

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 492 be amended to read as follows:

- 1 Page 1, line 1, strike "A" and insert "**The**".
- 2 Page 1, line 3, delete "is".
- 3 Page 1, line 3, reset in roman "under IC 8-1-2.6-4".
- 4 Page 1, line 4, reset in roman "shall also".
- 5 Page 1, line 4, strike "to".
- 6 Page 8, line 17, delete "may" and insert "**shall**".
- 7 Page 9, line 11, reset in roman "2007, and in each report".
- 8 Page 9, line 12, reset in roman "due in an odd-numbered year after
- 9 July 1, 2007:".
- 10 Page 9, line 12, delete "2013:".
- 11 Page 9, between lines 19 and 20, begin a new line block indented
- 12 and insert:
- 13 "**This subdivision expires June 30, 2013.**".
- 14 Page 13, line 27, after "(D)" insert "**and**".
- 15 Page 16, line 31, strike "IC 8-1-2.6-13(d)(9)" and insert
- 16 "**IC 8-1-2.6-13(c)(9)**".
- 17 Page 17, between lines 8 and 9, begin a new paragraph and insert:
- 18 "SECTION 14. IC 8-1-32.5-6, AS AMENDED BY P.L.219-2011,
- 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2013]: Sec. 6. (a) Except as provided in subsection (c), before
- 21 a communications service provider may offer communications service
- 22 to customers in Indiana, the communications service provider must
- 23 apply to the commission for a certificate of territorial authority. A
- 24 communications service provider that seeks a certificate under this
- 25 chapter shall submit an application on a form prescribed by the
- 26 commission. Subject to subsection (e), the form prescribed by the

1 commission must require the communications service provider to
2 report the following information:

3 (1) The provider's legal name and any name under which the
4 provider does or will do business in Indiana, as authorized by the
5 secretary of state.

6 (2) The provider's address and telephone number, along with
7 contact information for the person responsible for ongoing
8 communications with the commission.

9 (3) The legal name, address, and telephone number of the
10 provider's parent company, if any.

11 (4) A description of each service area in Indiana in which the
12 provider proposes to offer communications service.

13 (5) For each service area identified under subdivision (4), a
14 description of each type of communications service that the
15 provider proposes to offer in the service area.

16 (6) For each communications service identified under subdivision
17 (5), whether the communications service will be offered to
18 residential customers or business customers, or both.

19 (7) The expected date of deployment for each communications
20 service identified under subdivision (5) in each service area
21 identified in subdivision (4).

22 (8) A list of other states in which the provider offers
23 communications service, including the type of communications
24 service offered.

25 (9) Any other information the commission considers necessary to:

26 (A) monitor the type and availability of communications
27 service provided to Indiana customers; and

28 (B) prepare the commission's annual report to the regulatory
29 flexibility committee under IC 8-1-2.6-4.

30 The commission may charge a fee for filing an application under this
31 section. Any fee charged by the commission under this subsection may
32 not exceed the commission's actual costs to process and review the
33 application under section 8 of this chapter.

34 (b) A communications service provider shall also submit, along with
35 the application required by subsection (a), the following documents:

36 (1) A certification from the secretary of state authorizing the
37 provider to do business in Indiana.

38 (2) Information demonstrating the provider's financial,
39 managerial, and technical ability to provide each communications
40 service identified in the provider's application under subsection
41 (a)(5) in each service area identified under subsection (a)(4).

42 (3) A statement, signed under penalty of perjury by an officer or
43 another person authorized to bind the provider, that affirms the
44 following:

45 (A) That the provider has filed or will timely file with the
46 Federal Communications Commission all forms required by
47 the Federal Communications Commission before offering
48 communications service in Indiana.

49 (B) That the provider agrees to comply with any customer
50 notification requirements imposed by the commission under
51 section 11(b) of this chapter.

- 1 (C) That the provider agrees to update the information
 2 provided in the application submitted under subsection (a) on
 3 a regular basis, as may be required by the commission under
 4 section 12 of this chapter.
- 5 (D) That the provider agrees to notify the commission when
 6 the provider commences offering communications service in
 7 each service area identified in the provider's application under
 8 subsection (a)(4).
- 9 (E) That the provider agrees to pay any lawful rate or charge
 10 for switched and special access services, as required under
 11 any:
- 12 (i) applicable interconnection agreement; or
 13 (ii) lawful tariff or order approved or issued by a regulatory
 14 body having jurisdiction.
- 15 (F) That the provider agrees to report, at the times required by
 16 the commission, any information required by the commission
 17 under ~~IC 8-1-2.6-13(d)(9)~~: **IC 8-1-2.6-13(c)(9)**.
- 18 (c) If:
- 19 (1) a communications service provider has been issued a:
- 20 (A) certificate of territorial authority; or
 21 (B) certificate of public convenience and necessity;
 22 by the commission before July 1, 2009; and
 23 (2) the certificate described in subdivision (1) is in effect on July
 24 1, 2009;
- 25 the communications service provider is not required to submit an
 26 application under this section for as long as the certificate described in
 27 subdivision (1) remains in effect. For purposes of this subsection, if a
 28 corporation organized under IC 8-1-13 (or a corporation organized
 29 under IC 23-17-1 that is an electric cooperative and that has at least one
 30 (1) member that is a corporation organized under IC 8-1-13) holds a
 31 certificate of public convenience and necessity issued by the
 32 commission before, on, or after July 1, 2009, that certificate may serve
 33 as the certificate required under this chapter with respect to any
 34 communications service offered by the corporation, subject to the
 35 commission's right to require the corporation to provide any
 36 information that an applicant is otherwise required to submit under
 37 subsection (a) or that a holder is required to report under
 38 ~~IC 8-1-2.6-13(d)(9)~~: **IC 8-1-2.6-13(c)(9)**.
- 39 (d) This section does not empower the commission to require an
 40 applicant for a certificate under this chapter to disclose confidential and
 41 proprietary business plans and other confidential information without
 42 adequate protection of the information. The commission shall exercise
 43 all necessary caution to avoid disclosure of confidential information
 44 supplied under this section.
- 45 (e) The form prescribed for a communications service provider that
 46 offers only a service described in IC 8-1-2.6-1.1 must require the
 47 communications service provider to report and certify the accuracy of
 48 only the information required under subsection (a)(1) and (a)(2).".
- 49 Renumber all SECTIONS consecutively.

(Reference is to SB 492 as printed February 19, 2013.)

Senator HERSHMAN