

**ORIGINAL**

| Commissioner | Yes | No | Not Participating |
|--------------|-----|----|-------------------|
| Huston       | √   |    |                   |
| Freeman      | √   |    |                   |
| Krevda       | √   |    |                   |
| Ziegner      | √   |    |                   |

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

**NOTICE OF THE INDIANA UTILITY )  
REGULATORY COMMISSION'S INTENT TO ) CAUSE NO. 45733  
AMEND ITS ORDER IN CAUSE NO. 44004 )  
CONCERNING INTRASTATE ACCESS TARIFFS TO ) APPROVED: JUN 28 2022  
REFLECT RECENT CHANGES IN APPLICABLE )  
LAW AND OTHER REQUIREMENTS. )**

**ORDER OF THE COMMISSION**

**Presiding Officers:**

**Sarah E. Freeman, Commissioner**

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

Pursuant to Ind. Code § 8-1-2-72, the Indiana Utility Regulatory Commission (“Commission”) commences this Cause and notifies all local exchange carriers operating within the state of Indiana (“Respondents”) of the Commission’s intent to amend its July 13, 2011 Order in Cause No. 44004 (“44004 Order”) to reflect recent changes in applicable law and other requirements concerning the filing of intrastate access tariffs.

**1. Commission Jurisdiction.** Respondents are public utilities as defined by Ind. Code § 8-1-2-1(a) and communications service providers as defined by Ind. Code § 8-1-32.5-4. Under Ind. Code § 8-1-2-88.6, access charges paid by an interexchange carrier for interconnection to local exchange facilities must be reasonable as determined by the Commission. The 44004 Order established certain streamlined procedures and filing requirements for Respondent’s intrastate access tariffs. Under Ind. Code § 8-1-2-72, the Commission also has general authority to rescind, alter, or amend any of its orders upon notice and after an opportunity to be heard. Therefore, the Commission has jurisdiction over Respondents and the subject matter of this proceeding.

**2. Background and Procedural History.** The 44004 Order approved streamlined procedures and filing requirements for intrastate access tariffs that implement or maintain parity with interstate tariffs. Specifically, Respondents proposing changes to an intrastate access tariff that mirrors, concurs in, or adopts changes to applicable interstate access tariffs were relieved of the obligation to comply with certain requirements of the Commission’s April 30, 1993 Order in Cause No. 39369 (“39369 Order”) and the Thirty-Day Administrative Filing Procedures and Guidelines Rule (“Thirty-Day Rule”) at 170 IAC 1-6. Instead, a Respondent could submit electronic copies of the applicable interstate access tariff changes, and the same changes in Respondent’s intrastate access tariff would have the same effective date as the mirrored interstate access tariff changes. In addition, intrastate access tariff changes that were solely administrative or clerical in nature would be subject to further streamlining (e.g., 1-day turn-around administrative process) at the discretion of the Commission or its staff. Finally, the Commission also reaffirmed that when a Respondent’s intrastate access tariff did not mirror its interstate

access tariff, the procedures and filings requirements set forth in the Commission's Thirty-Day Rule would continue to apply, consistent with the provisions of the 39369 Order. 44004 Order at 6.

In 2013, the Indiana Legislature amended Ind. Code § 8-1-2.6-1.5 to include subsection (d), which provides that a telecommunications provider's tariff filing with the Commission shall serve as public notice of the filing of the tariff. In addition, the Commission is required to provide public notice of the tariff filing through the Commission's internet website or other electronic means.

In 2018, the Commission approved an intrastate access tariff filing for Rochester Telephone Company under the Thirty Day Rule (Case No. 50190), which included a list of small incumbent local exchange carriers that concurred in Rochester Telephone Company's intrastate access tariff rather than concurring in an interstate access tariff.

In 2020, the Indiana Legislature amended Ind. Code § 8-1-32.5-11 to include subsection (c), which provides that a tariff filed with the Commission by a communications service provider is effective upon filing.

Finally, since the issuance of the 44004 Order, the Federal Communications Commission ("FCC") began posting all interstate access tariffs on its internet website, and therefore Respondent's applicable interstate access tariffs are readily available to the Commission and the public on the FCC's internet website.

**3. Notice of Amendment.** Given the above recent changes in law and other requirements concerning the filing of intrastate access tariffs, we find that the 44004 Order should be modified to reflect these changes. Therefore, the Commission notifies Respondents that it intends to modify its 44004 Order to provide as follows:

- a. Steps 1 through 4 of the 39369 Order, as modified by the 44004 Order, shall no longer be required. Instead, the following steps apply:
  1. When a Respondent proposes changes to its intrastate switched or special access tariff that mirrors, concurs in, or adopts changes to the applicable interstate access tariff, Respondent shall file its intrastate access tariff with the Commission, noting such mirroring or concurrence, and the intrastate access tariff shall be effective upon the date of filing. Respondents are no longer required to provide an electronic copy of the applicable interstate access tariff.
  2. Administrative or clerical changes to intrastate access tariffs, as determined by Commission staff, may continue to be subject to other streamlined procedures for review.

- b. Step 5 of the 39369 Order, which was not modified by the 44004 Order, shall be modified to require intrastate access tariffs to contain the following information:
- (1) a statement indicating whether the intrastate access tariff concurs with its interstate access tariff;
  - (2) any exceptions to the intrastate access tariff's mirroring of its interstate access tariff, including specific citations to the interstate access tariff and the FCC transmittal numbers that correspond to the intrastate tariff filing;
  - (3) any check sheets showing the FCC transmittal numbers corresponding to the intrastate tariff filing;
  - (4) a statement or explanation indicating whether the tariff is a stand-alone intrastate access tariff or is unrelated to an interstate access tariff;
  - (5) intrastate tariff sheets that include the intrastate access services or rate elements, rates and charges, rate structures, and/or terms and conditions that do not mirror their interstate counterparts or the corresponding provision of the intrastate access tariff in which it is concurring.
- c. When a Respondent's intrastate access tariff will not mirror its applicable interstate or intrastate access tariff, the requirements of the Commission's Thirty-Day Rule continue to apply, except that Respondent is exempt from the public notice requirements in the Thirty-Day Rule (i.e., 170 IAC 1-6-5(a)(5) and -6(a) and (b)).
- d. A Respondent currently concurring in an applicable intrastate access tariff does not need to make an intrastate access tariff filing unless it seeks an exception to the applicable intrastate access tariff or to concur in a different intrastate access tariff. In such an event, Respondent shall file its intrastate access tariff in accordance with the Thirty-Day Rule, except that Respondent is exempt from the public notice requirements in the Thirty-Day Rule (i.e., 170 IAC 1-6-5(a)(5) and -6(a) and (b)).
- e. In accordance with Ind. Code § 8-1-32.5.11, the intrastate access tariff will be effective upon filing, but those tariffs that do not mirror, concur in, or adopt changes of the relevant interstate or intrastate tariff may be subject to further review in accordance with Ind. Code § 8-1-2-88.6(b).
- f. If a Respondent wishes to submit a tariff in advance of the desired effective date, Respondent shall include a cover letter indicating the date upon which Respondent desires the intrastate access tariff to be filed with the Commission for purposes of establishing the effective date pursuant to Ind. Code § 8-1-32.5-11(c).
- g. The Commission will post notice of all intrastate access tariff filings on the Commission's internet website.

- h. All Thirty-Day Filings and intrastate access tariffs (along with any cover letters and supporting documents) should be filed electronically using the Online Services portal located on the Commission's website at <https://www.in.gov/iurc/>.

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

1. The Commission intends to amend its July 13, 2011 Order in Cause No. 44004 as set forth above in this Order.

2. Any objection to the Commission's proposed amendment of its July 13, 2011 Order in Cause No. 44004 shall be filed within 20 days from the date of this Order. If an objection is received, the Commission will proceed to set this matter for an evidentiary hearing. However, if no objection is received, the Commission will proceed to amend its July 13, 2011 Order in Cause No. 44004 as set forth above in this Order.

3. This Order shall be effective on and after the date of its approval.

**HUSTON, FREEMAN, KREVDA, AND ZIEGNER CONCUR:**

**APPROVED: JUN 28 2022**

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

---

**Dana Kosco  
Secretary of the Commission**