

IC 8-1-2.6

Chapter 2.6. Competition in the Provision of Telephone Services

IC 8-1-2.6-0.1

"Basic telecommunications service"

Sec. 0.1. (a) As used in this chapter, "basic telecommunications service" means stand alone telephone exchange service (as defined in 47 U.S.C. 153(47)) that:

(1) is provided to a residential customer through the customer's primary line; and

(2) is:

(A) the sole service purchased by the customer;

(B) not part of a package of services, a promotion, or a contract; or

(C) not otherwise offered at a discounted price.

(b) The term includes, at a minimum, the following:

(1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.

(2) Dual tone multifrequency signaling and single party service.

(3) Access to:

(A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;

(B) operator services;

(C) local directory assistance;

(D) telephone relay services; and

(E) interexchange service.

(4) Toll limitation services for qualifying low income customers.

(c) The term does not include a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.

As added by P.L.27-2006, SEC.6.

IC 8-1-2.6-0.2

"Incumbent local exchange carrier"

Sec. 0.2. As used in this chapter, "incumbent local exchange carrier" has the meaning set forth in 47 U.S.C. 251(h).

As added by P.L.27-2006, SEC.7.

IC 8-1-2.6-0.3

"Nonbasic telecommunications service"

Sec. 0.3. (a) As used in this chapter, "nonbasic telecommunications service" means retail telecommunications service other than:

(1) basic telecommunications service, except when the service is purchased by the customer:

(A) in conjunction with another service;

(B) as part of a package of services, a promotion, or a

- contract; or
 - (C) at an otherwise discounted price;
 - (2) commercial mobile radio service (as defined in 47 CFR 51.5);
 - (3) services outside the jurisdiction of the commission under section 1.1 of this chapter; and
 - (4) switched and special access services.
- (b) The term includes services included in:
- (1) customer specific contracts;
 - (2) volume, term, and discount pricing options; and
 - (3) packages, bundles, and promotions, including offers designed to obtain new customers, retain existing customers, or bring back former customers.

As added by P.L.27-2006, SEC.8.

IC 8-1-2.6-0.4

"Provider"

Sec. 0.4. As used in this chapter, "provider" means a person or an entity that offers basic or nonbasic telecommunications service.

As added by P.L.27-2006, SEC.9.

IC 8-1-2.6-0.5

"Rates and charges"

Sec. 0.5. As used in this chapter, "rates and charges", with respect to basic telecommunications service, means the monthly charge to a customer for basic telecommunications service, including:

- (1) recurring charges for flat rate and message rate service; and
- (2) any nonrecurring charge for installation or a line or service connection.

As added by P.L.27-2006, SEC.10.

IC 8-1-2.6-0.6

"Telecommunications"

Sec. 0.6. As used in this chapter, "telecommunications" has the meaning set forth in 47 U.S.C. 153(43).

As added by P.L.27-2006, SEC.11.

IC 8-1-2.6-0.7

"Telecommunications service"

Sec. 0.7. As used in this chapter, "telecommunications service" has the meaning set forth in 47 U.S.C. 153(46).

As added by P.L.27-2006, SEC.12.

IC 8-1-2.6-1

Legislative declaration

Sec. 1. The Indiana general assembly hereby declares that:

- (1) the maintenance of universal telephone service is a continuing goal of the commission in the exercise of its jurisdiction;
- (2) competition has become commonplace in the provision of

telecommunications services in Indiana and the United States;
(3) advancements in and the convergence of technologies that provide voice, video, and data transmission, including:

(A) landline, wireless, cable, satellite, and Internet transmissions; and

(B) transmissions involving voice over Internet Protocol (VOIP), Internet Protocol enabled services, and voice over power lines;

are substantially increasing consumer choice, reinventing the marketplace with unprecedented speed, and making available highly competitive products and services and new methods of delivering local exchange service;

(4) traditional regulatory policies, practices, and statutes are not designed to deal with a competitive environment and technological advancements;

(5) an environment in which Indiana consumers will have available the widest array of state-of-the-art communications services at the most economic and reasonable cost possible will necessitate full and fair facilities based competition in the delivery of telecommunications services throughout Indiana; and

(6) streamlining of, and flexibility in, the regulation of providers of telecommunications services, regardless of the technology used, is essential to the well-being of Indiana, its economy, and its citizens, and that the public interest requires that the commission be authorized to formulate and adopt rules and policies as will permit the commission, in the exercise of its expertise, to regulate and control the provision of telecommunications services to the public in an increasingly competitive and technologically changing environment, giving due regard to the interests of consumers and the public, the ability of market forces to encourage innovation and investment, and the continued universal availability of basic telecommunications service.

As added by P.L.92-1985, SEC.1. Amended by P.L.23-1988, SEC.32; P.L.27-2006, SEC.13.

IC 8-1-2.6-1.1

Services not subject to commission jurisdiction

Sec. 1.1. The commission shall not exercise jurisdiction over:

(1) advanced services (as defined in 47 CFR 51.5);

(2) broadband service, however defined or classified by the Federal Communications Commission;

(3) information service (as defined in 47 U.S.C. 153(20));

(4) Internet Protocol enabled retail services:

(A) regardless of how the service is classified by the Federal Communications Commission; and

(B) except as expressly permitted under IC 8-1-2.8;

(5) commercial mobile service (as defined in 47 U.S.C. 332); or

(6) any service not commercially available on March 28, 2006.

As added by P.L.27-2006, SEC.14. Amended by P.L.1-2007, SEC.69.

IC 8-1-2.6-1.2

Nonbasic telecommunications service; commission's limited jurisdiction

Sec. 1.2. Except as provided in sections 1.5(b) and 13 of this chapter, after March 27, 2006, the commission shall not exercise jurisdiction over any nonbasic telecommunications service.

As added by P.L.27-2006, SEC.15. Amended by P.L.1-2007, SEC.70; P.L.256-2013, SEC.2.

IC 8-1-2.6-1.3

Measured local service prohibited

Sec. 1.3. A provider that offers basic telecommunications service in Indiana:

- (1) must offer a flat monthly rate with unlimited local calling for basic telecommunications service in each local exchange area in Indiana in which the provider offers basic telecommunications service; and
- (2) may not, in any local exchange area in Indiana in which the provider offers basic telecommunications service, offer any service plan for basic telecommunications service that includes measured local service.

As added by P.L.27-2006, SEC.16. Amended by P.L.256-2013, SEC.3.

IC 8-1-2.6-1.4

Basic telecommunications service; commission's limited jurisdiction

Sec. 1.4. Except as provided in sections 1.5(b) and 13 of this chapter, after June 30, 2009, the commission shall not exercise jurisdiction over basic telecommunications service.

As added by P.L.27-2006, SEC.17. Amended by P.L.1-2007, SEC.71; P.L.256-2013, SEC.4.

IC 8-1-2.6-1.5

Commission's delegated authority; intrastate switched or special access service rates and charges; filing of tariff

Sec. 1.5. (a) In acting to impose any requirements or set any prices concerning:

- (1) interconnection with the facilities and equipment of providers for purposes of 47 U.S.C. 251(c)(2);
- (2) the resale of telecommunications service for purposes of 47 U.S.C. 251(c)(4); or
- (3) the unbundled access of one (1) provider to the network elements of another provider for purposes of 47 U.S.C. 251(c)(3);

the commission shall not exceed the authority delegated to the commission under federal laws and regulations with respect to those actions. This subsection does not affect the commission's authority

under IC 8-1-2-5.

(b) Subject to any regulations adopted by the Federal Communications Commission, this section does not affect:

- (1) the commission's authority to mediate a dispute between providers under 47 U.S.C. 252(a);
- (2) the commission's authority to arbitrate a dispute between providers under 47 U.S.C. 252(b);
- (3) the commission's authority to approve an interconnection agreement under 47 U.S.C. 252(e), including the authority to establish service quality metrics and liquidated damages;
- (4) the commission's authority to review and approve a provider's statement of terms and conditions under 47 U.S.C. 252(f);
- (5) a provider's ability to file a complaint with the commission to have a dispute decided by the commission:
 - (A) after notice and hearing; and
 - (B) in accordance with this article; or
- (6) the commission's authority to resolve an interconnection dispute between providers under the expedited procedures set forth in 170 IAC 7-7.

(c) If a provider's rates and charges for intrastate switched or special access service are:

- (1) at issue in a dispute that the commission is authorized to mediate, arbitrate, or otherwise determine under state or federal law; or
- (2) included in an interconnection agreement or a statement of terms and conditions that the commission is authorized to review or approve under state or federal law;

the commission shall consider the provider's rates and charges for intrastate switched or special access service to be just and reasonable if the intrastate rates and charges mirror the provider's interstate rates and charges for switched or special access service.

(d) If the commission requires a provider to file a tariff for intrastate switched access service, special access service, or any other service, the filing of the tariff with the commission serves as the public notice of the filing of the tariff. The commission shall provide the public with notice of tariff filings through the commission's Internet web site or other electronic means.

As added by P.L.27-2006, SEC.18. Amended by P.L.256-2013, SEC.5.

IC 8-1-2.6-2

Rules and orders of the commission; notice and hearing; underlying policies; determination of public interest

Sec. 2. (a) This section applies to rules and orders that:

- (1) concern telecommunications service or providers of telecommunications service; and
- (2) may be adopted or issued by the commission under the authority of state or federal law.

(b) Rules and orders described in this section:

- (1) may be adopted or issued only after notice and hearing, unless:
 - (A) the commission determines in accordance with IC 8-1-2-113 that an emergency exists that requires the commission or a provider to take immediate action to:
 - (i) prevent injury to the business or interests of the citizens of Indiana; or
 - (ii) maintain a provider's financial integrity and ability to provide adequate basic telecommunications service;
 - (B) the commission is authorized under IC 8-1-2 to adopt a particular rule or issue a particular order without the necessity of a hearing; or
 - (C) after receiving notice of the commission's proposed action, all parties to a proceeding consent to the commission taking action without a hearing; and
- (2) must be:
 - (A) consistent with this chapter; and
 - (B) in the public interest, as determined by the commission under subsection (d).
- (c) Rules and orders described in this section must promote one (1) or more of the following:
 - (1) Cost minimization for providers to the extent that a provider's quality of service and facilities are not diminished.
 - (2) A more accurate evaluation by the commission of a provider's physical or financial conditions or needs as well as a less costly regulatory procedure for either the provider, the provider's customers, or the commission.
 - (3) Consumer access to affordable basic telecommunications service.
 - (4) Development of depreciation guidelines and procedures that recognize technological obsolescence.
 - (5) Increased provider management efficiency beneficial to customers.
 - (6) Regulation consistent with a competitive environment.
- (d) In determining whether the public interest will be served, as required under subsection (b), the commission shall consider:
 - (1) whether technological change, competitive forces, or regulation by other state and federal regulatory bodies render the exercise of jurisdiction by the commission unnecessary or wasteful;
 - (2) whether the exercise of commission jurisdiction produces tangible benefits to the customers of providers; and
 - (3) whether the exercise of commission jurisdiction inhibits a regulated entity from competing with unregulated providers of functionally similar telecommunications services or equipment.
- (e) This section does not affect the commission's authority under IC 8-1-2-5.

As added by P.L.92-1985, SEC.1. Amended by P.L.27-2006, SEC.19.

IC 8-1-2.6-3

Repealed

(Repealed by P.L.27-2006, SEC.61.)

IC 8-1-2.6-4 Version a

Regulatory flexibility committee; legislative standing committees; subject matter jurisdiction; reports

Note: This version of section effective until 7-1-2013. See also following version of this section, effective 7-1-2013.

Sec. 4. (a) A regulatory flexibility committee is established to monitor competition in the telecommunications industry.

(b) The committee is composed of the members of a house standing committee selected by the speaker of the house of representatives and a senate standing committee selected by the president pro tempore of the senate. In selecting standing committees under this subsection, the speaker and president pro tempore shall determine which standing committee of the house of representatives and the senate, respectively, has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of the regulatory flexibility committee. The chairpersons of the standing committees selected under this subsection shall co-chair the regulatory flexibility committee.

(c) Subject to subsection (f), the commission shall, by July 1 of each year, prepare for presentation to the regulatory flexibility committee a report that includes the following:

(1) An analysis of the effects of competition and technological change on universal service and on pricing of all telecommunications services offered in Indiana.

(2) An analysis of the status of competition and technological change in the provision of video service (as defined in IC 8-1-34-14) to Indiana customers, as determined by the commission in carrying out its duties under IC 8-1-34. The commission's analysis under this subdivision may include a description of:

(A) the number of multichannel video programming distributors offering video service to Indiana customers;

(B) the technologies used to provide video service to Indiana customers; and

(C) the effects of competition on the pricing and availability of video service in Indiana.

(3) Beginning with the report due July 1, 2007, and in each report due in an odd-numbered year after July 1, 2007:

(A) an identification of all telecommunications rules and policies that are eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and

(B) an explanation why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers.

This subdivision expires June 30, 2013.

(4) Best practices concerning vertical location of underground facilities for purposes of IC 8-1-26. A report under this subdivision must address the viability and economic feasibility of technologies used to vertically locate underground facilities.

(d) In addition to reviewing the commission report prepared under subsection (c), the regulatory flexibility committee may also issue a report and recommendations to the legislative council by November 1 of each year that is based on a review of the following issues:

(1) The effects of competition and technological change in the telecommunications industry and impact of competition on available subsidies used to maintain universal service.

(2) The status of modernization of the publicly available telecommunications infrastructure in Indiana and the incentives required to further enhance this infrastructure.

(3) The effects on economic development and educational opportunities of the modernization described in subdivision (2).

(4) The current methods of regulating providers, at both the federal and state levels, and the effectiveness of the methods.

(5) The economic and social effectiveness of current telecommunications service pricing.

(6) All other telecommunications issues the committee deems appropriate.

The report and recommendations issued under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(e) The regulatory flexibility committee shall meet on the call of the co-chairpersons to study telecommunications issues described in subsection (d). The committee shall, with the approval of the commission, retain the independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid by the commission.

(f) If the commission requests a communications service provider (as defined in section 13(b) of this chapter) to provide information for the commission to use in preparing a report under this section, the request must be limited to public information provided to the Federal Communications Commission and may be required to be provided only in the form in which it is provided to the Federal Communications Commission. However, the commission may request any public information from a communications service provider (as defined in section 13(b) of this chapter) upon a request from the committee's co-chairpersons that specifically enumerates the public information sought.

As added by P.L.92-1985, SEC.1. Amended by P.L.23-1988, SEC.33; P.L.55-1992, SEC.1; P.L.224-2003, SEC.277; P.L.28-2004, SEC.71; P.L.27-2006, SEC.20; P.L.62-2009, SEC.1; P.L.256-2013, SEC.6.

IC 8-1-2.6-4 Version b

Regulatory flexibility committee; membership; reports; meetings; consultants; information from communications service providers

Note: This version of section effective 7-1-2013. See also preceding version of this section, effective until 7-1-2013.

Sec. 4. (a) A regulatory flexibility committee is established to monitor competition in the telecommunications industry.

(b) The committee is composed of the members of a house standing committee selected by the speaker of the house of representatives and a senate standing committee selected by the president pro tempore of the senate. In selecting standing committees under this subsection, the speaker and president pro tempore shall determine which standing committee of the house of representatives and the senate, respectively, has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of the regulatory flexibility committee. The chairpersons of the standing committees selected under this subsection shall co-chair the regulatory flexibility committee.

(c) Subject to subsection (f), the commission shall, by July 1 of each year, report to the regulatory flexibility committee on the following:

(1) The effects of competition and technological change on universal service and on pricing of all telecommunications services offered in Indiana.

(2) The status of competition and technological change in the provision of video service (as defined in IC 8-1-34-14) available to Indiana customers, as including the following information:

(A) The number of multichannel video programming distributors offering video service to Indiana customers.

(B) The technologies used to provide video service to Indiana customers.

(C) The advertised programming and pricing options offered by video service providers to Indiana customers.

(3) Beginning with the report due July 1, 2007, and in each report due in an odd-numbered year after July 1, 2007:

(A) an identification of all telecommunications rules and policies that are eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and

(B) an explanation why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers.

This subdivision expires June 30, 2013.

(4) Best practices concerning vertical location of underground facilities for purposes of IC 8-1-26. A report under this subdivision must address the viability and economic feasibility of technologies used to vertically locate underground facilities.

(d) In addition to reviewing the commission report prepared under subsection (c), the regulatory flexibility committee may also issue a report and recommendations to the legislative council by November 1 of each year that is based on a review of the following issues:

(1) The effects of competition and technological change in the telecommunications industry and impact of competition on available subsidies used to maintain universal service.

- (2) The status of modernization of the publicly available telecommunications infrastructure in Indiana and the incentives required to further enhance this infrastructure.
- (3) The effects on economic development and educational opportunities of the modernization described in subdivision (2).
- (4) The current methods of regulating providers, at both the federal and state levels, and the effectiveness of the methods.
- (5) The economic and social effectiveness of current telecommunications service pricing.
- (6) All other telecommunications issues the committee deems appropriate.

The report and recommendations issued under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(e) The regulatory flexibility committee shall meet on the call of the co-chairpersons to study telecommunications issues described in subsection (d). The committee shall, with the approval of the commission, retain the independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid by the commission.

(f) If the commission requests a communications service provider (as defined in section 13(b) of this chapter) to provide information for the commission to use in preparing a report under this section, the request must be limited to public information provided to the Federal Communications Commission and may be required to be provided only in the form in which it is provided to the Federal Communications Commission. However, the commission may request any public information from a communications service provider (as defined in section 13(b) of this chapter) upon a request from the committee's co-chairpersons that specifically enumerates the public information sought.

As added by P.L.92-1985, SEC.1. Amended by P.L.23-1988, SEC.33; P.L.55-1992, SEC.1; P.L.224-2003, SEC.277; P.L.28-2004, SEC.71; P.L.27-2006, SEC.20; P.L.62-2009, SEC.1; P.L.256-2013, SEC.6; P.L.241-2013, SEC.1.

IC 8-1-2.6-4.1

Commission's biennial elimination of obsolete telecommunications rules; notification to customer switching from basic to nonbasic telecommunications service; expiration

Sec. 4.1. (a) Not later than:

- (1) July 1, 2007; and
- (2) July 1 of each odd-numbered year after July 1, 2007;

the commission shall, through a rulemaking proceeding under IC 4-22-2 or another commission proceeding, identify and eliminate rules and policies concerning telecommunications service and telecommunications service providers if the rules or policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications services.

(b) Not later than July 1, 2007, the commission shall adopt rules

under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:

- (1) the option of basic telecommunications service; and
- (2) any regulatory protections, including pricing or quality of service protections, that the residential customer would forego by switching to nonbasic telecommunications service.

This subsection expires June 30, 2013.

(c) A rule adopted under subsection (b) (before its expiration on June 30, 2013) is void after June 30, 2013.

(d) In carrying out this section, the commission shall promote the policies and purposes set forth in this chapter. Beginning in 2007, and in each odd-numbered year after 2007, the commission's annual report to the regulatory flexibility committee under section 4 of this chapter must:

- (1) identify any regulation or policy eliminated by the commission under this section during the two (2) most recent state fiscal years; and
- (2) explain why the regulation or policy is no longer in the public interest or necessary to protect consumers.

This subsection expires June 30, 2013.

As added by P.L.27-2006, SEC.21. Amended by P.L.256-2013, SEC.7.

IC 8-1-2.6-5

Repealed

(Repealed by P.L.27-2006, SEC.61.)

IC 8-1-2.6-6

Repealed

(Repealed by P.L.27-2006, SEC.62.)

IC 8-1-2.6-7

Repealed

(Repealed by P.L.27-2006, SEC.61.)

IC 8-1-2.6-8

Repealed

(Repealed by P.L.256-2013, SEC.8.)

IC 8-1-2.6-12

Repealed

(Repealed by P.L.256-2013, SEC.9.)

IC 8-1-2.6-13

Commission's jurisdiction; reporting requirements

Sec. 13. (a) As used in this section, "communications service" has the meaning set forth in IC 8-1-32.5-3.

(b) As used in this section, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

(c) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the commission may do the following, except as otherwise provided in this subsection:

(1) Enforce the terms of a settlement agreement approved by the commission before July 29, 2004. The commission's authority under this subdivision continues for the duration of the settlement agreement.

(2) Fulfill the commission's duties under IC 8-1-2.8 concerning the provision of dual party relay services to deaf, hard of hearing, and speech impaired persons in Indiana.

(3) Fulfill the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.

(4) Fulfill the commission's responsibilities under IC 8-1-29 to adopt and enforce rules to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(5) Fulfill the commission's obligations under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(6) Perform any of the functions described in section 1.5(b) of this chapter.

(7) Perform the commission's responsibilities under IC 8-1-32.5 to:

(A) issue; and

(B) maintain records of;

certificates of territorial authority for communications service providers offering communications service to customers in Indiana.

(8) Perform the commission's responsibilities under IC 8-1-34 concerning the issuance of certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(9) Require a communications service provider, other than a provider of commercial mobile service (as defined in 47 U.S.C.

332), to report to the commission on an annual basis, or more frequently at the option of the provider, and subject to section 4(f) of this chapter, any information needed by the commission to prepare the commission's report to the regulatory flexibility committee under section 4 of this chapter.

(10) Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the extent of the authority delegated to the commission under federal law to perform those duties.

(11) Perform the commission's duties under IC 8-1-2-5 with respect to interconnection.

(12) Collect and maintain from a communications service provider the following information:

(A) The address of the provider's Internet web site.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's Internet web site. The commission may also make available on the commission's Internet web site contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

(13) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service.

(d) The commission does not have jurisdiction over any of the following with respect to a communications service provider:

(1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.

(2) Depreciation schedules for any of the classes of property owned by the communications service provider.

(3) Quality of service provided by the communications service provider.

(4) Long term financing arrangements or other obligations of the communications service provider.

(5) Except as provided in subsection (c), any other aspect regulated by the commission under this title before July 1, 2009.

(e) The commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

(1) expressly granted by state or federal law, including:

(A) a state or federal statute;

(B) a lawful order or regulation of the Federal Communications Commission; or

(C) an order or a ruling of a state or federal court having

- jurisdiction; or
- (2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.

As added by P.L.27-2006, SEC.24. Amended by P.L.1-2007, SEC.72; P.L.109-2012, SEC.2; P.L.256-2013, SEC.10.

IC 8-1-2.6-14

Payment of switched network access rates and other carrier compensation not affected

Sec. 14. This chapter does not affect the rights and obligations of any person or entity concerning the payment of switched network access rates or other carrier compensation concerning:

- (1) Internet Protocol enabled services;
- (2) advanced services (as defined in 47 CFR 51.5);
- (3) broadband service; or
- (4) other Internet access services.

As added by P.L.27-2006, SEC.25.

IC 8-1-2.6-15

Statutory conflicts

Sec. 15. If there is a conflict between this chapter and another provision of this article, this chapter controls.

As added by P.L.27-2006, SEC.26. Amended by P.L.256-2013, SEC.11.

IC 8-1-2.6-16

Rates charged by incumbent local exchange carriers to payphone service providers

Sec. 16. (a) As used in this section, "payphone service provider" means an entity, other than an incumbent local exchange carrier, that owns and operates:

- (1) public or semipublic pay telephones; or
- (2) pay telephones used to provide telephone service in correctional institutions.

(b) Notwithstanding any other statute, the commission shall retain jurisdiction to establish just and reasonable rates that may be charged by an incumbent local exchange carrier to a payphone service provider. Rates established under this section must be:

- (1) based on the costs incurred by the incumbent local exchange carrier to provide the service;
- (2) consistent with the requirements of 47 U.S.C. 276;
- (3) nondiscriminatory; and
- (4) consistent with the pricing guidelines for payphone service providers established by the Federal Communications Commission.

As added by P.L.27-2006, SEC.27.

IC 8-1-2.6-17

Delegation of authority to grant numbering requests

Sec. 17. The commission may delegate to staff the authority to grant requests for numbering resources submitted through the safety valve process established by the Federal Communications Commission as provided In the Matter of Numbering Resource Optimization: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 17 FCC Rcd 252 (FCC 01-362, 2001). An action taken by commission staff under this section is appealable to the commission.

As added by P.L.219-2011, SEC.1.