

IC 8-1-19

Chapter 19. Telephone Companies—Receivership

IC 8-1-19-1

Public policy

Sec. 1. Whereas the telephone system of this country is a nationwide interconnected and interrelated system, no part of which may be suspended without seriously and adversely affecting the whole, and whereas the continuous operation of such communications system is essential to the operation of the economic life of the country and is necessary to prevent extreme hardship, now, therefore, it is legislatively determined that the remedy of suspension or revocation of the permit of a telephone company for violation of law or the rules or orders of lawful authority is wholly inadequate and that additional remedy therefor is necessary and proper and that the intrinsic nature of the telephone business justifies such additional remedy for such industry.

(Formerly: Acts 1947, c.270, s.1.)

IC 8-1-19-2

Verified showing; hearing; order for receivership

Sec. 2. If any telephone company shall violate any provision of law, or any rule or order of the commission or of any other lawful authority or shall fail to perform any duty imposed upon it by law or by any such rule or order, then, and in that event, in addition to all other remedies provided by law, the commission may, in a proper case, file a verified showing in any circuit court in this state wherein is located the main or principal office or place of business of any telephone company, that such telephone company has failed, neglected, or refused to comply with such provision of law or with an order or requirement of said commission or other lawful authority and that the users of the telephone service furnished by such telephone company, or the public, will be damaged or injured by the continued noncompliance with such law, order or requirement, and that it would be to the interest of the public, that on ten (10) days notice to such telephone company the court should appoint a receiver to operate said telephone company and to render such service or to comply with such law, order, or requirement of the said commission or other lawful authority. Such court may, upon such showing, appoint a receiver for such purpose who shall thereupon qualify as other receivers are qualified and shall thereupon have and exercise the same rights and be subject to the same duties and obligations as now provided by law for public utilities. Such receivership shall be continued, until it is found by the court that said telephone company will, in all reasonable probability, comply in the future with all rules and orders applicable thereto. Such finding shall be entered only after hearing upon notice to the commission. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment shall in

every case be deemed to be the act, omission, or failure of such public utility.

(Formerly: Acts 1947, c.270, s.2.) As amended by P.L.23-1988, SEC.57.