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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

INDIANA UTILITY REGULATORY)
COMMISSION PROCEEDING TO)
ESTABLISH FUNDING FOR THE COSTS OF)
THE INDIANA LIFELINE ASSISTANCE)
PROGRAM, PURSUANT TO THE)
PROVISIONS SET FORTH IN HEA 1279,)
CODIFIED AS IC 8-1-36-8)
RESPONDENTS:)
ALL TELECOMMUNICATIONS SERVICE)
PROVIDERS, INCLUDING INTRASTATE)
WIRELESS CARRIERS, IN THE STATE OF)
INDIANA)

CAUSE NO. 43082

APPROVED: NOV 02 2011

ORDER OF THE COMMISSION

Presiding Officers:
David E. Ziegner, Commissioner
David E. Veleta, Administrative Law Judge

On September 8, 2011, the Indiana Telecommunications Association (“ITA”) filed a Petition for Waiver (“Petition”) with the Indiana Utility Regulatory Commission (“Commission”) requesting a waiver of the Indiana Lifeline Assistance Program (“ILAP”) reporting requirements contained in the Commission’s June 30, 2010 Supplemental Order in this Cause.

Pursuant to notice as provided by law, proof of which was incorporated into the record, an evidentiary hearing in this Cause was held in Room 220, PNC Center, 101 W. Washington Street, Indianapolis, Indiana, at 1:30 p.m. on October 12, 2011. The ITA and the Indiana Office of Utility Consumer Counselor (“OUCC”) appeared and were duly represented by counsel. No members of the general public appeared.

Based upon the evidence and applicable law, and being duly advised in the premises, the Commission now finds as follows:

- 1. Notice and Jurisdiction.** Due, legal and timely notice of the public hearing in this Cause was given and published by the Commission. The telecommunications service providers within the State of Indiana that were named Respondents in this Cause are “public utilities” as defined in the Public Service Commission Act, as amended, Indiana Code Ch. 8-1-2 and are subject to the jurisdiction of this Commission in the manner and to the extent as provided for by law.

2. **Background and Overview.** The Commission issued a Supplemental Order in this Cause on June 30, 2010 establishing the ILAP funding requirements as required by Indiana Code ch. 8-1-36. The Commission's Order also established ILAP reporting requirements for all Eligible Telecommunications Carriers ("ETC"):

Reporting Requirements. It shall be a condition of this Order that all ETCs shall file Annual Reports with the Commission which provide the following information: (1) the amount the ETC is spending to meet its federal ETC obligations under the federal lifeline program; and (2) how the ETC is allocating its spending to meet its federal ETC obligations under the federal lifeline program. These reporting requirements are intended to ensure that ETCs do not recover costs at the State level for obligations the ETC is required to fulfill at the federal level. The Annual Report shall be filed with the Commission's Communication Division by September 1st of each year.

Indiana Lifeline Assistance Program proceeding, Cause No. 43082, 2010 Ind. PUC LEXIS 216, at *25 (IURC June 30, 2010). On August 8, 2011, the ITA filed a Petition for Waiver requesting the Commission waive the 2011 ILAP reporting requirements for all ETCs.

3. **The Indiana Telecommunication Association's Evidence.** On October 6, 2011, the ITA prefiled the direct testimony of its witness, Alan I. Matsumoto, Manager for ITA member CenturyLink. Mr. Matsumoto noted the ITA is a non-profit trade association representing Indiana's telecommunications industry. The ITA's members include ETCs operating within the State of Indiana that were named as respondents to this Cause.

Mr. Matsumoto noted that the ILAP has not been implemented yet, despite the best efforts of the Commission and the parties to this Cause. Consequently, he believes any ILAP reporting requirements would not be applicable at this point.

Mr. Matsumoto recommended the Commission include an ordering clause that waives any ILAP reporting until a period of 12 months after ILAP implementation, as a contingency for delayed ILAP implementation. He believes such a clause would promote regulatory and administrative efficiency and economy by relieving ETCs of the potential requirement to file needless ILAP reports or a Petition for Waiver in 2012 and beyond.

4. **OUCC Evidence.** The OUCC did not offer any evidence in this proceeding.

5. **Commission Findings.** The Commission recognizes the ILAP has not been implemented, to date, and accordingly, the ILAP funding mechanism is not operational. We note that the ILAP annual reports for 2011 would not serve our intended purpose of ensuring ETCs do not recover costs at the State level for ILAP obligations the ETC is required to fulfill at the federal level. Therefore, the Commission acknowledges that any ILAP reports would not be meaningful at this point.

The Commission is persuaded that Mr. Matsumoto's recommendation for an ordering clause that waives any ILAP reporting until a period of 12 months after ILAP implementation is reasonable as an effective contingency for delayed ILAP implementation.

Pursuant to the evidence of record in this Cause, and being duly advised in the premises, we hereby grant the ITA's Petition for Waiver of the 2011 ILAP reporting requirements for all ETCs. We further find that any future ILAP reporting will not be required until a period of twelve months after ILAP implementation.

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

1. Subject to the findings and requirements set forth herein, the Commission grants a waiver of the 2011 ILAP reporting requirements contained in our June 30, 2010 Supplemental Order in this Cause for all Indiana ETCs.

2. With respect to future ILAP reporting requirements, we find that all Indiana ETCs will commence ILAP reporting, pursuant to our June 30, 2010 Supplemental Order, twelve months after ILAP implementation.

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

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: NOV 02 2011

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



Brenda A. Howe
Secretary to the Commission