



INDIANA UTILITY REGULATORY COMMISSION  
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## MEMORANDUM

TO: Commissioner David E. Ziegner  
Commissioners Freeman and Ober

FROM: Commission Technical Divisions

DATE: July 26, 2019

RE: 30-Day Utility Articles for Conference on *Monday July 29, 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	50281	New Lisbon Broadband and Communications LLC	Submits the original intrastate switched access tariff to I.U.R.C Tariff No. 2	6/13/2019

*Submitted By: Pamela D. Taber*  
*Director, Communications Division*

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**Filing Party:** New Lisbon Broadband & Communications, LLC (“New Lisbon Broadband”, or “NLBC”)  
**30-Day Filing ID No.:** 50281  
**Date Filed:** June 13, 2019; resubmitted on July 12 for clerical and administrative corrections.  
**Filed Pursuant To:** IC 8-1-2-88.6; 170 IAC 1-6; and IURC Cause No. 44004.  
**Request:** This filing is submitted as an original intrastate switched access tariff, I.U.R.C. Tariff No. 2.

Pursuant to the FCC’s “Rural Exemption”, New Lisbon Broadband & Communications benchmarks its originating and terminating intrastate switched access rates to the corresponding interstate rates in the NECA Tariff No. 5, which may be found at [https://www.neca.org/Tariff\\_5.aspx](https://www.neca.org/Tariff_5.aspx)

[CLECs are generally required to benchmark their switched exchange access rates to the rates charged for similar services by the competing ILEC pursuant to 47 C.F.R. § 61.26(c), and as explained in paragraph 807 of the FCC’s USF/ICC Transformation Order. However, NLBC qualifies for the FCC’s "Rural Exemption", which is one of two exceptions to the general benchmarking requirement. The Rural Exemption<sup>1</sup> allows a rural CLEC offering service within the territory of a nonrural incumbent local exchange carrier (ILEC) to “benchmark” to the highest possible local switching rates prescribed in the National Exchange Carrier Association ("NECA") access tariff, instead of mirroring the competing nonrural ILEC’s interstate local switching rates. (In this case, the competing nonrural ILEC is AT&T Indiana.)]

NLBC’s operating territory is the entire state of Indiana, but explicitly excludes the territory of its ILEC affiliate (New Lisbon Telephone Company, or NLTC).

**Retail Customer Impact:** N/A

**Tariff Page(s) Affected:** I.U.R.C. Tariff No.2 New tariff [Complete/all pages]

**Staff Recommendations:** Requirements in IC 8-1-2-88.6; 170 IAC 1-6; and IURC Cause No. 44004 were met; **Staff recommends approval.**

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<sup>1</sup> 47 C.F.R. § 61.26(e). *See, also, In the Matter of Connect America Fund, et al.*, WC Docket No. 10-90, et al., *Report and Order and Further Notice of Proposed Rulemaking* [“USF/ICC Transformation Order”], at para. 807 (FCC 11-161, rel. Nov. 18, 2011).