



**GENERAL ADMINISTRATIVE ORDER
OF THE INDIANA UTILITY REGULATORY COMMISSION
2020-2**

WHEREAS, under Senate Enrolled Act No. 235, Indiana Code § 8-1-34-30, a holder of a video service franchise may apply to the Commission, in the manner and form prescribed by the Commission, for direct marketing authority to market any service or product offered by the holder directly to all households in a service area served by the holder; and

WHEREAS, under Indiana Code § 8-1-34-30(d) and (e) said application must include specific information with respect to each employee of the holder who will be engaging in direct marketing, and must certify that said employee meets certain statutory requirements, including criminal background checks; and

WHEREAS, Indiana Code § 8-1-34-30(e) requires the application to include the employee's full driver's license number and home address, both of which are records excepted from disclosure under the Indiana Access to Public Records Act, Indiana Code § 5-14-3-4(a)(1) and Indiana Code § 9-14-3.5; and

WHEREAS, pursuant to Indiana Code § 8-1-34-30(g), the Commission, upon determining that the application is complete and properly verified, shall issue an Order granting the holder direct marketing authority, and

WHEREAS, on July 3, 2013, the Commission adopted GAO 2013-4, providing in its Appendix A the *Application for Direct Marketing Authority by a Video Service Provider in the State of Indiana* together with the *Instructions for Application for Direct Marketing Authority for Holders of Indiana State-Issued Video Franchises*; and

WHEREAS, since the adoption of GAO 2013-4 the Commission has instituted the electronic filing of documents (see GAO 2016-2), necessitating revisions to the *Instructions for Application for Direct Marketing Authority for Holders of Indiana State-Issued Video Franchises* in GAO 2013-4, Appendix A; and,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the *Application for Direct Marketing Authority by a Video Service Provider in the State of Indiana*, along with the revised *Instructions for Application for Direct Marketing Authority for Holders of Indiana State-Issued Video Franchises*, which are attached to this General Administrative Order as Appendix A, are hereby adopted by the Commission, and that GAO 2013-4 is hereby superseded.



James F Huston, Chairman



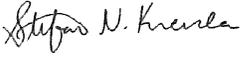
David E. Ziegner, Commissioner



Sarah E. Freeman, Commissioner

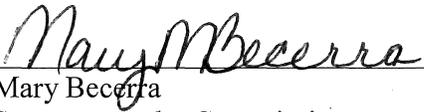


David L. Ober, Commissioner



Stefanie Krevda, Commissioner

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



Mary Becerra
Secretary to the Commission

Date: MAY 13 2020

APPENDIX A



Application for Direct Marketing Authority by a Video Service Provider in the State of Indiana

State Form
INDIANA UTILITY REGULATORY COMMISSION

Cause No: _____

Applicant's Legal Name: _____

Applicant's Assumed Name(s): _____

Applicant's Principal Place of Business: _____

Telephone Number: _____

Authorized Company Representative / Legal Counsel for this Application:

Name: _____

Title: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

Contact for Ongoing Communication Regarding Direct Marketing:

Name: _____

Title: _____

Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

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For **each employee** for which Applicant requests direct marketing authority, provide the following information and complete the certification below:

Full Name: _____

Home Address: _____

Driver's License #: _____

Certification

I _____
(the undersigned representative) certify that the above named employee satisfies the following statutory requirements, described in Indiana Code § 8-1-34-30(e)(1).

Initial each item that is being certified.

1. ___ The employee is at least eighteen (18) years of age.
2. ___ The employee has a high school diploma or the equivalent of a high school diploma.
3. ___ The employee has not been convicted of a felony within the seven (7) years immediately preceding the date of this application.
4. ___ The employee has not been released from incarceration after serving time for a felony conviction within the seven (7) years immediately preceding the date of this application.
5. ___ The employee has not been convicted of any of the following within the five (5) years immediately preceding the date of this application:
 - a. ___ A misdemeanor involving fraud, deceit, or dishonesty;
 - b. ___ battery as a misdemeanor; or
 - c. ___ two (2) or more misdemeanors involving the illegal use of alcohol or the illegal sale, use, or possession of a controlled substance.
6. ___ The employee has a valid driver's license.
7. ___ This employee has been the subject of a criminal history background check for each jurisdiction in the United States in which the designated employee has lived or worked within the seven (7) years immediately preceding the date of this application; and
8. ___ The background check described in 7 above indicates that this employee satisfies the requirements set forth in requirements 1 – 6 above.

Signature of Company Representative

Title

Date

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Local Ordinances & Regulations

1. In which areas of the State of Indiana does the Applicant plan to conduct direct marketing?

2. Will Applicant make a good faith determination whether any political subdivision covered in the Applicant's response to Question #1, above, has in effect any Ordinances or Regulations, as referenced in Indiana Code § 8-1-34-30(k), that impose uniformly-applied restrictions on the hours or manner in which their direct marketing activities may be performed?

3. Will Applicant comply with such Ordinances or Regulations?

Proof of Financial Responsibility

I _____ certify that Holder, _____ has taken the following steps (*attach proof as an Appendix*) to ensure financial responsibility for any liability incurred by the holder or its employees that may occur as a result of any direct marketing activities performed under the authority granted pursuant to this Application.

Signature of Company Representative

Title

Date

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Instructions for Application for Direct Marketing Authority for Holders of Indiana State-Issued Video Franchises

Pursuant to I.C. 8-1-34-30, a holder of an Indiana state-issued video franchise may apply to the Commission, in the manner and form prescribed by the Commission, for direct marketing authority. An Application must include, for each designated employee of the holder (as defined in J.C. 8-1-34-30(a)), the (1) Name, (2) Home Address, (3) Driver's license number, and (4) a certification that each designated employee satisfies the requirements listed in LC. 8-1-34-30(e). The home address and driver's license number with the exception of the last four (4) digits will be treated confidentially to protect the privacy of the individual employees.

An Application---consisting of a completed cover page, complete responses to the questions on the application form, a completed, initialed, and signed certification for each designated employee, and a signed Proof of Financial Responsibility must be filed with the Commission to obtain direct marketing authority.

Applicant shall file its Application using the Commission's Electronic Filing System (EFS).¹ The application includes confidential and non-confidential information. Therefore, applicant must make 2 separate filings through the EFS – one using the “confidential” tab and one using the “public” tab. Applicant shall provide as a part of the public Application a redacted version of the Certification section (page 2) with the home address and driver's license number (except for the last four digits) of each designated employee redacted. The Confidential version should include the unredacted version of the Certification section (page 2) marked as confidential. The information being redacted is automatically granted confidential treatment in these types of cases. Therefore, when filing the confidential version Applicant should use the date the filing is being submitted when prompted by the EFS. Applicant shall also include with the filing a roster of the eligible employees for which certification is sought including names and the last four digits of their driver's license number. The Roster should be in an Excel document for the Commission's use in posting the information to the IURC website. The Commission will assign a Cause Number to the Application, which will include the designation of "DM" ("direct marketing"). This Cause Number will become the Certificate Number upon approval of the Application.

Not more than fifteen (15) days after receipt of the Application, the Commission will determine whether the Application is complete and properly verified. If the Commission determines the Application is not complete or properly verified, the Commission will notify the applicant in order to allow the holder to correct the deficiency.

If the Commission determines that the Application is complete and properly verified, it will issue an Order approving the Application. The order will be posted to the Communications Division page of the Commission website. Additionally, the roster will be posted for each holder that is granted authority listing the names of the designated employees and the last 4 digits of their driver's license number.

As a condition of receiving Direct Marketing Authority, the holder is also required to notify the Commission of changes involving the designated employees who were approved in the original grant of authority. If, at a subsequent date, the applicant wishes to add additional designated employees, Applicant must submit to the Commission as a supplemental filing under the original Certificate Number both a confidential and non-confidential Certification (page 2 of the Application Form) for each additional employee at least one (1) week prior to such employee performing any direct marketing activities. As it is for the original Application, the information being redacted is automatically granted confidential treatment in these types of cases. Therefore, when filing the confidential version Applicant should use the date the filing is being submitted when prompted by the EFS. Upon review and determination by the Communications Services Division Director or Staff that the certifications for those additional employees are complete and properly verified, the employees' information will be added to the roster that is posted on the IURC website. In the event that a designated

¹ For instructions and further assistance using the Electronic Filing System please refer to the User Manual at <https://www.in.gov/iurc/2898.htm>.

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employee leaves the employment of the holder or no longer meets the certification requirements, the holder shall, using the electronic Filing System (EFS), notify the Commission, within 5 business days that said employee shall be removed from the list of approved designated employees. Upon receipt of such notice, those employees' names will be struck through and the date upon which they are no longer designated to perform direct marketing for the holder will be entered in the roster on the IURC Website. Stricken names and the date upon which they are no longer designated to perform direct marketing for the holder will remain on the Roster on the IURC website for one year after the date stricken. Applications to add or remove designated employees should reference the original Certificate Number.

Notice of the receipt of an Application will be posted to the Commission website at www.in.gov/iurc.

Questions regarding the application 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.