



INDIANA UTILITY REGULATORY COMMISSION  
 101 WEST WASHINGTON STREET, SUITE 1500 EAST  
 INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>  
 Office: (317) 232-2701  
 Facsimile: (317) 232-6758

## MEMORANDUM

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

FROM: Commission Technical Divisions

DATE: July 27, 2018

RE: 30-Day Utility Articles for Conference on *Tuesday July 31, 2018 @ 2:00 p.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	50120	Community Utilities of Indiana, Inc.	To consolidate and revise its rules and regulations governing the provision of water and wastewater service to its customers	2/27/2018
2	50205	Birch Communications, LLC	The original of the Initial Access Services Tariff – I.U.R.C. Tariff No. 1	6/20/2018
3	50206	CMN-RUS, Inc.	To mirror the Rate Band 8 Originating Switched End Office compensation rate in the National Exchange Carrier Association, Inc. F.C.C. No. 5 and implement the reduction in Terminating Switched End Office compensation rates by one-third of the differential between \$0.005 and \$0.007 as	6/21/2018

			defined in the Federal Communications Commission ICC Order released November 18, 2011	
4	50207	Indiana American Water	The utility proposes to decrease its rates as a result of the 2017 Tax Cut and Jobs Act. IN/AM believes applying the reduction only to the commodity charges for water service and not the service charge, is an allowable filing under 170 IAC 1-6-3(7) and (8).	6/28/2018

*Submitted By: E. Curtis Gassert*  
*Director, Water/Sewer Division*

---

Filing Party: Community Utilities of Indiana, Inc.  
30-Day Filing ID No.: 50120  
Date Filed: February 27, 2018  
Filed Pursuant To: 170 IAC 1-6  
Request: The utility is proposing to consolidate and revise its rules and regulations governing the provision of water and wastewater service to its divisions of Twin lakes, Indiana Water Service and Water Service Company of Indiana  
Customer Impact: No rate impact  
Terms Page(s) Affected: All  
Staff Recommendations: Requirements met. Recommend approval.

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

---

**Filing Party:** Birch Communications, LLC f/k/a Birch Communications, Inc. (“Birch Communications”)

**30-Day Filing ID No.:** 50205

**Date Filed:** June 20, 2018

**Filed Pursuant To:** IC 8-1-2-88.6; 170 IAC 1-6; and IURC Cause No. 44004.

**Request:** According to Birch Communications, “This filing is submitted as a follow up to the Company’s receipt of a Certificate of Territorial Authority to provide facilities-based local and interexchange telecommunications services within Indiana in Cause No. 45003 and subsequent approval of a Change in a Certificate of Territorial Authority to change the Company name, Change No. CSP-1803-5.”

**Retail Customer Impact:** N/A

**Tariff Page(s) Affected:** IURC Tariff No.1 (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.

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

---

**Filing Party:** CMN-RUS, Inc., d/b/a MetroNet

**30-Day Filing ID No.:** 50206

**Date Filed:** June 21, 2018; cover letter revised on July 20.

**Filed Pursuant To:** IC 8-1-2-88.6, 170 IAC 1-6, and IURC Cause No. 44004; FCC USF/ICC Transformation Order and related FCC rules.

**Request:** As MetroNet correctly notes, a competitive local exchange carrier (CLEC) would ordinarily be required “to lower its benchmark [access] rate to that charged for similar services by the competing ILEC pursuant to 47 C.F.R. § 61.26(c). However, CMN-RUS, Inc., qualifies for the [FCC’s] ‘Rural Exemption’ and has consistently applied the Rural Exemption since its inception.” 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 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.)

MetroNet further states, “This tariff is a stand-alone tariff for intrastate traffic only. This is separate from the interstate CMN-RUS, Inc. FCC Tariff No. 2. Although federal law provides for a Rural Exemption and explicitly states what the rates are to be, those rates can only be captured in an intrastate tariff filed with a state commission.” Consistent with the FCC rural CLEC exemption and the applicable NECA rates, CMN-RUS, Inc. is proposing the following revisions to its existing intrastate rates, as follows, effective July 31, 2018:

- Originating Switched End Office rate: \$0.048930
- Terminating Switched End Office rate: \$0.002133

**Retail Customer Impact:** N/A

**Tariff Page(s) Affected:** I.U.R.C. Tariff No. 3, Section 5 – Sheets 2 and 50.

**Staff Recommendations:** Requirements in IC 8-1-2-88.6, 170 IAC 1-6 and IURC Cause No. 44004 were met. In addition, Staff has reviewed MetroNet’s filing and is satisfied that the proposed changes in intrastate access rates comply with applicable FCC requirements. **Staff recommends approval.**

---

<sup>1</sup> *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).

*Submitted By: E. Curtis Gassert*  
*Director, Water/Wastewater Division*

---

**Filing Party:** Indiana-American Water Company (IN/AM)

**30-Day Filing ID No.:** 50207

**Date Filed:** 6/28/18

**Filed Pursuant To:** 170 IAC 1-6

**Request:** The utility proposes to decrease its rates as a result of the 2017 Tax Cut and Jobs Act. IN/AM believes applying the reduction only to the commodity charges for water service and not the service charge, is an allowable filing under 170 IAC 1-6-3(7) and (8).

**Tariff Pages Affected:** N/A

**Staff Recommendations:** Staff Recommends the Filing be Denied. Staff believes IN/AM's filing is a prohibited filing under 170 IAC 1-6-4(4) Class rate restructuring. Further, the Commission's Final Order in Cause No. 45032 supports Staff's recommendation wherein it states "[t]he difference reflected in each revised Rate or Charge shall be allocated among customer classes in accordance with the allocation methodology used at the time that the current Rate or Charge was approved..." Due to potential ex parte concerns the notice required pursuant to 170 IAC 1-6-8(b) was provided by General Counsel instead of the Water/Wastewater Division.

**Tariff Revisions:** N/A