\_\_  
\_\_\_\_\_

B. Will the service area of the Transferee be the same as the Transferor? (This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)

\_\_\_\_\_  
\_\_\_\_\_

- C. Will the communications services be offered by Transferee to the same customers types (e.g. residential, business customers, or both) as the Transferor? *(This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)*
- 
- 

- D. If Transferee's service offerings will not be immediately available, please provide an estimated date of deployment (year and quarter) for each service area and each service type within that area for which the Transferee will provide service. *(This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)*
- 
- 

- E. Will the transferee operate as a Local Cooperative Corporation pursuant to IC 8-1-17-3? *(This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)*

*(If yes, please submit 3 original articles of incorporation as required by IC 8-1-17-5 et seq.)*

- F. Please list other states in which the transferee is authorized to provide communications services and the type of services offered. *(This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)*
- 
- 

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#### IV. Additional Requirements

1. The transferee represents that it will comply with all the conditions of the CTA issued to transferor and all other applicable requirements under state and federal law.
  2. If customers are being transferred, please provide the method by which the customers were or will be notified that their provider is changing and what options are available to them pursuant to FCC rules regarding bulk transfers of customers.
- 
- 

#### V. Attachments

The following information must be included with this application:

1. Transferee's certification from the Secretary of State authorizing the applicant to do business within the State of Indiana. *See, IC 8-1-32.5-6(b)(1).*
  2. Information demonstrating the financial, managerial and technical ability to provide each communication service identified in the application. *See, IC 8-1-32.5-6(b)(2). (This requirement is not applicable to CSPs that will only offer a service(s) described in IC 8-1-2.6-1.1.)*
    - a. The applicant's most recent financial statement or balance sheet, or that of the parent company, if separate Indiana operations have not yet been established.
    - b. Biographies of the applicant's corporate officers responsible for Indiana indicating managerial and technical qualifications.
  3. A statement signed under penalty of perjury by an officer or another person authorized to bind the applicant. *(VI. Application Verification)*
- 
-

Applicant Name

Certificate No.

**VI. Application Verification**

As representative of the **Transferee**, I affirm under the penalties of perjury that the above representations made in this application are true.

*(Must be signed by an officer of the company)*

---

Signature and Date *(month, day, year)*

---

Name and Title *(printed or typed)*

As representative of the **Transferor**, I affirm under the penalties of perjury that it is the intention of transferor to transfer the above described CTA to transferee.

*(Must be signed by an officer of the company)*

---

Signature and Date *(month, day, year)*

---

Name and Title *(printed or typed)*

**VII. AFFIDAVIT**

All CSP CTA Transferees who do not currently have a CTA must complete the affidavit below (see IC 8-1-32.5-6(b)(3)):

I, \_\_\_\_\_ (*print name*), as an authorized corporate officer or person authorized to bind \_\_\_\_\_ (*company name*), affirm under penalty of perjury that:

- a) Applicant has filed or will timely file with the Federal Communications Commission (“FCC”) all forms required by the FCC;
- b) Applicant agrees to comply with customer notification requirements of the Commission pursuant to IC 8-1-32.5-6(b)(3)(B) and 8-1-32.5-11(b)<sup>2</sup>;
- c) Applicant (including providers of commercial mobile service<sup>3</sup>) agrees to update the information provided in the application on a regular basis pursuant to IC 8-1-32.5-12;
- d) Applicant agrees to notify the Commission when the applicant commences offering communications service in each service area identified in the application (Pursuant to IC 8-1-32.5-6(e), this requirement is not applicable to CSPs that only offer a service(s) described in IC 8-1-2.6-1.1.);
- e) Applicant agrees to pay lawful rates or charges for switched and special access services required by:
  - applicable interconnection agreements; or
  - lawful tariffs or orders approved or issued by a regulatory body having jurisdiction.
- f) Applicant agrees to report, at the time requested by the Commission, information required under IC 8-1-2.6-13(c)(9) (This requirement is not applicable to “a provider of commercial mobile service”, per IC 8-1-2.6-13(c)(9).)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

Subscribed and Sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

My Commission Expires: \_\_\_\_\_

State of Indiana, County of: \_\_\_\_\_

<sup>2</sup> This is not applicable to “a provider of commercial mobile service” per IC 8-1-32.5-11(b).

<sup>3</sup> There is an exception in IC 8-1-32.5-12(6) to the information that “a provider of commercial mobile service” must provide. This exception does not apply to the other subdivisions in IC 8-1-32.5-12.

# Instructions for the Application for a Communications Service Provider Certificate of Territorial Authority and for a Notice of Change

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### Overview

Pursuant to Ind. Code ch. 8-1-32.5, a communications service provider (“CSP”) that seeks to offer communications service to Indiana customers after June 30, 2009, must apply to the Indiana Utility Regulatory Commission (“Commission”) for a certificate of territorial authority (“CTA”).

A CSP that has an existing CTA or a certificate of public convenience and necessity issued before July 1, 2009, and in effect on July 1, 2009, is not required to submit an application under this chapter (“Application”) as long as the certificate remains in effect. However, if the CSP provides or plans to provide communications services other than those in its existing CTA, it shall update the CTA by filing with the Commission a notice of change under Ind. Code § 8-1-32.5-12 (“Notice of Change”).

Definitions and applicable statutes and rules are included at the end of these instructions. In particular, note that engaging in activities described in Ind. Code ch. 8-1-32.3, permits for wireless service providers, is not necessarily the equivalent of offering “communications services.” See Definitions and Applicable Statutes and Rules for more information.

### Completing a CTA Application

The Application is on the Commission’s website at <http://www.in.gov/iurc/2400.htm>.

Pursuant to Ind. Code § 8-1-32.5-6(e), a CSP is only required to report and certify the accuracy of some of the information requested in the Application if it is only offering the following service(s) as described in Ind. Code § 8-1-2.6-1.1:

- Advanced services as defined in 47 C.F.R. §51.5.
- Broadband service, however defined or classified by the Federal Communications Commission.
- Information service as defined in 47 U.S.C. § 153.
- IP-enabled retail services, regardless of how the service is classified by the Federal Communications Commission and except as expressly permitted under Ind. Code § 8-1-2.8, dual party relay services for persons who are deaf, hard of hearing, or speech impaired.
- Commercial mobile service as defined in 47 U.S.C. § 332.

- A service not commercially available on March 28, 2006. Ind. Code § 8-1-2.6-1.1

**In Summary, providers who check the YES box, at the top of page 4, indicating that they are offering ONLY a service(s) described in IND. CODE § 8-1-2.6-1.1 (see below):**  
**DO NOT** have to complete: Part I(F), Part II(A through I), Part IV(C); and  
**MUST** complete: Part I(A through E), Part III, Part IV(A and B), Part V, and Part VI.

The Application consists of the following, noting certain sections not applicable to CSPs that only offer service(s) described in Ind. Code § 8-1-2.6-1.1, as detailed above:

- Complete, accurate, and properly verified responses to the questions on the Application, unless as noted below. Ind. Code § 8-1-32.5-8.
- Part I, the Applicant's contact information. The Applicant's parent company contact information, Part I(F) is *not applicable to Ind. Code § 8-1-2.6-1.1 entities*.
- Part II, a description of each service area for which the applicant proposes deployment of the communications services. This is *not applicable to Ind. Code § 8-1-2.6-1.1 entities*.
- Part III, additional requirements that **All CSP CTA Applicants** are required to fulfill unless explicitly exempt under Indiana law or as otherwise noted herein and/or in Appendix A.
- Part IV(A), a copy of the Applicant's Certificate of Authority, Certificate of Incorporation, Certificate of Existence, or similar certification from the Indiana Secretary of State, authorizing the Applicant to do business within the State of Indiana. A tax statement or other documentation from the Indiana Department of Revenue is not a sufficient substitute for this requirement.
  - Applicant shall include its Certificate of Authority from the Indiana Secretary of State for any "doing business as" names or aliases as well as its legal name.
  - Applicants that are units of a municipal government or are owned by a municipal government entity may submit their local authorizing ordinance to satisfy this requirement.
- Part IV(B), a statement signed under penalty of perjury by an officer or another person authorized to bind the applicant (*see attached affidavit, which is Part VI in the CTA Application.*)
- Part IV(C), information attesting to the Applicant's financial, managerial, and technical qualifications to provide each communication service identified in the application, such as biographies of corporate officers and/or personnel of the company who are key to Indiana operations. This includes the Applicant's most recent balance sheet or the parent company's balance sheet if Indiana specific financial information is not available. Municipal applicants may submit their local budget. Ind. Code § 8-1-32.5-6(b)(2). This is *not applicable to Ind. Code § 8-1-2.6-1.1 entities*.
- Part V, a statement signed, under penalty of perjury, by an officer or another person authorized to bind the Applicant, affirming the representations made in the Application are true.
- Part VI, a statement, signed under penalty of perjury by an officer or another person authorized to bind the Applicant, Affirming the criteria set forth under Ind. Code § 8-1-32.5-6(b)(3).

### **Confidential Treatment of Information**

Generally, information submitted to the Commission is considered a public record and disclosable to the public under the Access to Public Records Act. Ind. Code § 5-14-3-3. However, there are

confidential records that are not disclosable, including, but not limited to, records declared confidential by state statute or federal law and records containing trade secrets. Ind. Code § 5-14-3-4(a).

If the applicant believes that any of the information in the Application should receive confidential treatment, the applicant shall submit a Petition for Confidential Treatment per 170 Ind. Admin. Code 1-1.1-4 and 1-1.1-9 along with its Application and withhold the information for which confidential treatment is sought. Note, the Application will not be considered complete until the Commission receives the required information.

The Petition for Confidential Treatment shall include a sworn statement or testimony of the applicant that describes the following:

- The nature of the confidential information.
- The reasons why the information should be treated as confidential information under Ind. Code § 8-1-2-29, public inspection of Commission reports, files and records, and Ind. Code ch. 5-14-3, the Access to Public Records Act.
- The efforts the applicant has made to maintain the confidentiality of the information. 170 Ind. Admin. Code 1-1.1-4.

The Commission will review the information and issue an order stating whether the information is entitled to confidential treatment on a preliminary basis. After a determination is issued, the applicant may upload the documents into the Commission's electronic filing system using the assigned Cause Number and, if the determination permits confidential treatment, designate the filing as confidential. The information will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Ind. Code ch. 5-14-3.

Immediately following the submission of a confidential document, a Notice of Filing should be submitted as a general filing to the case. Notices of Filing are documents that are part of the case record, alerting parties to the case that a party filed a confidential document.

**FAILURE TO INCLUDE THE SWORN STATEMENT OR SEAL THE CONFIDENTIAL INFORMATION SEPARATE FROM THE APPLICATION MAY RESULT IN DENIAL OF CONFIDENTIAL TREATMENT.**

**When a Notice of Change is Required**

Pursuant to Ind. Code § 8-1-32.5-12, a CSP must file a Notice of Change if there are one of these subsequent changes to the CTA:

- Transactions involving a change in the ownership, operation, control, or corporate organization of the provider, including a merger, acquisition, or reorganization.
- Changes in the CSP's legal name or the adoption of, or change to, an assumed business name.
- Changes in the CSP's principal business address or in the name of the person authorized to receive notice on behalf of the CSP.
- Sale, assignment, lease, or transfer of the certificate to another CSP, as allowed by Ind. Code § 8-1-32.5-10.
- Relinquishment of CTAs.

- Other than providers of commercial mobile service, as defined in 47 U.S.C. § 332, changes in the communications services provided in the service area(s) identified in the CSP's application for a CTA.
- Changes in the service area(s) identified in the CSP's application for a CTA that would increase or decrease the territory within the service area. Note, telecommunications providers of last resort must comply with Ind. Code ch. 8-1-32.4. Ind. Code § 8-1-32.5-12

### **Completing a Notice of Change Form**

The Notice of Change form is on the Commission's website at <http://www.in.gov/iurc/2400.htm>.

A Notice of Change consists of the following:

- Complete, accurate, and properly verified responses to the questions on the Notice of Change form, except as noted below. Ind. Code § 8-1-32.5-8.
- Part 1, in the instance of a change of company ownership, operation, control, or corporate organization, a description of the transaction and the effective date.
- Part 2, in the instance of a change in legal or assumed name, a copy of the Certificate of Authority, Certificate of Incorporation, Certificate of Existence, or other similar certification from the Indiana Secretary of State.
- Part 3, in the instance of a change of address, the updated contact information.
- Part 4, in the instance of sale, assignment, lease, or transfer of the certificate to another CSP, as allowed by Ind. Code § 8-1-32.5-10, the identity of the other CSP to which the sale, assignment, lease, or transfer is made. Part 4 also applies when a CSP is encumbering, but not transferring (or selling, assigning, or leasing) its CTA. See Ind. Code § 8-1-32.5-10.
  - Note: a CSP must have an existing CTA in Indiana before acquiring an additional CTA from another CSP.
  - If the acquiring company does not have a current Indiana CTA, it may file Attachment A, Application for Transfer of a Certificate of Territorial Authority for Communications Service Providers. This is filed along with the Notice of Change form.
- Part 5, in the instance of relinquishment of provider of last resort status under Ind. Code § 8-1-32.4-17, include as much information as possible about the affected service area.
- Part 6, in the instance of a relinquishment of the CTA, the CSP shall identify the following:
  - The reason for relinquishment.
  - Other CTAs that the CSP will retain.
  - The number of Indiana customers in the CTA's service area.
  - The method the CSP used or will use to notify its customers of the relinquishment and a copy of the notice. For local exchange carriers, this includes the information noted in 170 Ind. Admin. Code 7-6-5(2).
  - The amount of time customers will have to find a new provider before the Applicant's operations cease.
- Part 7, in the instance of changes in the service territory, include information about the change.
  - Ind. Code § 8-1-2.6-1.1 entities do not have to complete this.

- Providers of last resort may not use this process to reduce service territory. Providers of Last Resort must use the process specified in Ind. Code ch. 8-1-32.4.
- Part 8, in the instance of changes to the type of communication services provided, the CSP shall identify the following:
  - The affected geographic area.
  - Which customers are eligible.
  - For new services, the estimated deployment date.
  - Whether the Applicant proposes to offer facilities-based local exchange service.
  - Whether the Applicant will offer stand-alone basic telecommunications service for a flat monthly rate per Ind. Code § 8-1-2.6-0.1.
  - Whether the Applicant will offer only wholesale communication services, retain services, or both.
- An affirmation, signed under penalty of perjury, by an officer or another person authorized to bind the provider, that the representations in the Notice of Change are true.

### **Filing Applications and Notices of Change**

Submit Applications and Notices of Change through the Commission's electronic filing system at <https://iurc.portal.in.gov>.

Notice of the receipt of Applications and Notices of Change will be posted to the Commission's website at <https://www.in.gov/iurc/2337.htm>, under "Pending Cases and Filings".

### **Commission Review**

The Commission shall assign Applications a Docket Number and the cases will go through the Commission's legal process and an order will be issued which will serve as the CTA. Once an Application is received, it will be assigned to a Communications Analyst with the Commission's Communications Division for a more detailed review to ensure completeness, accuracy and the adequacy of the information filed. If the Application is not complete, Commission staff shall return the application and documents to the provider with a brief statement of any additional information required, as required by Ind. Code § 8-1-32.5-8. Within thirty days, the applicant may amend the application or withdraw it and re-file. If the applicant re-files an updated application, it will be considered a new application. Ind. Code § 8-1-32.5-8.

Commission staff will post a summary of the Application or Notice of Change to the Commission's website at <https://www.in.gov/iurc/2337.htm> on the first Monday, or first business day if Monday is a state holiday, after the Application or Notice is filed. Notice of an Application shall be posted on the Commission website for thirty days. The Commission will issue an order after the thirty-day posting period if any questions from the Commission are answered, no applicable parties request a hearing, as explained below in Hearings, and the applicant satisfactorily answers any questions from the Communications Division.

Notices of Change must be filed with the Commission at least thirty days prior to the effective date of the change and shall be posted on the Commission website for thirty days. The Communications Division will assign Notices of Change a tracking number and process those filings as non-docketed cases. The Communications Division shall acknowledge the notice after completion of the posting period if a formal hearing is not requested and once any questions from the Communications Division are answered. The tracking number will become the CTA number upon acknowledgement.

## Hearings

The Commission shall conduct an evidentiary hearing upon the request of any of the following parties during the thirty-day posting period:

- The CSP submitting the application.
- A facilities-based local exchange carrier offering service in a service area identified in the CSP's Application.
- The Office of Utility Consumer Counselor.
- The Commission, on its own motion. Ind. Code §§ 8-1-32.5-8 and -9.

Note, the Commission's ex parte rules found at 170 Ind. Admin. Code 1-1.5 do not apply during the Application process. However, ex parte does become applicable after a timely request for hearing by one of the parties above.

## Help

Direct questions regarding the application to the Communications Division at (317) 232-5559.

If you experience difficulties with the electronic filing system or need assistance filing, review the User Manual at <https://www.in.gov/iurc/2898.htm> or contact Systems Support Specialists at (317) 232-2642 or (317) 232-4269.

## Definitions and Applicable Statutes and Rules

**Advanced Service:** High speed, switched, broadband, wireline telecommunications capability that enables users to originate and receive high-quality voice, data, graphics or video telecommunications using any technology. 47 C.F.R. § 51.5

### Communications Service:

- (1) Any of the following:
  - (a) Telecommunications service (as defined in 47 U.S.C. § 153).
  - (b) Information service (as defined in 47 U.S.C. § 153).
- (2) The term includes:
  - (a) video service (as defined in Ind. Code § 8-1-34-14);
  - (b) broadband service;
  - (c) advanced services (as defined in 47 C.F.R. § 51.5); and
  - (d) Internet Protocol enabled services;

however classified by the Federal Communications Commission. Ind. Code § 8-1-32.5-3

**Communications Service Provider:** A person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. § 332). Ind. Code § 8-1-32.5-4.

Note: engaging in activities described in Ind. Code ch. 8-1-32.3, *Permits for Wireless Service Providers*, is not necessarily the equivalent of offering "communications services", as defined above.

Examples of those activities include, but are not necessarily limited to, the following:

- (1) Construction or modification of a small-cell facility and the associated wireless support structure. Ind. Code §§ 8-1-32.3-15(c), 8-32.3-15(a)(1) and (a)(2)

- (2) Collocation of wireless facilities on an existing wireless support structure, utility pole or electrical transmission tower, construction and placement of small cell facilities. Ind. Code §§ 8-1-32.3-15(a)(3), 8-1-32.3-15(c)(2)(A), 8-1-32.3-15(a)(4), respectively
- (3) Maintenance of wireless facilities, regardless of whether the maintenance is considered routine or non-routine and replacement of a wireless facility with another wireless facility of a similar or different type or size. Ind. Code §§8-1-32.3-15(b)(1) and (b)(2), respectively
- (4) Replacement of existing utility poles and wireless support structures. Ind. Code § 8-1-32.3-15(c)(2)(B)
- (5) Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles; construction or placement of a small cell facility on one or more new utility poles or new wireless structures. Ind. Code § 8-1-32.3-15

**Exchange Access:** The offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services. 47 U.S.C. § 153(20)

**Facility:** Any one or all of the elements of physical plant used to provide telecommunications services, sometimes used synonymously with “transmission path”, including all of the physical cables and equipment associated with that path. 170 Ind. Admin. Code 7-1.2-2

**Facilities-based Local Exchange Service:** A local exchange carrier that provides local exchange service:

- (1) exclusively over facilities owned or leased by the carrier; or
- (2) predominantly over facilities owned or leased by the carrier, in combination with the resale of the telecommunications service (as defined in 47 U.S.C. § 153) of another carrier. Ind. Code § 8-1-32.4-5

**Information Service:** The offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service. 47 U.S.C. § 153(24), 47 C.F.R. § 51.5

**Interconnected VoIP Service:** A service that:

- (1) Enables real-time, two-way voice communications;
- (2) Requires a broadband connection from the user's location;
- (3) Requires Internet protocol-compatible customer premises equipment (CPE); and
- (4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network. 47 C.F.R. § 9.3

As noted in the CTA application, the FCC has not yet classified most forms of IP-enabled services as either telecommunications or information services, in WC Docket No. 04-36. This statement is specifically applicable to interconnected VoIP service and may also be applicable to some other types of IP enabled services.

**Interexchange Service:** A retail long distance voice telephone service provided by an interexchange carrier. Interexchange service is considered a telecommunications service, for purposes of this CTA

application or Verified Notice of Change. This term is also used in various federal statutes, including but not limited to, 47 U.S.C. §§ 254(b)(3) and 254(g)

**Local Exchange Service:** The provision of telephone exchange service (as defined in 47 U.S.C. § 153) or exchange access (as defined in 47 U.S.C. § 153). Ind. Code § 8-1-32.4-8

**Resale/Reseller/Resold:** This means the CSP is purchasing, or otherwise obtaining, one or more retail communications service(s) from another carrier or provider and then reselling those services, usually to the CSP's retail customer or subscriber. Typically, the CSP will also have a billing relationship with the end user customer. For purposes of this definition, the reseller's purchase of the underlying communications service(s) from another carrier or provider explicitly includes, but is not necessarily limited to, a purchase by a telecommunications carrier of telecommunications services made pursuant to 47 U.S.C. §§251(b)(1) or 251(c)(4).

**Telecommunications Service:** The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. 47 C.F.R. § 51.5, 47 U.S.C. § 153(53)

**Telephone Exchange Service:**

(A) service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge, or

(B) comparable service provided through a system of switches, transmission equipment, or other facilities (or combination thereof) by which a subscriber can originate and terminate a telecommunications service. 47 U.S.C. § 153 (54), 47 C.F.R. § 51.5

**Wholesale:** Providing communications service(s) to other carriers or providers on a carrier-to-carrier, or provider-to-provider, basis. For purposes of this CTA application, or Verified Notice of Change, a CSP reselling someone else's communications service(s) to serve the CSP's end user customers or subscribers is providing a retail service, not wholesale service.