



INDIANA UTILITY REGULATORY COMMISSION
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MEMORANDUM

TO: Commission Chairman James F. Huston
Commissioners Freeman, Krevda, Ober, and Ziegner

FROM: Commission Technical Divisions

DATE: November 22, 2019

RE: 30-Day Utility Articles for Conference on *Wednesday November 27, 2019 @ 10:00 a.m.*

The following thirty-day filings have been submitted to the Commission. Each item was reviewed by the appropriate Commission Technical Divisions and all regulations were met in accordance with 170 IAC 1-6 Thirty-Day Administrative Filing Procedures and Guidelines. Therefore, the following filings listed below and attached hereto are recommended to be considered by the Commission at the next conference:

Attachment Number	30-Day Filing No.	Name of Utility Company	Type of Request	Date Received
1	50302	United Telephone Company of Indiana, Inc.	The proposed revisions reflect the phased-in reductions in the Federal Lifeline credit that will begin on December 1, 2019 when the credit is applied towards a qualifying voice service. This filing also adds clarifying language regarding qualifying services. ***EMERGENCY APPROVAL***	10/31/2019
2	50304	Indiana Bell Telephone Company, Incorporated	Revised AT&T Tariff pages that reduce the Federal Lifeline discount. ***EMERGENCY APPROVAL***	11/1/2019
3	50305	Frontier North Inc. and Frontier Midstates Inc.	Local tariff change to the Lifeline credit rate in I.U.R.C. No. T-2, Basic Telecommunications Services, Section 6, Sheet 2 ***EMERGENCY APPROVAL***	11/4/2019

Filing Party: United Telephone Company of Indiana, Inc., d/b/a CenturyLink¹ (“United”)

30-Day Filing ID No.: 50302

Date Filed: October 31, 2019; amended on November 7

Filed Pursuant To: 170 IAC 1-6; and the FCC’s 2016 Further Report and Order (“*Lifeline Order*”).²

Request: The purpose of the October 31 filing is to implement the first step in the FCC-mandated reduction in the monthly Federal Lifeline credit to \$7.25 (currently \$9.25), which will begin on December 1, 2019. This rate reduction applies only for qualifying voice-only Lifeline subscribers. This filing also extends the existing \$9.25 credit to Lifeline broadband-only subscribers and subscribers to voice-broadband bundles for the first time, so long as the broadband service meets the FCC’s definition of “BIAS”. Finally, the filing adds other clarifying language regarding the qualifying services.

On November 7, United amended its tariff filing by explaining that it was not possible to file in time to allow the minimum 30 days required under IC 8-1-2-42 for Commission review prior to the November 27 conference date, and including a signed affidavit to request that the Commission issue an emergency order prior to December 1 granting temporary approval of the proposed rate changes under IC 8-1-2-113, pending final IURC approval at least 30 days after the initial October 31 filing date.

Retail Customer Impact: Some Lifeline voice-only subscribers might see a small increase in their monthly rates for local exchange service (e.g., an increase of \$2.00). However, given that the Commission does not have jurisdiction over local exchange rates, due to the passage of House Enrolled Act 1279 in 2006, it is up to the retail local exchange carrier serving a particular subscriber whether to increase or decrease that subscriber’s rates (and by how much), or to keep rates at the current level.

Tariff Page(s) Affected: Tariff I.U.R.C. No. T-6, Sheets 1, 2, 3, & 4

Staff Recommendations: Pursuant to FCC requirements, United’s reduction to its tariffed voice credit for Lifeline voice-only subscribers, as well the establishment of a monthly credit for broadband-only Lifeline subscribers and subscribers to voice-broadband bundles, must take effect on December 1.³

¹ CenturyLink of Central Indiana and CenturyLink of Odon concur in the United Telephone Company Tariff IURC T-6, so approval of this filing will ensure that those two CenturyLink rate-of-return ILECs are also in compliance with relevant FCC rules.

² *In the Matter of Lifeline and Link Up Reform and Modernization*, et al., WC Docket No. 11-42, et al., *Third Report and Order, Further Report and Order, and Order on Reconsideration* (FCC 16-38, rel. April 27, 2016).

³ *See, e.g., Lifeline Order*, at para. 64 & 47 C.F.R. §54.403(a)(2); *aff’d* in WC Docket No. 11-42, et al., *Order*, at 2 & 21 (FCC 19-116, rel. Nov. 19, 2019).

Given the October 31 filing date, United's original December 1 requested effective date creates a conflict with IC 8-1-2-42(a), which precludes approval of rates and charges for a public utility, without 30 days' prior notice, unless the Commission "approves an order prescribing a different time frame." Similarly, the Commission's 30-day filing rules state that the 30-day period between the receipt and the approval of the filing is the *minimum* period for review, unless the Commission issues an order approving a different time frame. The last conference before Dec. 1 will be held on November 27. The earliest conference date available after Dec. 1 for approval of this filing is December 4, which is obviously after the FCC-mandated effective date of Dec. 1.

Under IC 8-1-2-113(a), if the Commission determines that an emergency exists, and that it is "necessary to prevent injury to the business or interests of ... any public utility" in the state, it may temporarily alter or amend (or, suspend, with the consent of the utility) any public utility's rates.

Requirements in 170 IAC 1-6, and IC 8-1-2-113 were met, as were applicable FCC requirements. **Staff recommends that the Commission do the following, pursuant to IC 8-1-2-113: (1) judge that an emergency exists; and (2) grant United's request for emergency approval of the revised Lifeline subscriber credits on a temporary basis.** Staff will resubmit the filing for a final vote to occur on or after December 4, 2019.

Filing Party: **Indiana Bell Telephone Company, Inc., d/b/a AT&T Indiana (“AT&T”)**

30-Day Filing ID No.: 50304

Date Filed: November 1, 2019; amended on November 4 & Nov. 21

Filed Pursuant To: 170 IAC 1-6; and the FCC’s 2016 Further Report and Order (“*Lifeline Order*”).¹

Request: The purpose of the November 1 filing is to implement the first step in the FCC-mandated reduction in the monthly Federal Lifeline credit to \$7.25 (currently \$9.25), which will begin on December 1, 2019. This rate reduction applies only for qualifying voice-only Lifeline subscribers.

On November 4, AT&T amended its tariff filing by explaining that it was not possible to file in time to allow the minimum 30 days required under IC 8-1-2-42 for Commission review prior to the November 27 conference date, and including a signed affidavit to request that the Commission issue an emergency order prior to December 1 granting temporary approval of the proposed rate changes under IC 8-1-2-113, pending final IURC approval at least 30 days after the initial November 1 filing date. The Nov. 21 amended filing provided further clarification that the reduction in the Lifeline credit (from \$9.25 down to \$7.25) applies only to qualifying voice-only subscribers, but it did not change the amount of the reduction.

Retail Customer Impact: Some Lifeline voice-only subscribers might see a small increase in their monthly rates for local exchange service (e.g., an increase of \$2.00). However, given that the Commission does not have jurisdiction over local exchange rates, due to the passage of House Enrolled Act 1279 in 2006, it is up to the retail local exchange carrier serving a particular subscriber whether to increase or decrease that subscriber’s rates (and by how much), or to keep rates at the current level.

Tariff Page(s) Affected: Tariff IURC No. 20, Part 4, Section 4, Revised Sheet 1.

Staff Recommendations: Pursuant to FCC requirements, AT&T’s reduction to its tariffed voice credit for Lifeline voice-only subscribers, must take effect on December 1.²

Given the November 1 filing date, AT&T’s original December 1 requested effective date creates a conflict with IC 8-1-2-42(a), which precludes approval of rates and charges for a public utility, without 30 days’ prior notice, unless the Commission “approves an order prescribing a different time frame.” Similarly, the Commission’s

¹ *In the Matter of Lifeline and Link Up Reform and Modernization*, et al., WC Docket No. 11-42, et al., *Third Report and order, Further Report and Order, and Order on Reconsideration* (FCC 16-38, rel. April 27, 2016).

² *See, e.g., Lifeline Order*, at para. 64 & 47 C.F.R. §54.403(a)(2); *aff’d* in WC Docket No. 11-42, et al., *Order*, at 2 & 21 (FCC 19-116, rel. Nov. 19, 2019).

30-day filing rules state that the 30-day period between the receipt and the approval of the filing is the *minimum* period for review, unless the Commission issues an order approving a different time frame. The last conference before Dec. 1 will be held on November 27. The earliest conference date available after Dec. 1 for approval of this filing is December 4, which is obviously after the FCC-mandated effective date of Dec. 1.

Under IC 8-1-2-113(a), if the Commission determines that an emergency exists, and that it is “necessary to prevent injury to the business or interests of ... any public utility” in the state, it may temporarily alter or amend (or, suspend, with the consent of the utility) any public utility’s rates.

Requirements in 170 IAC 1-6, and IC 8-1-2-113 were met, as were applicable FCC requirements. **Staff recommends that the Commission do the following, pursuant to IC 8-1-2-113: (1) judge that an emergency exists; and (2) grant AT&T’s request for emergency approval of the revised Lifeline subscriber credits on a temporary basis.** Staff will resubmit the filing for a final vote to occur on or after December 4, 2019.

Filing Party: Frontier North Inc. and Frontier Midstates, Inc. (“Frontier”)

30-Day Filing ID No.: 50305

Date Filed: November 4, 2019

Filed Pursuant To: 170 IAC 1-6; and the FCC’s 2016 Further Report and Order (“Lifeline Order”).¹

Request: The purpose of the November 4 filing is to implement the first step in the FCC-mandated reduction in the monthly Federal Lifeline credit to \$7.25 (currently \$9.25), which will begin on December 1, 2019. This rate reduction applies only for qualifying voice-only Lifeline subscribers. This filing also retains the \$9.25 monthly credit for broadband-only subscribers and subscribers who purchase a broadband-voice bundle meeting all applicable FCC requirements under 47 C.F.R. § 54.403(a)(2).

Frontier also explained that it was not possible to file in time to allow the minimum 30 days required under IC 8-1-2-42 for Commission review, and included a signed affidavit to request that the Commission issue an emergency order prior to December 1 granting temporary approval of the proposed rate changes under IC 8-1-2-113, pending final IURC approval at least 30 days after the initial November 4 filing date.

Retail Customer Impact: Some Lifeline voice-only subscribers might see a small increase in their monthly rates for local exchange service (e.g., an increase of \$2.00). However, given that the Commission does not have jurisdiction over local exchange rates, due to the passage of House Enrolled Act 1279 in 2006, it is up to the retail local exchange carrier serving a particular subscriber whether to increase or decrease that subscriber’s local exchange (voice) rates (and by how much), or to keep rates at the current level.

Tariff Page(s) Affected: I.U.R.C. No. T-2, Basic Telecommunications Services, Section 6, Sheet 2

Staff Recommendations: Pursuant to FCC requirements, Frontier’s reduction to its tariffed voice credit for Lifeline voice-only subscribers must take effect on December 1.²

Given the November 4 filing date, Frontier’s original December 1 requested effective date creates a conflict with IC 8-1-2-42(a), which precludes approval of rates and charges for a public utility, without 30 days’ prior notice, unless the Commission “approves an order prescribing a different time frame.” Similarly, the Commission’s 30-day filing rules state that the 30-day period between the receipt and the approval of the filing is the *minimum* period for review,

¹ *In the Matter of Lifeline and Link Up Reform and Modernization*, et al., WC Docket No. 11-42, et al., *Third Report and order, Further Report and Order, and Order on Reconsideration* (FCC 16-38, rel. April 27, 2016).

² *See, e.g., Lifeline Order*, at para. 64 & 47 C.F.R. §54.403(a)(2); *aff’d* in WC Docket No. 11-42, et al., *Order*, at 2 & 21 (FCC 19-116, rel. Nov. 19, 2019).

unless the Commission issues an order approving a different time frame. The last conference before Dec. 1 will be held on November 27. The earliest conference date available after Dec. 1 for approval of this filing is December 4, which is obviously after the FCC-mandated effective date of Dec. 1.

Under IC 8-1-2-113(a), if the Commission determines that an emergency exists, and that it is “necessary to prevent injury to the business or interests of . . . any public utility” in the state, it may temporarily alter or amend (or, suspend, with the consent of the utility) any public utility’s rates.

Requirements in 170 IAC 1-6 and IC 8-1-2-113 were met, as were applicable FCC requirements. **Staff recommends that the Commission do the following, pursuant to IC 8-1-2-113: (1) judge that an emergency exists; and (2) grant Frontier’s request for emergency approval of the revised Lifeline subscriber credits on a temporary basis.** Staff will resubmit the filing for a final vote to occur on or after December 4, 2019.