

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

IURC RM #09-02
LSA #09-212


SDA
JLG

The Indiana Utility Regulatory Commission (the "Commission"), pursuant to IC 8-1-1-3(g) and IC 8-1-2.6-4.1(b), hereby amends 170 IAC 1-1.5-1 to exempt an application for a certificate of territorial authority for communications service providers or notice of change form filed under IC 8-1-32.5 from the ex parte rules of the Commission.

A public hearing was held on June 22, 2009, at 1:00 p.m., EDT. (local time) in Judicial Courtroom 222 of the National City Center, 101 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1. On June 30, 2009, at 3:30 p.m. EDT in Judicial Courtroom 222, National City Center, Indianapolis, Indiana, a majority of members of said Commission were present and adopted the foregoing rule.

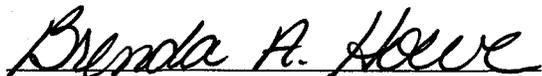
The Commission Counsel shall forward copies of the attached rule to the Indiana Legislative Services Agency for publication in the Indiana Register.

IT IS SO ORDERED.

HARDY, ATTERHOLT, GOLC, LANDIS, AND ZIEGNER CONCUR:

APPROVED: JUN 30 2009

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


Brenda A. Howe
Secretary to the Commission

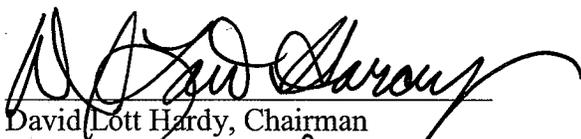
Rule Signature Page

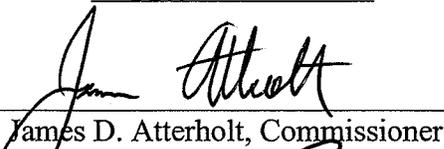
Rule #: LSA #09-212(F)
Agency: Indiana Utility Regulatory Commission
Subject: Amendment to 170 IAC 1-1.5-1 to Exempt an Application or Notice of Change Form Filed Under Ind. Code 8-1-32.5 from the Ex Parte Rules of the Commission.

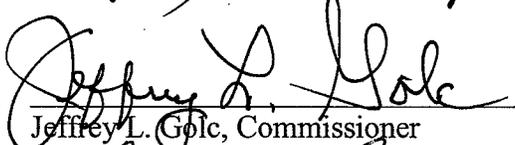
ADOPTED:

By the Indiana Utility Regulatory Commission

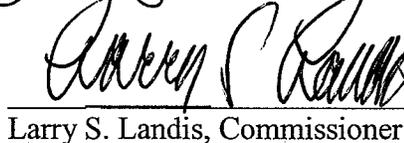
Date: JUN 30 2009


David Lott Hardy, Chairman


James D. Atterholt, Commissioner


Jeffrey L. Golc, Commissioner


David E. Ziegner, Commissioner


Larry S. Landis, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____
Gregory F. Zoeller
Attorney General, State of Indiana

Date: _____

APPROVED:

By: _____
Mitchell E. Daniels, Jr.
Governor, State of Indiana

Date: _____

ACCEPTED FOR FILING:

By: _____
Indiana Register
Legislative Services Agency

Date: _____

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule

LSA Document #09-212(F)

DIGEST

Amends 170 IAC 1-1.5-1 to exempt an application for a certificate of territorial authority for communications service providers or notice of change form filed under IC 8-1-32.5 from the ex parte rules of the commission. Effective 30 days after filing with the Publisher.

170 IAC 1-1.5-1

SECTION 1. 170 IAC 1-1.5-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 1-1.5-1 Definitions

Authority: IC 8-1-1-3

Affected: IC 8-1-1-5; IC 8-1-2-42; IC 8-1-2-61.5; IC 8-1-34

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Commission" refers to the Indiana utility regulatory commission.

(c) "To file a report" means written testimony filed by or oral testimony presented by, or both, a technical employee in a pending proceeding.

(d) "Proceeding" means a formally docketed proceeding before the commission. The term does not include any of the following:

(1) A rulemaking.

(2) A thirty (30) day filing under IC 8-1-2-42(a).

(3) A filing under IC 8-1-2-61.5(a).

(4) A petition under 170 IAC 7-4.

(5) An informal investigation.

(6) An investigation and disposition by the consumer affairs division of the commission.

(7) An application or notice of change form filed under IC 8-1-32.5.

(7) (8) An application or notice of change form filed under IC 8-1-34.

(e) "Technical employee" means an employee within one (1) of the commission's technical divisions. (*Indiana Utility Regulatory Commission; 170 IAC 1-1.5-1; filed Dec 9, 1996, 10:00 a.m.: 20 IR 938; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed May 24, 2007, 4:15 p.m.: 20070620-IR-170060514FRA; filed Dec 3, 2007, 10:30 a.m.: 20080102-IR-170070379FRA*)