

ORIGINAL

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION
GENERAL ADMINISTRATIVE ORDER
2009-5

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JLG

WHEREAS, House Enrolled Act 1279, as enacted by the 2006 General Assembly, amends various provisions of Indiana Code 8-1 *et seq.* and institutes a deregulation of telecommunications services process that will take full effect on July 1, 2009.

WHEREAS, I.C. § 8-1-2.6-4.1 requires the Indiana Utility Regulatory Commission ("Commission") to identify and eliminate telecommunications rules and policies that are no longer in the public interest or necessary to protect consumers.

WHEREAS, I.C. § 8-1-2.6-13(e) provides that after June 30, 2009, the Commission does not have jurisdiction over the following with respect to a communications service provider: rates and charges; depreciation schedules for any of the classes of property owned by the communications service provider; quality of service, other than reporting requirements under I.C. § 8-1-2.6-13(d)(9)(A); long term financing or other obligations; or, with certain exceptions, any other aspect regulated by the Commission under 170 IAC 7 before July 1, 2009.

WHEREAS, I.C. §§ 8-1-2.6-1.5, 2 and 13 enumerate circumstances over which the Commission retains jurisdiction after July 1, 2009.

WHEREAS, the adoption of administrative rules pursuant to I.C. § 4-22-2 is specifically contemplated in I.C. § 8-1-2.6-4.1 and is necessary to eliminate or modify the administrative rules and procedures set forth in 170 IAC 7 in order to comply with the requirements of HEA 1279.

WHEREAS, the Commission has submitted a Notice of Intent of a Rulemaking for publication in the Indiana Register.

WHEREAS, the Commission has identified the portions of the rules pertaining to telecommunications services over which as of July 1, 2009 the Commission will no longer have jurisdiction.

WHEREAS, because the Rulemaking will not be completed prior to July 1, 2009, this Order serves as notice that as of July 1, 2009, the Commission will no longer enforce the rules identified as being eliminated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Indiana Utility Regulatory Commission hereby identifies the rules to be eliminated as set forth in Appendix A attached hereto. In addition, the Commission hereby identifies the rules to be retained and modified as set forth in Appendix B attached hereto. A Rulemaking shall be initiated consistent with the determinations set forth in this Order.

HARDY, GOLC, LANDIS AND ZIEGNER CONCUR; ATTERHOLT PRESENT BUT NOT VOTING:

APPROVED: JUN 24 2009

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

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

Appendix A

170 IAC 7 Sections Proposed for Repeal

Code	Subject	Jurisdiction	Proposal
7-1.2-6	Operator Services -requires each LEC that provides operator services to adopt suitable practices and provide prompt, courteous, accurate and efficient services. Requires OS providers to comply with state and federal laws concerning privacy of telecommunications and to provide access to directory assistance.	IC 8-1-2.6-13(e)(5)	Repeal
7-1.2-8	Telephone Directories, white pages -imposes standards on LECs that publish telephone directories or contract to have directories provided to their customers.	IC 8-1-2.6-13(e)(5)	Repeal
7-1.2-10	Extension of facilities -requires each LEC to file tariffs on its terms and conditions for extension of facilities to customer within its certified territories.	IC 8-1-2.6-13(e)(5)	Repeal
7-1.2-12	Maintenance of plant equipment -requires each LEC to adopt and pursue a maintenance program aimed at achieving efficient operation of systems so as to permit safe, adequate and continuous service at all times. Requires notification of customers whose service is expected to be interrupted. Notify customers when large groups of numbers are changing. Requires the installation of NIDs during premise visits, if not already equipped.	IC 8-1-2.6-13(e)(3)	Repeal
7-1.2-13	Trouble Reports -requires each LEC to provide for the receipt of trouble reports 24 hours a day, 7 days a week. Classifies trouble reports as "out of service" or "service affecting" and set metrics for correcting trouble reports. Bill credits are required if LEC fails to restore service to a customer within 24 hours.	IC 8-1-2.6-13(e)(3)	Repeal
7-1.2-14	Adequacy of Service -requires each LEC to provide or otherwise arrange for the use of switching equipment, trunking, and associated facilities for the handling of the LECs local traffic within its service territory. Sets metrics to avoid all-trunk busy condition or no-circuit condition.	IC 8-1-2.6-13(e)(3)	Repeal; however, consider transferring general language of subsection (a) to 7-1.2-9 Availability of Service

7-1.2-15	Transmission requirements -requires local networks to be designed and operated to reduce transmission loss and noise.	IC 8-1-2.6-13(e)(3)	Repeal
7-1.2-16	Answering Times -establishes the average speed of answering times for calls to LECs repair center, business office, local service operator and directory assistance operators.	IC 8-1-2.6-13(e)(3)	Repeal
7-1.2-17	Intercept Services -requires LECs to provide intercept service for office codes assigned to the LEC for the following: nonworking numbers to a vacant code announcement; changed number intercept services; when an emergency service number is replaced by 9-1-1; and when capital improvements necessitate changing customers' numbers.	IC 8-1-2.6-13(e)(3)	Repeal
7-1.3-3	Creditworthiness of residential customer; deposit; refund -requires each LEC to determine the creditworthiness of applicants or customers in an equitable and nondiscriminatory manner, solely upon credit risk of applicant without regard to collective credit reputation of area and sets limits on deposit requirements.	IC 8-1-2.6-13(e)(5)	Repeal
7-1.3-4	Rejection of application -sets standards for when an application for service can be rejected.	IC 8-1-2.6-13(e)(5)	Repeal
7-1.3-5	Explanation of available service; notice of proposed rate change -requires utility to supply each customer a brief summary of customers' rights and responsibilities contained in this rule and requires each utility to furnish notice of rate increases to its affected customers.	IC 8-1-2.6-13(e)(5)	Repeal; however, consider requiring CSPs to provide notice of rate increases pursuant to IC 8-1-32.5-11(b)
7-1.3-8	Customer Complaints to the Utility -establishes procedures for utilities to take complaints from customers and treatment of disputed bills.	IC 8-1-2.6-13(e)(5)	Repeal
7-1.3-10	Customer Payments -requires LECs to workout reasonable payment agreements with residential customers who cannot pay an undisputed bill in full.	IC 8-1-2.6-13(e)(5)	Repeal

7-1.3-11	Disconnections and prohibited disconnections- Procedures for disconnections by customer request or disconnections by LEC for nonpayment and necessary notice to customers.	IC 8-1-2.6-13(f)	Repeal except 7-1.3-11(c)(4) that protects customers from disconnection when complaint is pending
7-1.3-12	Reconnection -states that LECs may charge a reasonable reconnection charge and it establishes time frames for reconnection of customers who request it.	IC 8-1-2.6-13(e)(1)	Repeal
7-1.4	Customer notification required when a telecommunications service provider communicates with a residential customer about changing from basic to non-basic	This rule expires June 30, 2009	Expires June 30, 2009
7-2.1-2	Amendments to uniform system of accounts for class A & B companies -defines classifications for inside wire maintenance, outside cables, costs of pipes.	IC 8-1-2.6-13(f)(1)	Repeal
170 IAC 7-5	Small Local Exchange Carriers		
7-5-1	Policy - establishes procedures for requests for new depreciation or revised depreciation rates by small LECs.	IC 8-1-2.6-13(e)(2)	Repeal
7-5-2	Definitions -defines terms in section.	IC 8-1-2.6-13(e)(2)	Repeal
7-5-3	Request for Depreciation Rates -establishing process for filing request for depreciation rates.	IC 8-1-2.6-13(e)(2)	Repeal
7-5-4	Remaining Life Rate Development -establishes formula for remaining life of depreciation rates.	IC 8-1-2.6-13(e)(2)	Repeal
7-5-5	Effective date of depreciation rates -establishes effective date for depreciation rates.	IC 8-1-2.6-13(e)(2)	Repeal
7-5-6	Public Notice -establishes notice requirements for request for depreciation rates.	IC 8-1-2.6-13(e)(2)	Repeal
7-5-7	Approval of Depreciation Rates -Approval procedures	IC 8-1-2.6-13(e)(2)	Repeal
7-5-8	Review of ARL and FNS% -permits the commission to review ranges for average remaining life and future net salvage	IC 8-1-2.6-13(e)(2)	Repeal

Appendix B

170 IAC 7 Sections Proposed for Modification or Retention

Code	Subject	Jurisdiction	Proposal
170 IAC 7-1.1-19	Unauthorized switching of telecommunications providers; billing for telecommunications or other services added without customer's consent.	IC 8-1-2.6-13(d)(4)	Modify
170 IAC 7-1.2	Service Quality Standards; Standards of Service		
7-1.2-1	Applicability of standards; variance; scope; severability -determines carriers subject to rules and scope of rules.	NA	Modify for reduced scope
7-1.2-2	Definitions -defines terms in section.	NA	Modify for reduced scope
7-1.2-3	Records and Reports -Requires LECs to furnish the commission with information concerning facilities and operations upon commission request and permits commission staff to visit LEC offices.	IC 8-1-2.6-1.5(b) and 8-1-2.6-2(b)(1)(A)(i)	Modify
7-1.2-4	Tariffs, maps of service areas -requires LECs to file tariffs and service area maps with the commission.	IC 8-1-2.6-13-5	Modify to apply to ETCs/POLR only.
7-1.2-5	Safety Standards -requires LEC's plant and facilities to be designed and maintained in compliance with National Electric Safety Code. Requires each LEC to exercise due care to reduce hazards to employees and the public.	IC 8-1-29.5-6	Modify
7-1.2-7	Response to Commission Staff Inquiries -Each LEC shall fully and promptly answer all inquiries received from commission staff.	IC 8-1-2.6-13(d)(9)(E)	Modify for regulatory parity.
7-1.2-9	Availability of Service -provides standards for LEC's central office and outside plant. Establishes reasonable times for LECs to serve customers.	IC 8-1-2.6-13(d)(5) See also CFR 47 Part 54.2002(a)(1)	Modify for ETCs/POLR only. Language should mirror federal requirements

7-1.2-11	Grade of Service -establishes a minimum grade for local exchanges services, such as access to emergency services and directory assistance, and single-party service.	IC 8-1-2.6-13(d)(5) See also 47 CFR 54.101	Modify for ETCs/POLR. Should mirror FCC rules and have flexibility for federal changes in USF definition
7-1.2-18	Emergency Operations -requires LECs to provide battery back-up in the event of electrical failures and emergencies.	IC 8-1-2.6-13(d)(5) See also CFR 47 54.2002(a)(2)	Modify to apply to ETCs/POLR only
170 IAC 7-1.3	Telecommunications Customer Service Rights and Responsibilities		
7-1.3-1	Purpose and Scope -determines utilities subject to this section.	NA	Modify for reduced scope
7-1.3-2	Definitions -defines terms in section.	NA	Modify for reduced scope
7-1.3-6	Bills for utility services -sets standards for bills for telephone service; requires charges and taxes to be itemized; clear identification of past due dates.	IC 8-1-2.6-13(f)(1)(B). See also FCC Docket 98-170 Released March 29, 2000 or CFR 47 64.2400 & 64.2401	Modify to comply with FCC Truth in Billing regulations. Necessary to enforce slamming and cramming regulations
7-1.3-7	Billing Adjustments -requires carriers to adjust a disputed non-deniable charges and billing errors from the known date of error or 18 months, whichever is shorter.	IC 8-1-2.6-13(d)(4) and 8-1-2.6-13(f)(1)(B). See also FCC Docket 98-170 Released March 29, 2000 or CFR 47 64.2400 & 64.2401	Modify-necessary to protect consumers who file complaints with Commission and ties in with 7-1.3-9
7-1.3-9	Customer complaints to the commission -establishes procedures for complaints to consumer affairs.	IC 8-1-2.6-13(d)(4)	Modify for slamming and cramming complaints
170 IAC 7-2.1	Classification of Accounts for Class A and Class B Telephone Companies	IC 8-1-2.6-13(d)(5)	Retain
7-2.1-1	Uniform System of Accounts for Class A & Class B companies; adoption by reference -requires classification of accounts for Class A and B telephone companies as prescribed by the FCC.	IC 8-1-2.6-13(d)(5) See also 47 CFR Part 32	Retain

170 IAC 7-6	Disconnection of a Local Exchange Carrier by Another Local Exchange Carrier; Notice of Bankruptcy; Relinquishment of Service; Revocation of CTA		
7-6-1	Policy and Scope -defines scope of section.	IC 8-1-2.6-1.5 <i>et seq.</i>	Retain
7-6-2	Definitions -defines terms in section.	IC 8-1-2.6-1.5 <i>et seq.</i>	Retain-definitions may change for regulatory parity in compliance with HEA 1279
7-6-3	Notice to the commission; notice to customers -establishes notice requirements when a LEC disconnects another LEC.	IC 8-1-2.6-1.5 <i>et seq.</i>	Retain
7-6-4	Notice of Bankruptcy -requires a LEC to notify the commission within 60 days of filing a bankruptcy petition.	I.C. 8-1-2.6-1.5 <i>et seq.</i>	Retain
7-6-5	Relinquishment of Service by LEC -requires a LEC to notify the commission and OUCC 60 days before cessation of service.	I.C. 8-1.2.6-1.5 and 8-1-32.5 (12)	Retain
7-6-6	Revocation of CTA -states that LECs have duty to provide the commission with current contact information, notice under this rule, pay the public utility fee, respond to commission request for information or CTA may be revoked or other penalties may be imposed.	I.C. 8-1.2.6-1.5 and 8-1-32.5-12	Retain
170 IAC 7-7	Expedited Procedure for Resolving Interconnection Disputes Between Telecommunications Carriers	I.C. 8-1-2.6-1.5(a)(3)	Retain