Instructions for the Application for a Certificate of Franchise Authority and for a Notice of Change

Table of Contents

Overview 1
Completing an Application 1
Completing the Fee Requirement 1
Confidential Treatment of Information 2
When a Notice of Change is Required 2
Filing Applications and Notices of Change 3
Commission Review of Applications 3
Commission Review of Notices of Change 3
Help 3

Overview

Pursuant to Ind. Code § 8-1-34-16, a person or entity seeking to provide video service in one or more Designated Service Area ("DSA") in Indiana after June 30, 2006, shall file an Application for a Certificate of Franchise Authority ("Certificate") with the Indiana Utility Regulatory Commission ("Commission"). If the applicant later wishes to add additional DSA(s), the applicant must file an additional Application. [1] As a condition of receiving a Certificate, the holder is also required to notify the Commission of changes involving the holder or the Certificate itself. To submit this notice, the holder shall file a Notice of Change to a Certificate of Franchise Authority ("Notice of Change") with the Commission.

Completing an Application

The Application is on the Commission's website at https://www.in.gov/iurc/3035.htm.

An Application consists of the following:

- A completed Cover Page. Applicant's name should appear on the cover page and in the top right-hand corner of each page of the form.
- Complete responses to the questions on the Application Form.
- A completed, signed, and notarized Affidavit.
- The application fee of $832.00.

Completing the Fee Requirement

An Application is not complete until the Commission receives the $832 application fee. After submitting your Application form electronically, mail a check or money order to pay the fee. The Commission does not accept payment by credit card. Contact the Secretary of the Commission, Mary Becerra, at (317) 233-8720 or mbecerra@urc.in.gov with payment-related questions.

1. Checks must be made payable to the "Indiana Utility Regulatory Commission."
2. When you have successfully filed the Application in the Commission's electronic filing system, you will receive a Cause Number. You must list the Cause Number in the memo line.
3. Mail checks to:
   Attn: VSP Application
   Indiana Utility Regulatory Commission
   101 West Washington Street, Suite 1500E
   Indianapolis, Indiana 46204

[1] Applicant may expand to areas contiguous to current DSAs by submitting a Notice of Change Petition.

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 FILE THE CONFIDENTIAL INFORMATION SEPARATE FROM THE APPLICATION MAY RESULT IN DENIAL OF CONFIDENTIAL TREATMENT.

When a Notice of Change is Required

A provider does not have to file a Notice of Change for changes in video programming or other programming. This is done within the provider's annual report that is due to the Commission on March 1st of each year and should reflect changes made during the previous year.

Other changes must be filed through a Notice of Change, which consists of the following:

- Applicant's name and Certificate Number should appear on the cover page and in the top right-hand corner of each page of the form.
- Complete responses to the questions on the form regarding the applicable change(s)
- *For changes in the legal or assumed name*, a copy of the Certificate of Authority from the Indiana Secretary of State.
- *For changes to the size of one or more existing DSA*:
  - a map showing both the existing DSA territory and the new DSA territory; and

- an updated DSA table of all counties, townships, local units, and zip codes within the DSA. Increases to an existing service territory must be contiguous to an existing DSA.
- The Certificate Number on the Notice of Change shall reflect the Certificate Number with the appropriate extension(s).

The Notice of Change must be filed with the Commission at least ten (10) days prior to the effective date of the change. In the case of a DSA change that requires notice to the Unit, the Notice of Change must be filed with the Commission simultaneously with notice to the Unit (i.e., ten [10] days prior to providing service in the Unit).

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 of Applications

The Commission will assign a Cause Number to the application, which will include the designation of "VSP" ("video service provider") and an extension. That Cause Number will become the Certificate Number upon approval. Applications to add additional DSAs should reference the original Certificate Number and the chronological extension. The extension shall be a number that reflects the number of Applications filed by the applicant to date.

Commission Review of Notices of Change

The Commission will add a letter in alphabetical order representing the number of Notices of Change filed with the Commission under the given Certificate Number and extension.

Help

Questions should be directed 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.