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INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF NEXTG NETWORKS OF NY, INC. FOR A CERTIFICATE OF TERRITORIAL AUTHORITY TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE AND FACILITIES-BASED INTEREXCHANGE TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF INDIANA

CAUSE NO. 43038
APPROVED: MAY 24 2006

BY THE COMMISSION:
Aaron A. Schmoll, Administrative Law Judge

On April 7, 2006, NEXTG Networks of NY, Inc. ("Applicant"), filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("Application") to provide communications services within the State of Indiana pursuant to the provisions set forth in Cause No. 43009. The Commission published notice as required by law that an application for a Certificate of Territorial Authority ("CTA") to provide communications services within the State of Indiana was filed with the Commission and, absent a timely challenge, the application may be granted without a hearing.

Based upon information contained in the Application and applicable law, the Commission makes the following findings:

- 1. Commission Notice and Jurisdiction. Due, legal and timely notice of the Application was given and published by the Commission in accordance with the Commission's Order in Cause No. 43009. Applicant requests the issuance of a CTA pursuant to Ind. Code § 8-1-2-88 and, therefore, the Commission has jurisdiction over the Applicant and the subject of this Cause.
2. Commission Discussion and Findings. The Applicant filed an application for a CTA demonstrating its legal authority and describing its financial, technical and managerial ability to provide the proposed communications services. The Applicant also provided information indicating the type, means and location of service that the Applicant proposes to provide and represented that such proposed service would be in the public interest and in furtherance of the goals of full and fair competition.

The Application was filed with the Commission on April 7, 2006 and more than thirty (30) days have elapsed since the date of its filing. No entity has filed a timely written request for a hearing concerning the Application, and the Commission has not, on its own Motion, determined a need for a hearing in this Cause. Accordingly, no hearing is required in this Cause.

Therefore, based upon the information provided by the Applicant in its Application, the Commission finds that a Certificate of Territorial Authority for the communications services within the designated service areas identified in its Application should be issued to the Applicant, consistent with and subject to the following findings.

The Applicant shall comply with all applicable legal requirements pertaining to the provision of the communications services authorized by this CTA, including without limitation, the following:

- a. Payment of public utility fees pursuant to Ind. Code § 8-1-6.

b. Contact of InTRAC and payment of fees required by Ind. Code §§ 8-1-2.6-13(d)(2) and 8-1-2.8.

c. Notice to the Indiana 211 Partnership, Inc., which is the designated administrator in Indiana of the 211 dialing code, to coordinate proper translations for the 211 dialing code pursuant to Ind. Code § 8-1-2.6-13(d)(3).

d. Arranging with all respective 911 Service Providers to provide E911 database updates to the Public Service Answering Point ("PSAP"). The Applicant shall notify all PSAPs covering areas in which the Applicant provides local exchange service when the offering of service commences in the PSAP's area.

e. Filing of tariffs concerning rates, rules and charges, as required by Ind. Code § 8-1-2.6.

f. Filing a notice with the Secretary of the Commission of each of its "in service" dates, i.e., the dates on which Applicant commences to offer and is ready to provide telecommunications services to the public within a new local exchange area, within thirty (30) days of each such in-service date.

g. Filing of any reports required or requested by the Commission, including but not limited to any financial, market performance, and quality of service reports.

The Applicant failed to provide a sufficiently detailed description of its service area boundaries. Accordingly, the Applicant shall provide more detailed service area descriptions identifying each service area on a less than a statewide level, such as by local exchange areas or zip codes, and provide the expected deployment date for each service area identified, within sixty (60) days of the date of this Order.

Finally, pursuant to Ind. Code §§ 8-1-2-29, 8-1-32.5-6(d), and 5-14-3-4, the Commission finds that the financial information, submitted by the Applicant under seal in accordance with the Commission's preliminary finding of confidentiality, shall continue to be treated by the Commission as confidential and not subject to public disclosure.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Subject to the Findings set forth in this Order, the Applicant, NextG Networks of NY, Inc., is hereby issued a Certificate of Territorial Authority to provide communications services throughout the State of Indiana.

2. The Applicant shall provide more detailed service area descriptions identifying each service area on a less than a statewide level, such as by local exchange areas or zip codes, and provide the expected deployment date for each service area identified, within sixty (60) days of the date of this Order.

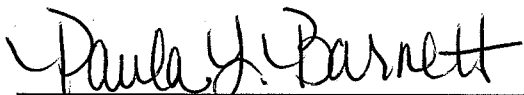
3. This Order shall be effective on and after the date of its approval.

HARDY, HADLEY, LANDIS, SERVER, and ZIEGNER CONCUR:

APPROVED:

MAY 24 2006

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



Paula L. Barnett

Acting Secretary to the Commission