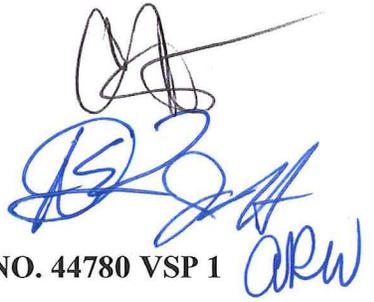


**ORIGINAL**

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION



APPLICATION OF FRONTIER MIDSTATES, INC. FOR A ) CAUSE NO. 44780 VSP 1  
CERTIFICATE OF FRANCHISE AUTHORITY TO )  
PROVIDE VIDEO SERVICE IN THE STATE OF INDIANA ) APPROVED: MAY 25 2016

ORDER OF THE COMMISSION

**Presiding Officer:**

**Marya E. Jones, Administrative Law Judge**

On April 22, 2016, Frontier Midstates, Inc. (“Applicant”) filed with the Indiana Utility Regulatory Commission (“Commission”) its Application for a Certificate of Franchise Authority (“Application”) to provide video service within the State of Indiana pursuant to Ind. Code ch. 8-1-34. On April 22, 2016, Applicant filed with the Commission its Motion for Protection of Confidential and Proprietary Information (“Motion”) requesting confidential treatment of its detailed description of Applicant’s Designated Service Areas (“DSAs”) in Indiana. The Presiding Officer granted confidentiality on a preliminary basis on May 6, 2016. On May 10, 2016, the Commission determined that the Application was complete.

Based upon information contained in the Application and applicable law, the Commission makes the following findings:

**1. Notice and Jurisdiction.** Notice of the Application was provided on the Commission’s website in accordance with General Administrative Order 2011-1. The Applicant requests the issuance of a Certificate of Franchise Authority (“CFA”) pursuant to Ind. Code § 8-1-34-17 and, therefore, the Commission has jurisdiction over the Applicant and the subject of this Cause.

**2. Commission Discussion and Findings.** The Applicant filed an application for a CFA on the application form prescribed by the Commission and provided information describing the video service that it is proposing to provide in designated service areas within the State of Indiana. Applicant received confidential treatment for the maps (“Confidential Exhibit A”) and listing of DSAs (“Confidential Exhibit B”) which identify the locations of the proposed video services.

Based upon the information provided by the Applicant in its Application, the Commission finds the Application to be complete and properly verified. Therefore, in accordance with Ind. Code § 8-1-34-17(a), the Commission finds that a CFA for the video services within the designated service areas as identified in the Application should be issued to the Applicant and that the Applicant should be authorized to use and occupy public rights-of-way in the delivery of the requested video services, subject to state and local laws and regulations governing the use and occupancy of public rights-of-way and the police powers to enforce such laws and regulations. The granting of this CFA is subject to the Applicant’s lawful provision and operation of video service.

With respect to the requested DSAs, the Commission grants a CFA in the entirety of the areas described in Confidential Exhibits A and B.

In addition, as a condition of receiving this CFA, the Commission finds the Applicant shall comply with all applicable legal requirements pertaining to the construction and operation of video services authorized by this CFA, including without limitation, the following:

- a. Notice to the Commission of any changes involving the Applicant or this CFA pursuant to Ind. Code § 8-1-34-20(a);
- b. Ten days advance notice to any unit or unincorporated area included in the designated service area covered by this CFA in which the Applicant does not already provide video service, that the Applicant intends to provide video service in the unit's or unincorporated area's jurisdiction as required by Ind. Code § 8-1-34-20(b);
- c. Advance notice to customers in the event of a change in rates and charges for video service in accordance with Ind. Code § 8-1-34-20(c)(1);
- d. Advance notice to customers in the event the Applicant will cease to offer video service or any specific video programming that it currently offers in any of the Applicant's designated service areas in Indiana pursuant to Ind. Code § 8-1-34-20(c)(2);
- e. Annual filing, by March 1 of each year, of a report indicating changes (e.g., deletions and additions) in video programming or other programming service during the previous calendar year pursuant to Ind. Code § 8-1-34-20(a)(6);
- f. Biennial filing, by March 1 of each odd-numbered year, with the Commission of updated maps indicating, at the census block group level, the portion of authorized designated service areas in which the Applicant is actually offering video service or a statement indicating that no changes occurred during the prior two years pursuant to Ind. Code §§ 8-1-34-16(e) and 8-1-34-20(a)(7);
- g. Ensure that access to video service is not denied to any group of potential residential video subscribers because of the income of the residents of the local area in which such group resides in accordance with Ind. Code § 8-1-34-28(b) and 47 U.S.C. § 541(a)(3);
- h. Payment and performance of any rights, duties, and obligations owed to any private person as required by Ind. Code § 8-1-34-22(c);
- i. Payment of all fees owed to units and unincorporated areas included within Applicant's service areas as required by Ind. Code § 8-1-34-24; and
- j. Compliance with any requirements that may be imposed by the Commission regarding channels for public, educational and governmental programming ("PEG Channels") as set forth in Ind. Code §§ 8-1-34-25, 26, 26.5, and 27 that may be required at the time of, or subsequent to, issuance of the Certificate by Commission

rules, upon petition of a unit or an unincorporated area included in the Applicant's designated service areas or upon the Commission's own motion.

3. **Confidential Information.** On April 22, 2016, Applicant filed its Motion seeking a determination that designated confidential information involved in this proceeding be exempt from public disclosure under Ind. Code § 8-1-2-29 and Ind. Code ch. 5-14-3. The request was supported by the affidavit of Allison Ellis. On May 6, 2016, the Presiding Administrative Law Judge issued a docket entry finding such information confidential on a preliminary basis. After reviewing the designated confidential information, we find all such information qualifies as confidential trade secret information pursuant to Ind. Code § 5-14-3-4 and Ind. Code § 24-2-3-2. This information has independent economic value from not being generally known or readily ascertainable by proper means. Applicant takes reasonable steps to maintain the secrecy of the information and disclosure of such information would cause harm to Applicant. Therefore, we affirm the preliminary ruling and find this information should be exempted from the public access requirements contained in Ind. Code ch. 5-14-3 and Ind. Code § 8-1-2-29, and held confidential and protected from public disclosure by this Commission.

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

1. Subject to the Findings set forth in this Order, the Applicant, Frontier Midstates, Inc., is hereby granted a Certificate of Franchise Authority to provide the requested video services in the Applicant's proposed DSAs as described in Confidential Exhibits A and B.

2. Pursuant to Ind. Code § 8-1-34-17(a)(2), Applicant is granted authority to use and occupy public rights-of-way, subject to state and local laws and regulations and the police powers of local units to enforce such local laws governing the use and occupancy of public rights-of-way.

3. The authority granted in Order paragraphs 1 and 2 above is subject to the Applicant's lawful provision and operation of the video service.

4. The material submitted to the Commission under seal is declared to contain trade secret information as defined in Ind. Code § 24-2-3-2 and therefore is exempted from the public access requirements contained in Ind. Code ch. 5-14-3 and Ind. Code § 8-1-2-29.

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

**STEPHAN, HUSTON, WEBER, AND ZIEGNER CONCUR:**

**APPROVED:**

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

  
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**Mary M. Becerra**  
**Secretary of the Commission**